

ORDINANCE NO. O2022-43

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR PARKING AS A PRINCIPAL USE AND TEMPORARY USE PERMIT FOR OUTDOOR STORAGE (LOT 2 BOLLWEG SUBDIVISION)

WHEREAS, the J.H. Bollweg Building Partnership ("**Owner**") is the owner of that certain real property known as Lot 2 of the Bollweg Subdivision as depicted on that "Final Plat of Bollweg Subdivision", consisting of one sheet, prepared by Polena Engineering LLC, and dated October 25, 2022, attached to this Ordinance as **Exhibit A**, and legally described in **Exhibit B** attached to this Ordinance, each, by these references, made a part of this Ordinance ("**Property**"); and

WHEREAS, the Property is located in the B-4 Motorist Service District ("**B-4 District**") is currently improved with an off-street parking area ("**Parking Lot**"); and

WHEREAS, the Property also contains an approximately 22-foot by 22-foot fenced outdoor storage area at the rear of the Property and a metal storage trailer that are used by the JH Bollweg and Son's plumbing and electrical contractor business located on the adjacent property commonly known as 28W321 Warrenville Road in the City (collectively, the "**Outdoor Storage**"); and

WHEREAS, the Owner proposes that the principal use of the Property will be off-street parking on the Parking Lot ("**Proposed Use**"); and

WHEREAS, the City of Warrenville Zoning Ordinance, as amended, is codified as Title 10 of the Warrenville City Code, as amended ("**Zoning Ordinance**"); and

WHEREAS, pursuant to Table 3A of the Zoning Ordinance (i) off-street parking as a principal use is permitted in the B-4 District only pursuant to a special use permit approved by the City Council, accordance with Section 7C of the Zoning Ordinance; and (ii) outdoor storage is not permitted in the B-4 District; and

WHEREAS, pursuant to Section 1.D.5 of the Zoning Ordinance, temporary use permits may be issued by the City Council; and

WHEREAS, in order to utilize the Property for the Proposed Use and the Outdoor Storage, pursuant to the applicable sections of the Zoning Ordinance and the Warrenville City Code ("**City Code**"), John Bollweg ("**Applicant**"), on behalf of, and with the consent of, the Owner, filed an application with the City for approval of a special use permit to allow the Proposed Use on the Property ("**Special Use Permit**") and a temporary use permit to allow the Outdoor Storage on the Property ("**Temporary Use Permit**"), subject to certain conditions and restrictions; and

WHEREAS, a public hearing by the Plan Commission to consider the Special Use Permit and the Temporary Use Permit was duly published in the *Daily Herald* on October 5, 2022, was convened on October 20, 2022, and continued to November 10, 2022, during which hearing evidence and testimony was received by the Plan Commission; and

WHEREAS, on November 10, 2022, the Plan Commission, having adopted Findings of Fact, Project Number 2022-1015, recommended that the Mayor and the City Council approve the Special Use Permit and the Temporary Use Permit; and

WHEREAS, the Mayor and the City Council have determined, subject to and contingent upon the conditions, restrictions, and provisions of this Ordinance, that the Special Use Permit complies with the required standards for special uses as set forth in Section 7C of the Zoning Ordinance; and

WHEREAS, consistent with the Plan Commission recommendation, and pursuant to the City's powers under applicable law, including its home rule powers under the Illinois Constitution of 1970, the Mayor and the City Council have determined that it is in the best interest of the City and the public to approve the Special Use Permit and the Temporary Use Permit, in accordance with, and subject to and contingent upon, the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Ordinance as if fully set forth in this Ordinance.

SECTION 2: Approval of Special Use Permit. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in this Ordinance, including, without limitation, the conditions set forth in Section 4 of this Ordinance, the City Council approves the Special Use Permit to allow the Property to be used for off-street parking as a principal use.

SECTION 3: Temporary Use Permit. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in this Ordinance, including, without limitation, the conditions set forth in Section 4 of this Ordinance, the City Council approves the Special Use Permit to allow the Outdoor Storage on the Property.

SECTION 4: Conditions. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the City Code, the Zoning Ordinance, or any other rights the Applicant or the Owner may have, the approvals granted in Sections 2 and 3 of this Ordinance is hereby expressly subject to and contingent upon the conditions, concepts, restrictions, limitations, and provisions set forth in this Section (collectively, the "**Conditions**").

A. **Compliance with Law and Regulations.** The development, use, operation, and maintenance of the Property, the Parking Lot, and the Outdoor Storage must comply with all applicable City codes and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. **Compliance with Plans and Documents.** Except for minor changes and site work approved by the Director of Community and Economic Development in accordance with all applicable City standards, the development, use, operation, and maintenance of the Property, the Parking Lot, and the Outdoor Storage must comply with the Parking and Landscape Plan prepared by Lambert & Associates and Land Technology, consisting of one sheet, and dated October 31, 2022, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit C**.

C. **Expiration of Temporary Use Permit.** The Temporary Use Permit will expire (i) five years after the adoption of this Ordinance; or (ii) 60 days after the JH Bollweg and Son's plumbing and electrical contractor business ceases to operate on the property commonly known as 28W321 Warrenville Road, Warrenville, Illinois, whichever is earlier to occur. Upon the

expiration of the Temporary Use Permit, the Outdoor Storage, including, without limitation, the fenced area, all storage contained within the fenced area, and the metal trailer, must be completely removed from the Property.

SECTION 5: Invalidation of Approvals. Upon the failure or refusal of the Applicant or the Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the City, the approval granted in Sections 2 and 3 of this Ordinance ("**Approvals**") may, at the sole discretion of the City Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the City Council may not so revoke the Approvals unless it first provides the Applicant and the Owner two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the City Council. In the event of such revocation, the City Administrator and City Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6: Recordation and Binding Effect. A copy of this Ordinance must be recorded in the Office of the DuPage County Recorder. This Ordinance and the privileges, obligations, and provisions contained inure to the benefit of, and are binding upon, the Applicant and Owner. Nothing contained in this Ordinance shall be interpreted to authorize the transfer of the Special Use Permit or the Temporary Use Permit to any other party.

SECTION 7: Amendments. Any amendment to any provision of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance and the City Code, as applicable to the affected items of relief, except as otherwise specifically authorized in this Ordinance.

SECTION 8: Effective Date.

A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the City Council by a majority vote in the manner required by law;
2. Publication in pamphlet form in the manner required by law;
3. The filing by the Applicant and the Owner with the City Clerk of an Unconditional Agreement and Consent, in the form of **Exhibit D** attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the City for any claims that may arise in connection with the approval of this Ordinance; and
4. Recordation of this Ordinance, together with such exhibits as the City Clerk deems appropriate for recordation, with the office of the Recorder of DuPage County.

B. In the event that the Applicant and Owner do not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Paragraph 8.A.3 of this Ordinance within 90 days after the passage of this Ordinance by the Mayor and City Council, the

corporate authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED THIS ____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS ____ day of _____, 2022.

MAYOR

ATTEST:

CITY CLERK

EXHIBITS

Exhibit A – Final Plat of Bollweg Subdivision

Exhibit B - Legal Description of Property

Exhibit C – Parking and Landscape Plan

Exhibit D – Unconditional Agreement and Consent.

EXHIBIT A

FINAL PLAT OF BOLLWEG SUBDIVISION

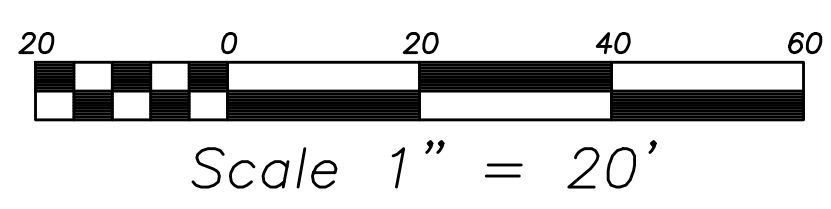
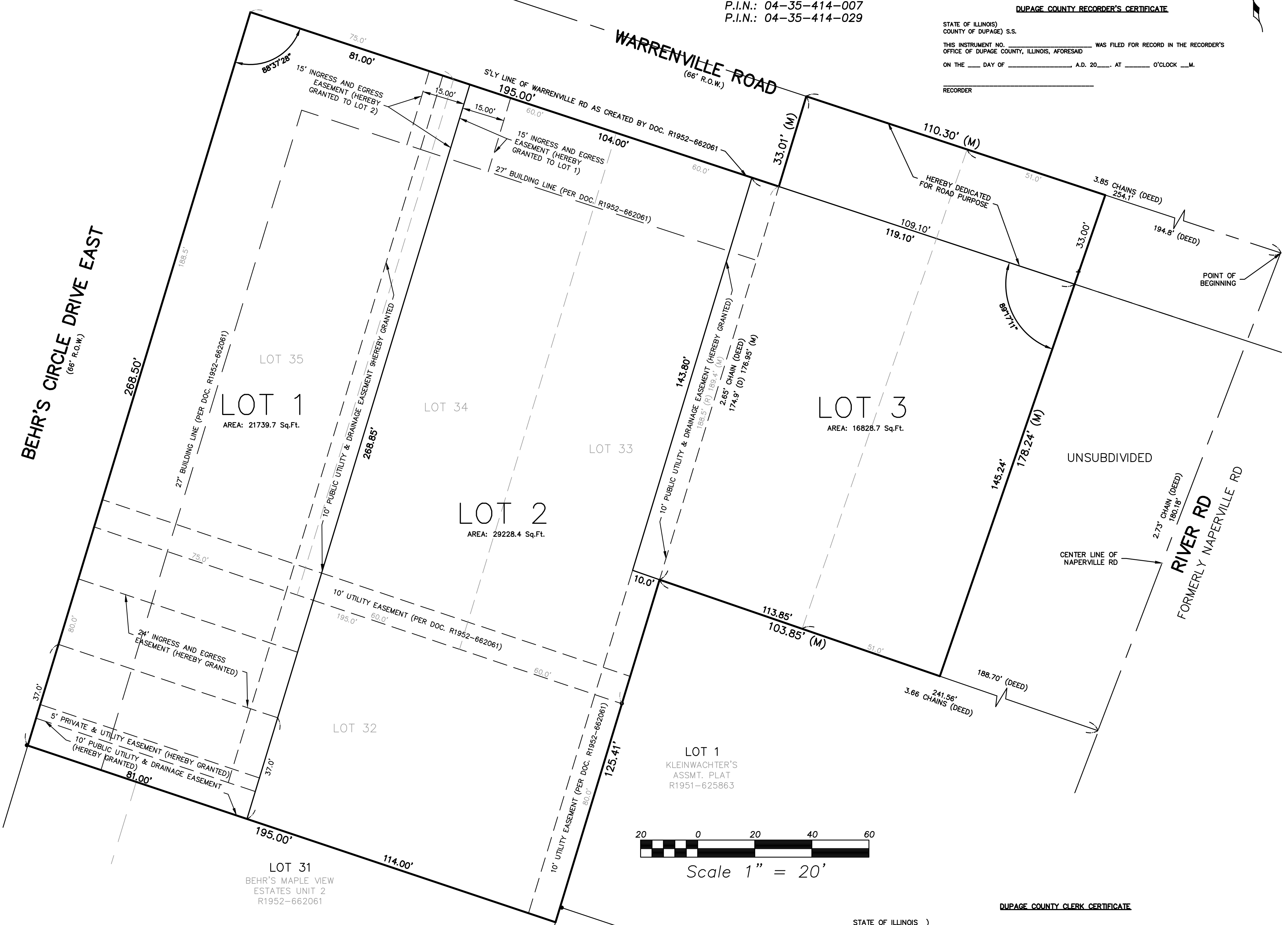
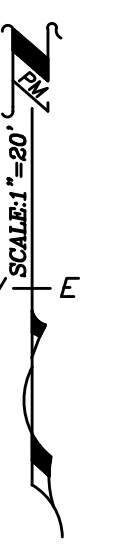
FINAL PLAT OF BOLLWEG SUBDIVISION

BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 04-35-414-001
P.I.N.: 04-35-414-002
P.I.N.: 04-35-414-003
P.I.N.: 04-35-414-007
P.I.N.: 04-35-414-029

DUPAGE COUNTY RECORDER'S CERTIFICATE

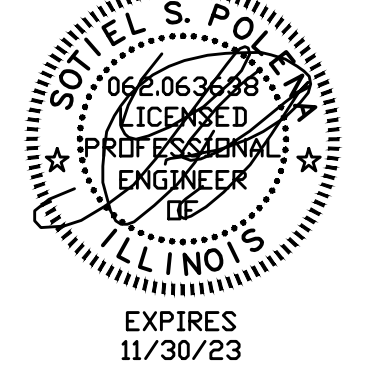
STATE OF ILLINOIS
COUNTY OF DUPAGE) S.S.
THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN THE RECORDER'S
OFFICE OF DUPAGE COUNTY, ILLINOIS, AFORESAID
ON THE _____ DAY OF _____ A.D. 20____ AT _____ O'CLOCK _____ M.
RECORDER _____



DRAINAGE CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS
TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF, OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, ADEQUATE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS, WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL NOT BE DEPOSITED ON THE PROPERTY OF ADJOINING LAND OWNERS SUCH CONCENTRATION AS MAY CAUSE DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATED THIS 27TH DAY OF JANUARY, A.D. 2022.
John V. Polena
OWNER OR ATTORNEY DESIGN ENGINEER



OWNER'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) S.S.
THIS IS TO CERTIFY THAT THE UNDERSIGNED IS(ARE) THE OWNER(S) OF THE LAND DESCRIBED IN THE SUBDIVISION PLAT, AND THAT HAS(HAVE) CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED, AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES (DO) HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

THIS IS TO CERTIFY, AS OWNER OF THE PROPERTY DESCRIBED HEREIN AND LEGALLY DESCRIBED ON THE PLAT, THAT I (WE) HAVE DETERMINED TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT SUBJECT LAND IS LOCATED WITHIN THE BOUNDARIES OF:
-UNITED SCHOOL DISTRICT: DISTRICT 200
-COMMUNITY COLLEGE DISTRICT: COLLEGE OF DUPAGE 502
DATED THIS DATE OF _____ 20____

OWNER _____ OWNER _____

NOTARY PUBLIC

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS
I, _____ NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAME ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT THEY SIGNED THE SUBDIVISION PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ 20____
NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS
THIS IS TO CERTIFY THAT I, NORBERT V. LAMBERT JR., AN ILLINOIS LAND SURVEYOR HAVE SURVEYED AND SUBDIVIDED THE PROPERTY DESCRIBED AS:
THAT PART OF THE TRACT OF LAND HEREINAFTER DESCRIBED LYING WEST OF A LINE DRAWN FROM A POINT 194.8 FEET WEST OF THE NORTHEAST CORNER OF SAID TRACT, 188.7 FEET WEST OF THE SOUTHEAST CORNER, THEREOF, TO-WIT: THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINES OF WARRENVILLE AND BATAVIA ROAD, ALSO KNOWN AS BIG WOODS ROAD, WITH NAPERVILLE ROAD; RUNNING THENCE SOUTHWESTERLY ON THE CENTER OF THE NAPERVILLE ROAD, 2.73 CHAINS; THENCE NORTH 79 DEGREES WEST ON EZRA JONES' LINE, 3.66 CHAINS TO THOMAS WATSON'S LINE; THENCE NORTH 9 DEGREES EAST ON THOMAS WATSON'S LINE, 2.65 CHAINS CENTER OF BATAVIA ROAD, ALSO KNOWN AS WARRENVILLE AND BIG WOODS ROAD; THENCE SOUTHEASTERLY ON CENTER OF BATAVIA ROAD, 3.65 CHAINS, MORE OR LESS, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS, AND

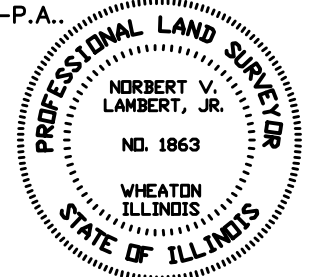
THE WESTERLY 51 FEET OF A TRACT OF LAND HEREINAFTER DESCRIBED, LYING EAST OF A LINE DRAWN FROM A POINT, 194.8 FEET NORTHWEST FROM THE NORTHEAST CORNER OF PREMISES, HEREINAFTER DESCRIBED, MEASURED ON THE NORTH LINE THEREOF, TO A POINT ON THE SOUTH LINE, 188.7 FEET WEST OF THE SOUTHEAST CORNER THEREOF, SAID TRACT BEING DESCRIBED AS THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINES OF WARRENVILLE AND BATAVIA ROAD WITH NAPERVILLE ROAD, (BEING ALSO KNOWN AS RIVER ROAD), RUNNING THENCE SOUTHWESTERLY ON THE CENTER OF THE NAPERVILLE ROAD, 2.73 CHAINS; THENCE NORTH 79 DEGREES WEST ON EZRA JONES' LINE, 3.66 CHAINS TO THOMAS WATSON'S LINE; THENCE NORTH 9 DEGREES EAST ON THOMAS WATSON'S LINE, 2.65 CHAINS CENTER OF BATAVIA ROAD, ALSO KNOWN AS WARRENVILLE AND BIG WOODS ROAD; THENCE SOUTHEASTERLY ON CENTER OF BATAVIA ROAD, 3.65 CHAINS, MORE OR LESS, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS, AND

LOTS 32, 33, 34 AND 35 IN BEHR'S MAPLE VIEW ESTATES UNIT TWO, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 15, 1952 AS DOCUMENT 622061, IN DUPAGE COUNTY, ILLINOIS
AS SHOWN BY THE SUBDIVISION PLAT WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I FURTHER CERTIFY THAT, BY SCALE MEASUREMENT ONLY, PARTS OF THE PARCELS INCLUDED IN THIS PLAT ARE WITHIN ZONE X-SHADED (AREA OF 0.2% ANNUAL CHANCE FLOOD HAZARD), ACCORDING TO FLOOD INSURANCE RATE MAP, MAP NO. 17043C0133J WITH AN EFFECTIVE DATE OF AUGUST 1, 2019.

ALSO THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ON THE PLAT HEREIN DRAWN IS SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF WARRENVILLE, WHICH HAS ADOPTED A CITY PLAN AND WHICH IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY THE DIVISION 12 OF ARTICLE 11 OF ILLINOIS MUNICIPAL CODE, IN ACCORDANCE WITH S.B. 908-P.A.
GIVEN UNDER MY HAND AND SEAL THIS 25TH DAY OF OCTOBER, A.D. 2022.

Norbert V. Lambert Jr.
ILLINOIS REGISTERED LAND SURVEYOR (NO. 1863; LICENSE EXPIRES 11/30/22)
ILLINOIS DESIGN FIRM NO.: 184-007260



UTILITY EASEMENT PROVISIONS

EASEMENTS ARE RESERVED FOR, AND GRANTED TO THE CITY OF WARRENVILLE, COUNTY OF DUPAGE, AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE CITY, INCLUDING BUT NOT LIMITED TO: COMMONWEALTH EDISON COMPANY, NICOR GAS COMPANY, AT&T, COMCAST, AND THEIR SUCCESSORS AND ASSIGNS, OVER ALL THE AREAS MARKED "EASEMENT FOR PUBLIC UTILITIES" ON PLAT FOR PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN, AND OPERATE VARIOUS TRANSMISSION AND DISTRIBUTION SYSTEMS, AND INCLUDING STORM AND/OR SANITARY SEWERS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPLIANCES, AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID CITY, OVER, UPON, ALONG, UNDER AND THROUGH SAID INDICATED EASEMENT, TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY WORKERS AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT. EASEMENTS ARE HEREBY RESERVED AND GRANTED TO THE CITY AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SUBDIVIDED HEREBY, OVER THE ENTIRE EASEMENT AREA FOR INGRESS, EGRESS, AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES, INCLUDING WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE. (ORD. 2825, 2-3-14)

INGRESS AND EGRESS EASEMENT

ALL EASEMENTS INDICATED AS INGRESS AND EGRESS EASEMENTS ON THIS PLAT ARE RESERVED AND GRANTED TO LOTS 1 AND 2 IN THE SUBDIVISION AND THEIR SUCCESSORS AND ASSIGNS FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO OBTAIN ACCESS THROUGH THE PRIVATE DRIVE TO INDIVIDUAL LOTS.

DUPAGE COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS
I, _____ COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THIS PLAT.
GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS
THIS _____ DAY OF _____ A.D. 20____ AT _____ O'CLOCK _____ A.M. AS
COUNTY CLERK _____

CITY COLLECTOR CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS
I, _____ COLLECTOR FOR THE CITY OF WARRENVILLE, ILLINOIS, DO CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND DESCRIBED IN THIS PLAT.
DATED AT WARRENVILLE, DUPAGE COUNTY, ILLINOIS THIS _____ DAY OF _____ A.D. 20____
BY _____
CITY COLLECTOR

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS
THIS IS TO CERTIFY THAT THE MEMBERS OF THE PLAN COMMISSION OF THE CITY OF WARRENVILLE, ILLINOIS, HAVE REVIEWED AND APPROVED THIS PLAT.
DATED AT WARRENVILLE, DUPAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____
CHAIRMAN _____ ATTEST: SECRETARY _____

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS
THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, HAS REVIEWED AND APPROVED THIS PLAT.
DATED AT WARRENVILLE, DUPAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____
MAYOR _____ ATTEST: CITY CLERK _____

CITY CLERK CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS
I, _____ CITY CLERK OF THE CITY OF WARRENVILLE, ILLINOIS HEREBY CERTIFY THAT THE PLAT WAS PRESENTED TO AND BY ORDINANCE DULY APPROVED BY THE CITY COUNCIL OF SAID CITY AT ITS MEETING HELD ON _____ 20____ AND THAT THE REQUIRED BOND OR OTHER GUARANTEE HAS BEEN POSTED FOR THE COMPLETION OF THE IMPROVEMENTS REQUIRED BY THE REGULATIONS OF SAID CITY.
IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL OF THE CITY OF WARRENVILLE, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____
CITY CLERK _____

CITY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS
I, _____ CITY ENGINEER OF THE CITY OF WARRENVILLE, ILLINOIS, HEREBY CERTIFY THAT THE LAND IMPROVEMENTS DESCRIBED IN THE PLAT, AND THE PLANS AND SPECIFICATIONS THEREOF, MEET THE MINIMUM REQUIREMENTS OF SAID CITY AND HAVE BEEN APPROVED BY ALL PUBLIC AUTHORITIES HAVING JURISDICTION THEREOF.
DATED AT WARRENVILLE, DUPAGE COUNTY, ILLINOIS THIS _____ DAY OF _____ A.D. 20____
CITY ENGINEER _____ REGISTRATION NUMBER _____

THIS PLAT HAS BEEN SUBMITTED FOR RECORDING BY AND RETURN TO:
NAME: WARRENVILLE CITY CLERK
ADDRESS: 3S258 MANNING AVENUE
WARRENVILLE, IL., 60555

ORDERED BY: JOHN BOLLWEG. FILE NO. 210846

POLENA ENGINEERING LLC
WHEATON: 630-653-6331
LAKE IN THE HILLS: 815-363-9200
INFO@POLENA.COM
WWW.POLENA.COM
ILLINOIS PROFESSIONAL DESIGN FIRM No. 184-007260
POLENA COMPANIES INCLUDE LAND TECHNOLOGY, LAMBERT & ASSOCIATES, AND ALAN J. COULSON

EXHIBIT B

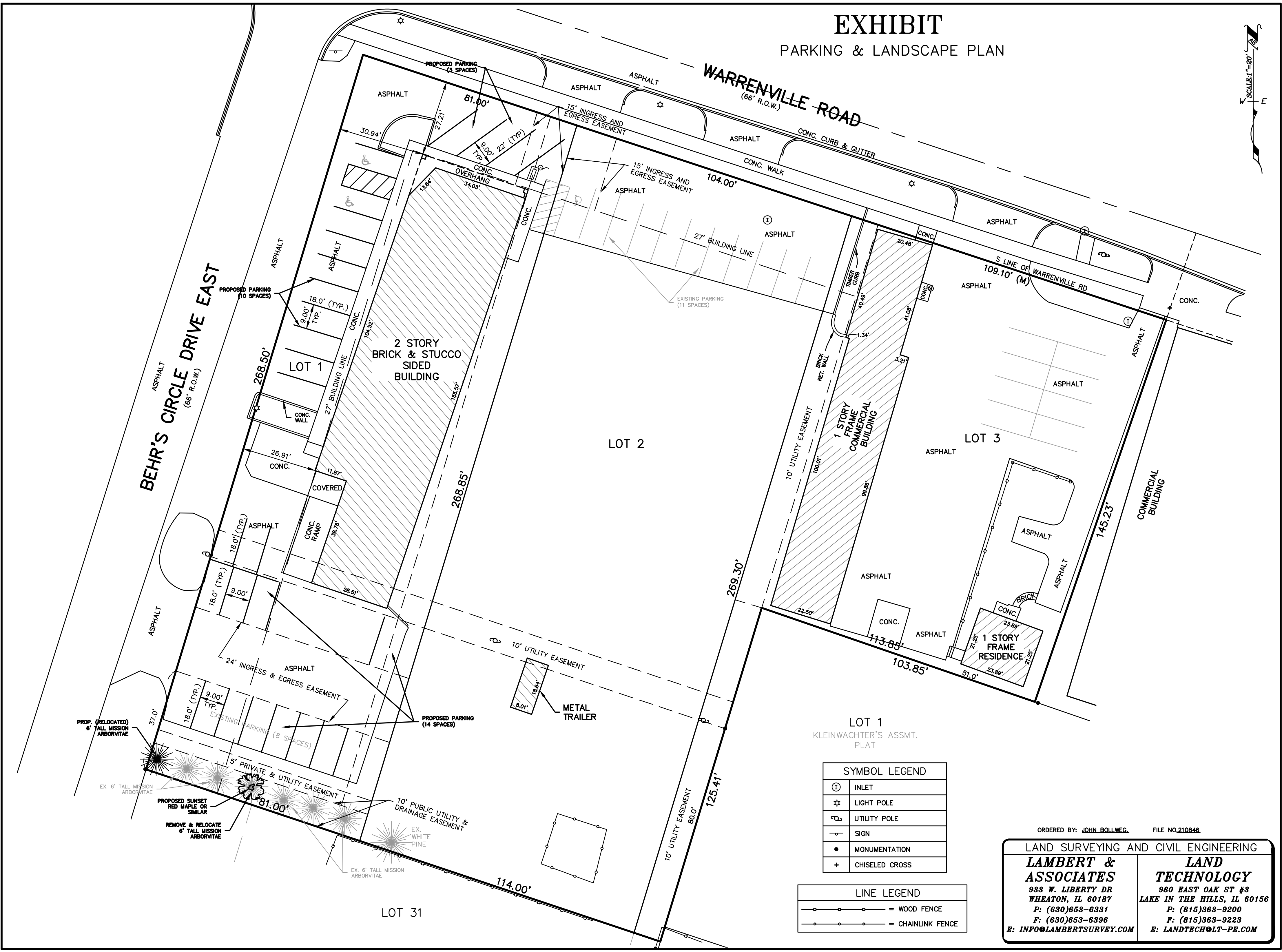
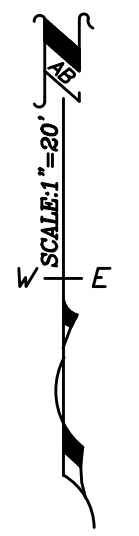
LEGAL DESCRIPTION OF THE PROPERTY

LOT 2 IN BOLLWEG SUBDIVISION BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED _____ AS DOCUMENT _____, IN DUPAGE COUNTY, ILLINOIS.

EXHIBIT C
PARKING AND LANDSCAPE PLAN

EXHIBIT

PARKING & LANDSCAPE PLAN



SYMBOL LEGEND

Ⓢ	INLET
☆	LIGHT POLE
⊕	UTILITY POLE
⊖	SIGN
•	MONUMENTATION
+	CHISELED CROSS

LINE LEGEND

—○—○—○—	WOOD FENCE
—●—●—●—	CHAINLINK FENCE

ORDERED BY: JOHN BOLLWEG. FILE NO. 210846

<p>LAND SURVEYING AND CIVIL ENGINEERING</p> <p>LAMBERT & ASSOCIATES</p> <p>933 W. LIBERTY DR WHEATON, IL 60187 P: (630)653-6331 F: (630)653-6396 E: INFO@LAMBERTSURVEY.COM</p>	<p>LAND TECHNOLOGY</p> <p>980 EAST OAK ST #3 LAKE IN THE HILLS, IL 60156 P: (815)363-9200 F: (815)363-9223 E: LANDTECH@LT-PE.COM</p>
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EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Warrenville, Illinois ("**City**"):

WHEREAS, the J.H. Bollweg Building Partnership ("**Owner**") is the owner of that certain real property commonly known as Lot 2 of the Bollweg Subdivision in the City of Warrenville ("**Property**"); and

WHEREAS, the Property is located in the B-4 Motorist Service District ("**B-4 District**") is currently improved with an off-street parking area ("**Parking Lot**"); and

WHEREAS, the Property also contains an approximately 22-foot by 22-foot fenced outdoor storage area at the rear of the Property that are used by the plumbing and electrical contractor business located on the adjacent property commonly known as 28W321 Warrenville Road in the City (collectively, the "**Outdoor Storage**"); and

WHEREAS, Ordinance No. O2022-____, adopted by the City Council on _____, 2022 ("Ordinance"), approved a Special Use Permit to allow off-street parking as the principal use on the Property and a Temporary Use Permit to allow the Outdoor Storage, subject to specified conditions; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant and the Owner have filed, within 90 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant and the Owner do hereby agree and covenant as follows:

1. The Applicant and the Owner hereby unconditionally agree to, accept, and consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Applicant and the Owner acknowledge that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right, provided that the notice to the Applicant and the Owner required by Section 5 of the Ordinance is given.

3. The Applicant and the Owner acknowledge and agree that the City is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's granting of the Special Use Permit and the Temporary Use Permit or its adoption of the Ordinance, and that the City's approvals do not, and will not, in any way, be deemed to insure, the Applicant and the Owner against damage or injury of any kind and at any time.

3. The Owner hereby agrees to hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the City's review and approval of any plans and issuance

of any permits, (b) the City's adoption of the Ordinance granting the Special Use Permit and the Temporary Use Permit, and (c) the development, maintenance and use of the Property as authorized by the Ordinance.

JOHN BOLLWEG

J.H. BOLLWEG BUILDING PARTNERSHIP

By: _____

By: _____

SUBSCRIBED and **SWORN** to
before me this _____ day of
_____, 2022.

Name: _____

Its: _____

SUBSCRIBED and **SWORN** to
before me this _____ day of
_____, 2022.

Notary Public

Notary Public

4.