

**Brookens Administrative  
Center**  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

## **CASE 863-V-16**

**SUPPLEMENTAL MEMORANDUM #3**

**September 7, 2017**

**Petitioners: Scott Blakeney, Derek Wagner, and Tyler Wakefield**

**Request: Authorize the following Variance in the R-1 Single Family Residence Zoning District for an existing residence and existing garage and a proposed patio and a proposed detached shed and unauthorized earth fill, all located in an existing storm water drainage easement:**

**Part A. Authorize a variance from Section 4.2.2D. of the Champaign County Zoning Ordinance that no use shall be established, construction undertaken, nor fill placed in any recorded drainage or utility easement.**

**Part B. Authorize the following Variance from the Champaign County Storm Water Management and Erosion Control Ordinance:**

- 1. Authorize a variance from Section 6.1 A. requiring that no fill shall be placed nor grade altered in such a manner to create a nuisance.**
- 2. Authorize a variance from Section 6.3 G. prohibiting the destruction or obstruction of the operation of a storm water drainage system or storm water storage area.**
- 3. Authorize a variance from Section 9.1 E. for a freeboard of 0 feet in lieu of a freeboard of one foot.**
- 4. Authorize a variance from Section 9.1 C.1. for a release rate for the 50-year precipitation event far in excess of the maximum otherwise allowed that would be no greater than the rate of discharge from a 5-year return period precipitation event and an assumed row crop agricultural land cover.**
- 5. Authorize a variance from Section 9.1 C.2. for a release rate for frequent storm events that exceeds the maximum otherwise allowed that would be no greater than the rate of discharge from 1-year, 2-year, and 5-year return period precipitation events and an assumed row crop agricultural land cover.**

**Subject Property: Lot 100 in Rolling Hills Estates V Subdivision in Section 12, Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township, and commonly known as the residence at 2312 Pheasant Ridge Road, Mahomet.**

**Site Area: 16,280 square feet (0.37 acre)**

**Time Schedule for Development: Existing and in use**

**Prepared by: Susan Burgstrom  
Senior Planner**

**John Hall  
Zoning Administrator**

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## STATUS

At the July 13, 2017, public meeting, Phoenix Consulting Engineers submitted an updated drainage analysis to P&Z Staff. The documents were not distributed because no one from the Board or P&Z Staff had time to review them prior to the meeting. The Board determined that P&Z Staff would review the documents, send it to Berns, Clancy and Associates, their engineering consultant, for review, and have more information available for the Board at the next hearing on September 14, 2017.

Also during the July 13, 2017, public meeting, two letters were read by Mrs. Schwenk; these letters are part of Attachment D to this memorandum. Testimony was received from Kevin and Mary Schwenk, Scott Day, and Gary Collett. Photos and maps shown on presentation boards during the meeting are attached as part of Attachment D. The draft minutes from that meeting will be handed out at the September 14, 2017, hearing for information only.

On July 20, 2017, Zoning Administrator John Hall responded to Phoenix with a letter stating his concerns about the analysis P&Z Staff received on July 13, 2017. On July 25, 2017, Mr. Hall sent two emails to Phoenix with additional concerns.

On August 31, 2017, Mike Nickrent with Phoenix Consulting Engineers submitted a revised analysis via email to the P&Z Department, received September 1, 2017. The following attachments were included:

- Stormwater Management Memorandum dated August 31, 2017 (Attachment A)\*
- Summary of Drainage Analysis dated August 31, 2017 (Attachment B)
- Complete Detention Basin Regrade dated August 31, 2017 (Attachment C)
- 1993 As Built Basin Hydraulic Report Combined dated August 31, 2017
- Current Basin with Fill Hydraulic Report Combined dated August 31, 2017
- Proposed Basin Hydraulic Reports Combined dated August 31, 2017
- Drainage Area Hydraulics Report Combined dated August 31, 2017
- Outlet Channel Reports – Discharge Velocity dated August 31, 2017\*\*

\* *In the memo, Phoenix stated that previous data is out of date; to avoid confusion, P&Z staff will not distribute the outdated materials received July 13, 2017.*

\*\* *The Hydraulic and Channel Reports listed are not included as attachments due to their size. They are available on the ZBA meetings website or copies are available in the P&Z Department.  
[http://www.co.champaign.il.us/CountyBoard/meetings\\_ZBA.php](http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php)*

The new submittal is under review by Berns, Clancy and Associates.

## PROPOSED REGRADING

The updated Complete Detention Basin Regrade was received September 1, 2017, from Phoenix Consulting Engineers (Attachment C).

The Proposed Regrading improvements received August 31, 2017, would increase the storm water storage volume from the existing 0.10 acre-feet at a water surface elevation of  $\pm 726.5$  feet to 0.37 acre-feet at a water surface elevation of  $\pm 727.4$  feet. Proposed maximum total controlled discharge would be 14.70 cfs.

The maximum allowable discharge from the basin has been calculated to be 7.22 cfs using the parameters required by the SWMEC Ordinance.

The 1993 as-built detention basin held 0.37 acre-feet at an elevation of  $\pm 726.9$  feet, with a maximum total controlled discharge of 14.82 cfs. Mr. Nickrent noted at the July 13, 2017, hearing that the 1993 as-built basin did not meet the County Drainage Ordinance requirements due to the construction not being to plan.

The Proposed Regrading improvements would thus return the basin storage volume to nearly the same as that of the 1993 as-built condition. However, it should be noted that the proposed maximum total controlled discharge would still be much greater than the 7.22 cfs calculated using the parameters required by the SWMEC Ordinance.

### **ATTACHMENTS**

- A Stormwater Management Memorandum dated August 31, 2017
- B Summary of Drainage Analysis dated August 31, 2017
- C Complete Detention Basin Regrade dated August 31, 2017
- D Items presented at the July 13, 2017 ZBA meeting and digitally received September 6, 2017:
  - Clinton Labeau email dated April 27, 2017, with letter attached
  - Ashlee Vercler letter dated April 24, 2017
  - 8 photos presented by Mr. and Mrs. Schwenk
  - 5 presentation boards by Mr. and Mrs. Schwenk



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MEMORANDUM

SEP 01 2017

#3

CHAMPAIGN CO. P &amp; Z DEPARTMENT

To: Scott Blakeney	Date: August 31, 2017
CC: John Hall/Susan Burgstrom	Project Title: Lot 100 Rolling Hills Estate Subdivision
From: Phoenix Consulting Engineers	Project ID: 16SUR074
RE: Engineering analysis review	

**PROJECT SUMMARY:**

On June 10, 2016, Jamie Hitt, Zoning Officer of Champaign County wrote a letter to Scott Blakeney regarding the County's concerns with the fill that had been placed on Mr. Blakeney's property. In this letter the County was concerned with possible obstruction of surface drainage and damage to adjacent properties by increased height of flood water or increase in velocity of storm water leaving the property. The County referred to the 2008 Lidar contours as the conditions which would be acceptable.

John Hall, the County Zoning Administrator reviewed the information sent to the County by Phoenix Consulting Engineers, Ltd. Mr. Hall summarized their concerns in a letter dated July 21, 2017. This letter focused on the hydraulic analysis previously submitted to the County.

**STORM WATER DRAINAGE ANALYSIS RESPONSE**

1. Mr. Hall stated that the uncontrolled drainage from the subdivision needs to be accounted for in the analysis of the detention basin. The analysis now includes the uncontrolled drainage and it has been determined that the allowable discharge for a 50 year storm event is 7.22 cfs by subtracting the 50 year uncontrolled discharge from the 5 year pre-development discharge rate.
2. The correct TR-55 parameters were not previously used in the calculation and have been adjusted to Mr. Halls suggestions.
3. Mr. Hall questioned the difference between the 1993 As-Built and the 2008 As-Built calculations. The difference is due to the fact that the outlet pipe was originally designed to have a 0.5% slope, but the 1993 As-Built plans actually have inverts of the pipe changed and it at 1.9% causing the increase flow rates. The hydraulic data provided for the 9/26/16 submittal for the 2008 As-Built is no longer valid and the 1993 As-Built data should be used for comparison.
4. The Current Condition Basin data is being resubmitted and previously submitted data is no longer up to date.
5. I have now revised the Proposed Regrading plan dated 8/31/17 and the previously submitted plans should no longer be used. I have increase storage volumes so the plan can closely match the 1993 As-Built's discharge rates.

**MEMORANDUM**  
**#3**

6. The proposed flows downstream of outlet pipe have velocities slightly higher than 1993 As-Built. The velocity is greater than 6 ft/sec which is recommended as the maximum for a grass covered channel by IDOTs Bureau of Local Roads Drainage Design. There has not ever been a time where that the 50 year event velocities have been less than the 6 ft/sec rate. Therefore, the riprap place by Mr. Schwenk previously should still be sufficient to prevent erosion further downstream.

**SUMMARY**

The 1993 As-Builts were changed to decrease the detention from the 1993 original design but were still approved by the County. The Proposed Regrading the of detention basin in Lot 100 will reduce the discharge rates to closely match the 1993 As-Built plans and alleviate the property owners downstream of the basin from the issues caused by the fill being placed in the basin.



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Blakeney - Lot 100 Detention Basin

SEP 01 2017

8/31/2017

CHAMPAIGN CO. F &amp; Z DEPARTMENT

Pre Development					
		1 Year	2 Year	5 Year	50 Year
Maximum Discharge (Total)	cfs	9.25	13.16	18.70	36.52

<b>Allowable Discharge of Basin</b>	<b>18.70 - 11.48 = 7.22 cfs</b>				
	<b>(Pre-Devel. 5 Yr) - (Uncontrolled 50 Yr) = Allowable 50 Yr</b>				

1993 As-Built Basin					
		1 Year	2 Year	5 Year	50 Year
Storage Volume	acre-ft	0.02	0.04	0.10	0.37
Maximum Discharge (outlet pipe)	cfs	5.53	6.93	7.86	7.97
Maximum Discharge (overflow)	cfs	0.00	0.00	0.00	6.85
<b>Maximum Discharge (Total Controlled)</b>	<b>cfs</b>	<b>5.53</b>	<b>6.93</b>	<b>7.86</b>	<b>14.82</b>
Uncontrolled Discharge	cfs	3.06	4.36	6.12	11.76
Maximum Discharge (Total)	cfs	8.59	11.29	13.98	26.58
Hydraulic Grade (Max.)	ft	724.92	725.22	725.74	726.93
Outlet Release Rate	ft/sec				6.35

Current Basin Condition with Fill					
		1 Year	2 Year	5 Year	50 Year
Storage Volume	acre-ft	0.04	0.07	0.09	0.10
Maximum Discharge (outlet pipe)	cfs	5.06	6.41	6.90	7.18
Maximum Discharge (overflow)	cfs	0.00	0.00	4.31	14.47
<b>Maximum Discharge (Total Controlled)</b>	<b>cfs</b>	<b>5.06</b>	<b>6.41</b>	<b>11.21</b>	<b>21.65</b>
Uncontrolled Discharge	cfs	3.06	4.36	6.12	11.76
Maximum Discharge (Total)	cfs	8.12	10.77	17.33	33.41
Hydraulic Grade (Max.)	ft	725.81	726.22	726.40	726.52
Outlet Release Rate	ft/sec				6.1

Lot 100 Proposed Regrade - Proposed Basin					
		1 Year	2 Year	5 Year	50 Year
Storage Volume	acre-ft	0.03	0.07	0.10	0.37
Maximum Discharge (outlet pipe)	cfs	5.13	6.33	7.86	9.94
Maximum Discharge (overflow)	cfs	0.00	0.00	0.00	4.76
<b>Maximum Discharge (Total Controlled)</b>	<b>cfs</b>	<b>5.13</b>	<b>6.33</b>	<b>7.86</b>	<b>14.70</b>
Uncontrolled Discharge	cfs	3.06	4.36	6.12	11.76
Maximum Discharge (Total)	cfs	8.19	10.69	13.98	26.46
Hydraulic Grade (Max.)	ft	725.46	725.90	726.40	727.40
Outlet Release Rate	ft/sec				6.94



Keep me posted if anything interesting occurs.

Thanks!

Mary

----- Original Message -----

From: "Clinton Lebeau" <clintonlebeau@gmail.com>

To: skunk@mchsi.com

Sent: Thursday, April 27, 2017 5:21:15 PM

Subject: Letter for variance

Attached is the letter for the property of 2308 Pheasant Ridge Rd. Please let us know the outcome of this evenings meeting.

Thanks  
Clinton Lebeau

Sent from my iPhone



**Champaign zoning letter response 4-27-17.pdf**

800 KB

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CHAMPAIGN CO. P & Z DEPARTMENT



To Whom It May Concern,

My name is Clinton Lebeau and my wife, Eleanor Lebeau and I own the property at 2308 Pheasant Ridge Road. I am unable to attend in person today as I reside out of state. My son and his wife currently live at the residence.

I hope this letter adequately reflects my objections to the variances proposed by Scott Blakeney regarding changes he's made to the property at 2312 Pheasant Ridge Road.

Last summer my daughter-in-law sent me images of their cul-de-sac flooding after heavy rains. I have owned this property since July of 2015, however my son and daughter-in-law have resided at 2308 Pheasant Ridge Road since 2011. This was the first time since they moved in that the cul-de-sac flooded. This flooding took place after Mr. Blakeney began filling in the water retention basin. I expressed my concern at that time that if the rains continued, the flooding could possibly have a negative effect on their property.

I was unaware at the time that the property at 2312 Pheasant Ridge Road was part of the Rolling Hills drainage system. I was also unaware that he had not received proper permits to fill in the basin behind his house and was in violation of zoning laws.

I have been out to visit my son and his family since Mr. Blakeney moved in. I do believe he has done a wonderful job of beautifying his property but I do not believe it is his right to do so by breaking the law, avoiding proper permits and putting your neighbors' properties at risk.

I strongly object to these variances as I fear that in the event of a major rainfall my property will be put at risk for flooding given what we have already witnessed since the basin began being filled. This is where my son and his wife have made their home and are raising my grandchildren. Their safety and the stability of their home and property is of the highest importance to me.

Sincerely,

Clinton & Eleanor Lebeau

*Clinton Lebeau*  
*Eleanor Lebeau*

4/27/17  
04/27/2017

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CHAMPAIGN CO. P & Z DEPARTMENT

4/24/2017

• • •

Vercler, Ashlee  
2311 Pheasant Ridge Rd.  
Mahomet, IL 61853

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CHAMPAIGN CO. P & Z DEPARTMENT

**To Whom It May Concern:**

I am typing this letter in the hopes that it will be able to adequately reflect my interests in a pending matter regarding my property at 2311 Pheasant Ridge Rd in Mahomet, IL and some requests made to alter the property next door to me, at 2312 Pheasant Ridge Rd. By the time that I received notice of a hearing on the matter, though not in an untimely manner, it was not in enough time that I was able to get off of work to attend. I am sending this letter with other neighbors with whom I share some property line, Kevin and Mary Schwenk, and trust that they will represent me well.

As I understand the situation (and I admit that it was difficult to ascertain everything from the notice), the owners of 2312, the Blakeney's, are asking to essentially change zoning laws AFTER they have already violated them. These violations have led to countless issues on the grounds and certainly on my own property. I will speak from my own experiences.

At one point last year, about May of 2016, shortly after they moved their house on to the property, tons and tons of dirt were hauled in. Holes were dug in their property and moved around and quite frankly, it was difficult to tell what all was going on. It is important to know what happens at this location during a heavy rain.

As often does at our cul de sac during a heavy rain, it "floods". This has never posed a major problem, as there is a run-off that has occurred since I moved in back in 2010. From behind 2312 and through what I call a small "gully" that runs behind and through my property, the water is diverted. As soon as the rain stops, the flood of water peters out, always staying its course, until it drains all the way away and the street is once again clear.

Within a day or two of the massive movement of hills of dirt, we had a heavy rain. I happened to be home that day and I was curious if the work they did would affect the cul de sac. It did...in spades. The flooding was so severe that I watched as they showed up at their house and could not drive through the water to reach it. I already knew I would not be able to leave. I thought perhaps their work has slowed the draining process. I was wrong; it stopped it completely. My yard flooded half way to my house, I couldn't leave if I needed to, not in my car.

• • •

I made some calls to the village trying to reach someone. I'm not sure who else called, but eventually some workers in a truck appeared and seemed to assess the situation. The rain had stopped at this point and there was NO draining.

Someone showed up and started up the tractor at 2312 to move dirt. Finally, and very quickly, the street drained.

What I didn't know at the time and wouldn't find out until I was preparing to move and sell my house, is that what they had done flooded my crawl space and shorted out my sump pump. I am disheartened that I hadn't thought to check, but in the years I have been there, my crawl space has always been dry as a bone, never an issue. The stagnant water in it was distressing. Unfortunately, I didn't feel comfortable throwing a fit, as it were, a few months later, so I left it. To get this notice from them is a slap in the face, however.

The Blakeney's seem to have wonderfully affected the ability to say the right things to someone, but they will do whatever they actually want to with complete disregard for those around them. As side notes, they have dug up and created landscaping that has pushed exactly up against, and in part impeded on, my property. Even after I had a professional surveyor come out, measure, mark, and talk directly to Scott Blakeney about the property lines, he never changed the location of some fence-type structures or tall bushes that he planted on my property, nor did he offer to.

Quite frankly, I was really trying to avoid conflict with new neighbors and attempting to pick my battles well, and I chose to let it go. I've ignored the constant police presence. The yells and screaming. The accusations of drug dealing within their own home. This newest action from them is simply too much, however. I cannot even imagine what troubles will occur if they continue to alter the land in this area. The ripple affects everyone.

I will say that, obviously, they do beautiful work on their property. The landscaping is nice and well-cared for. They take pride in it, and I don't think anyone can say otherwise. However, that is not reason enough to justify having a negative impact on everyone who owns the houses and yards around them; or those, like myself, who are hoping to sell their property to others who hope to call this lovely neighborhood "home". It seems that if the Blakeney's are given an inch, they want the whole mile...and then some.

Please consider moving forward without whatever fines or punishments have been leveraged against them for the improper and inappropriate violations they have accrued. I ask that they not be allowed to make drastic changes that will affect the landscape of everyone who has been living peacefully and damage-free until they moved in. They can continue to have their home and do wonderful things to their property; they simply must do it the right way. The Blakeney's

• • •

told me once when we spoke briefly after they arrived that this was their retirement home and they were excited to live here. I would never want to take that away from someone. However, they also told me that they wanted to get along with their neighbors and not fight. Nothing they have done since moving in implies that is the case. I believe that they are creative enough to find alternative ways to embrace and beautify their home without having the negative impacts that the current course most certainly will.

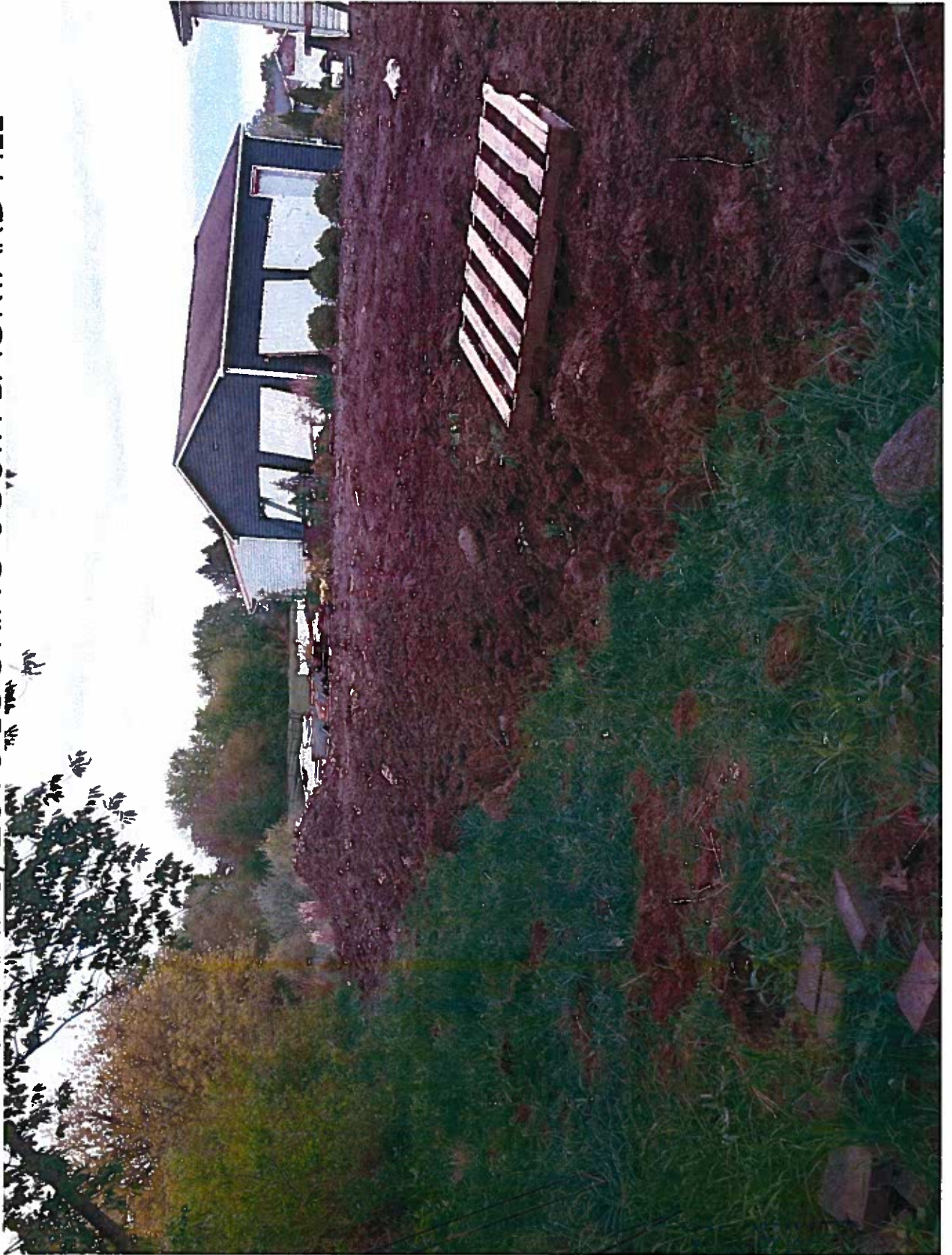
I am including some photos that I've taken since witnessing the jaw-dropping work that has been done. I did not know for sure why I was taking these photos when I did. In fact, I almost forgot I had them. I think I must have been worried that keeping track of the events would be something I wished I had done. Maybe they will help illustrate the points that we all are trying to make.

Thank you for your consideration. If I need to be contacted, the Schwenks have the ability to get ahold of me and to share any information needed. I will be happy to talk to whomever and about whatever is needed to satisfactorily resolve this issue for every single homeowner involved, including the Blakeney's.

Very Sincerely,

Vercler, Ashlee  
2311 Pheasant Ridge Rd.

LOT 100 MAY 5, 2016 LOOKING SOUTH BACKYARD FILL



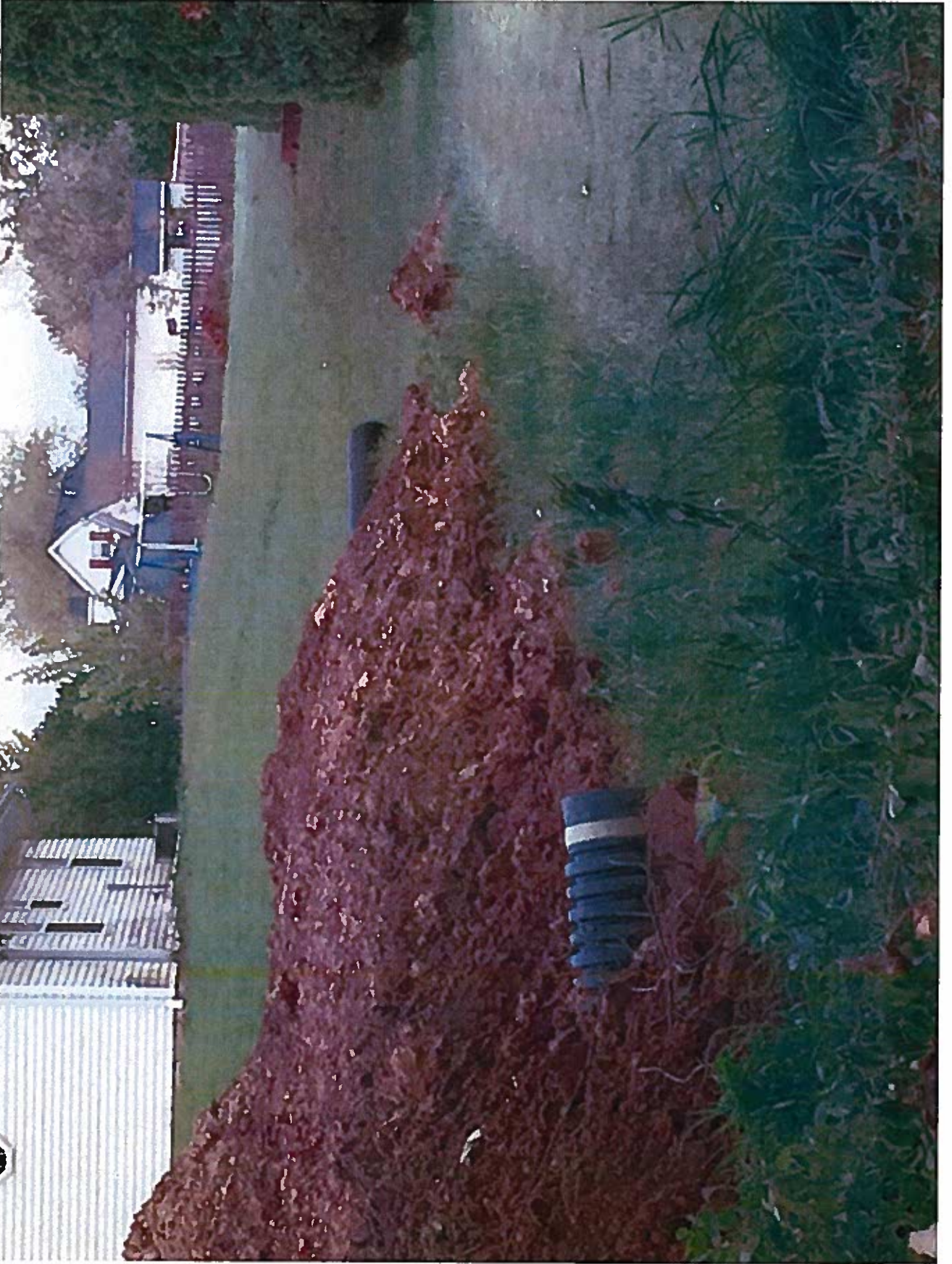
SEP 06 2017

CHAMPAIGN CO P & Z DEPARTMENT

LOOKING NORTH LOT 100 BACKYARD FILL 5-5-2016



LOOKING WEST LOT 100 BACKYARD FILL AND TILE 5-5-2016



LOOKING NORTH LOT 100 BACKYARD FILL 5-5-2016

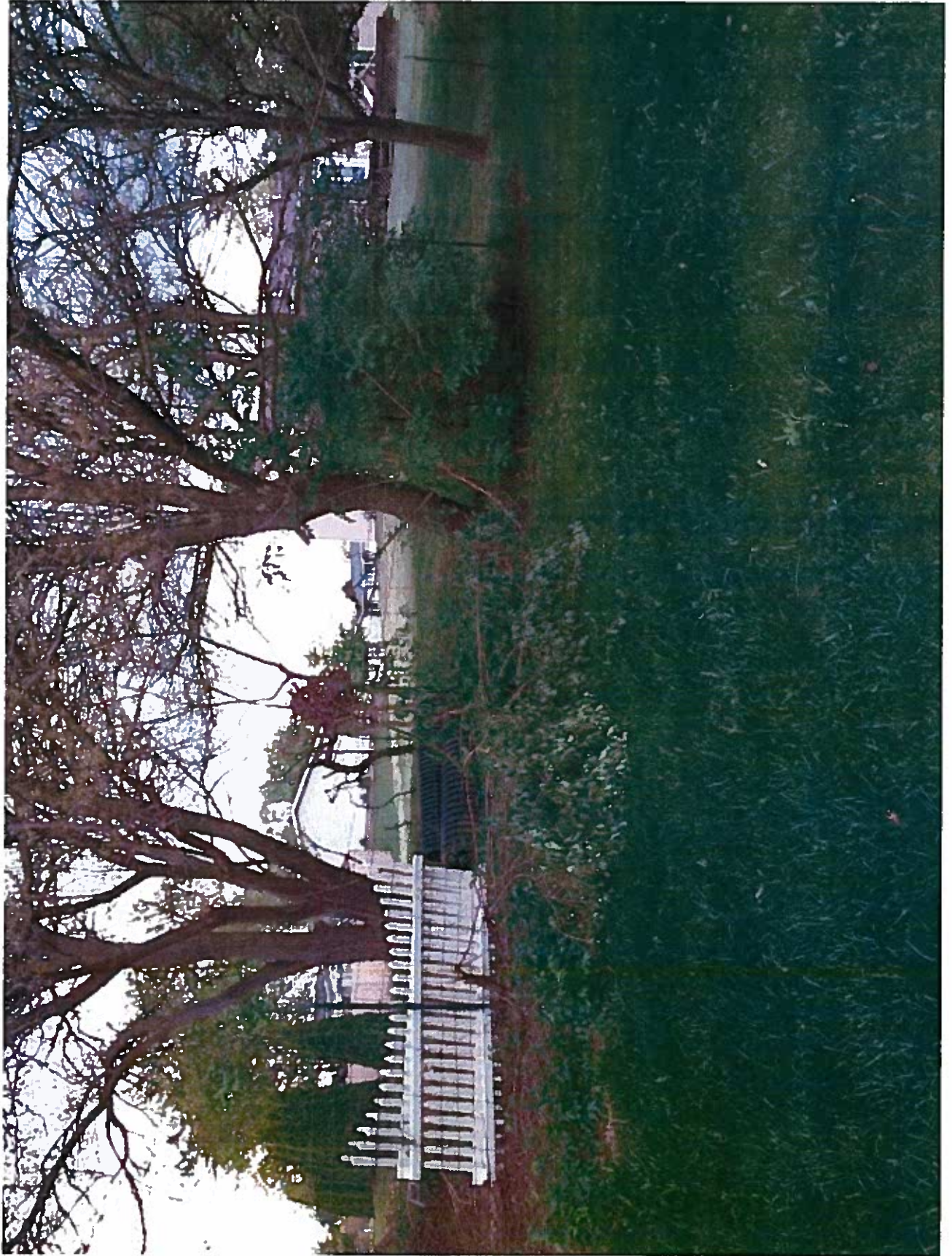




LOT 100 MAY 5, 2016 LOOKING NORTH SPILLWAY FILL



LOT 4 MAY 5, 2016 18 YEAR PLANTING OF FORSYTHIA CUT DOWN



LOT 4 MAY 5, 2016 LOOKING WEST PRIVACY BARRIER CUT OUT



LOT 4 FORSYTHIA PRIVACY BARRIER CUT 5-5-2016



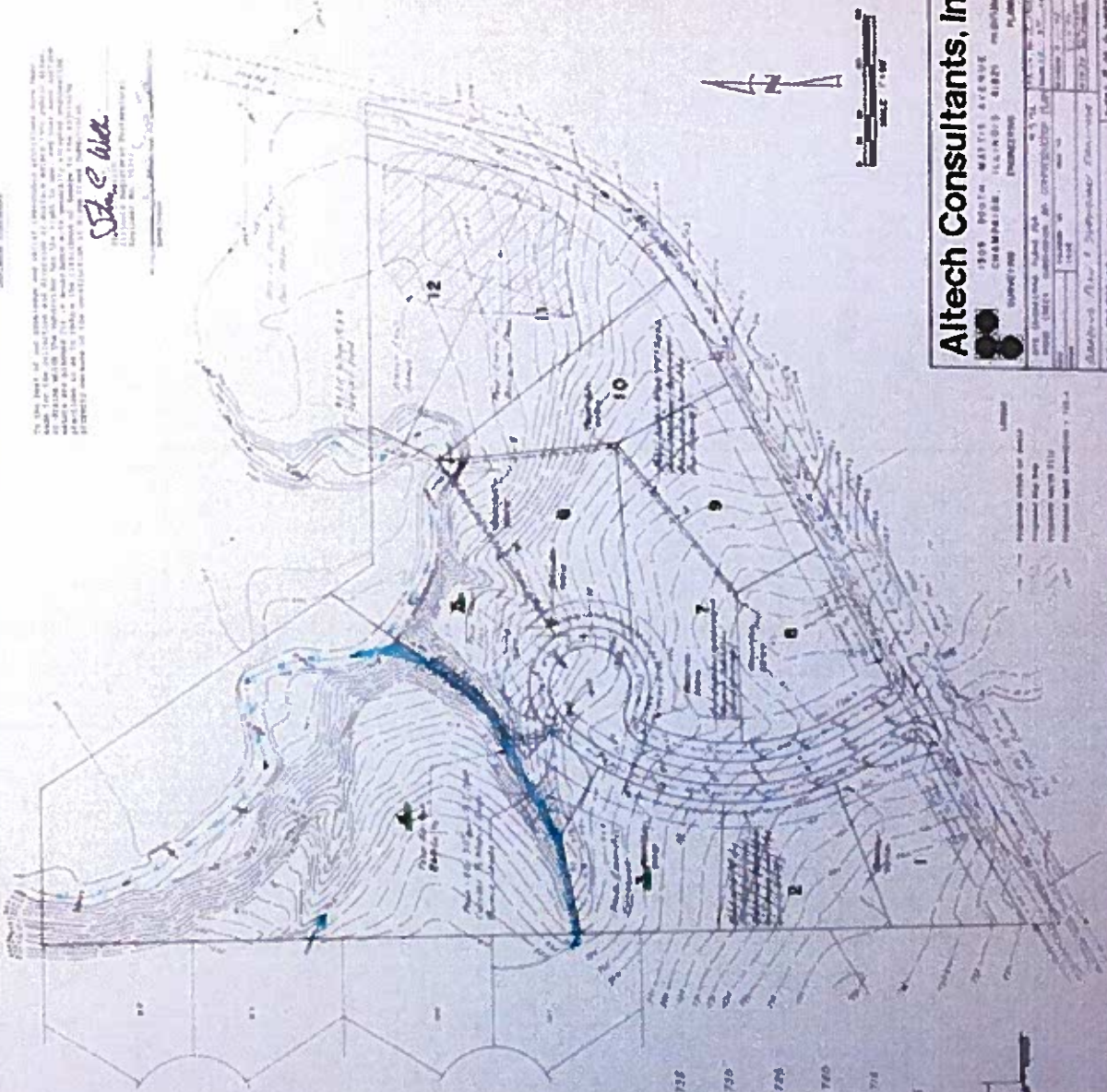
GENERAL NOTES:

1. The map of the site shown and all of the information contained hereon were prepared for the information and approval of the Planning Board and the Zoning Board of Appeals. It is not intended to be used for any other purpose without the express written consent of the undersigned.

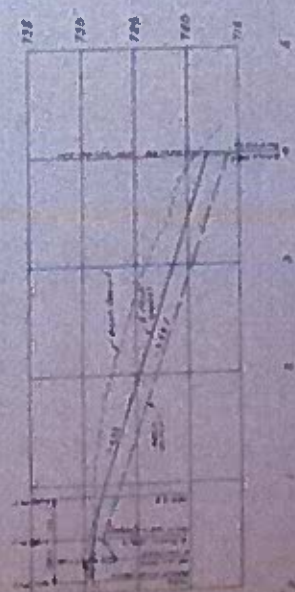
*S. E. Wick*  
Surveyor

Altech Consultants, Inc.

PROJECT NO.	1000
DATE	10/1/16
PROJECT NAME	1000 WEST 10TH AVENUE
CLIENT	ALTECH CONSULTANTS, INC.
PROJECT TYPE	PLANNING
PROJECT LOCATION	1000 WEST 10TH AVENUE, CHAMPAIGN, ILL.
PROJECT AREA	1.00 AC
PROJECT OWNER	ALTECH CONSULTANTS, INC.
PROJECT ADDRESS	1000 WEST 10TH AVENUE, CHAMPAIGN, ILL. 61821
PROJECT PHONE	217-244-1111
PROJECT FAX	217-244-1112
PROJECT E-MAIL	ALTECH@ALTECHCONSULTANTS.COM
PROJECT WEBSITE	WWW.ALTECHCONSULTANTS.COM
PROJECT CONTACT	ALTECH CONSULTANTS, INC.
PROJECT CONTACT NAME	ALTECH CONSULTANTS, INC.
PROJECT CONTACT PHONE	217-244-1111
PROJECT CONTACT E-MAIL	ALTECH@ALTECHCONSULTANTS.COM
PROJECT CONTACT WEBSITE	WWW.ALTECHCONSULTANTS.COM



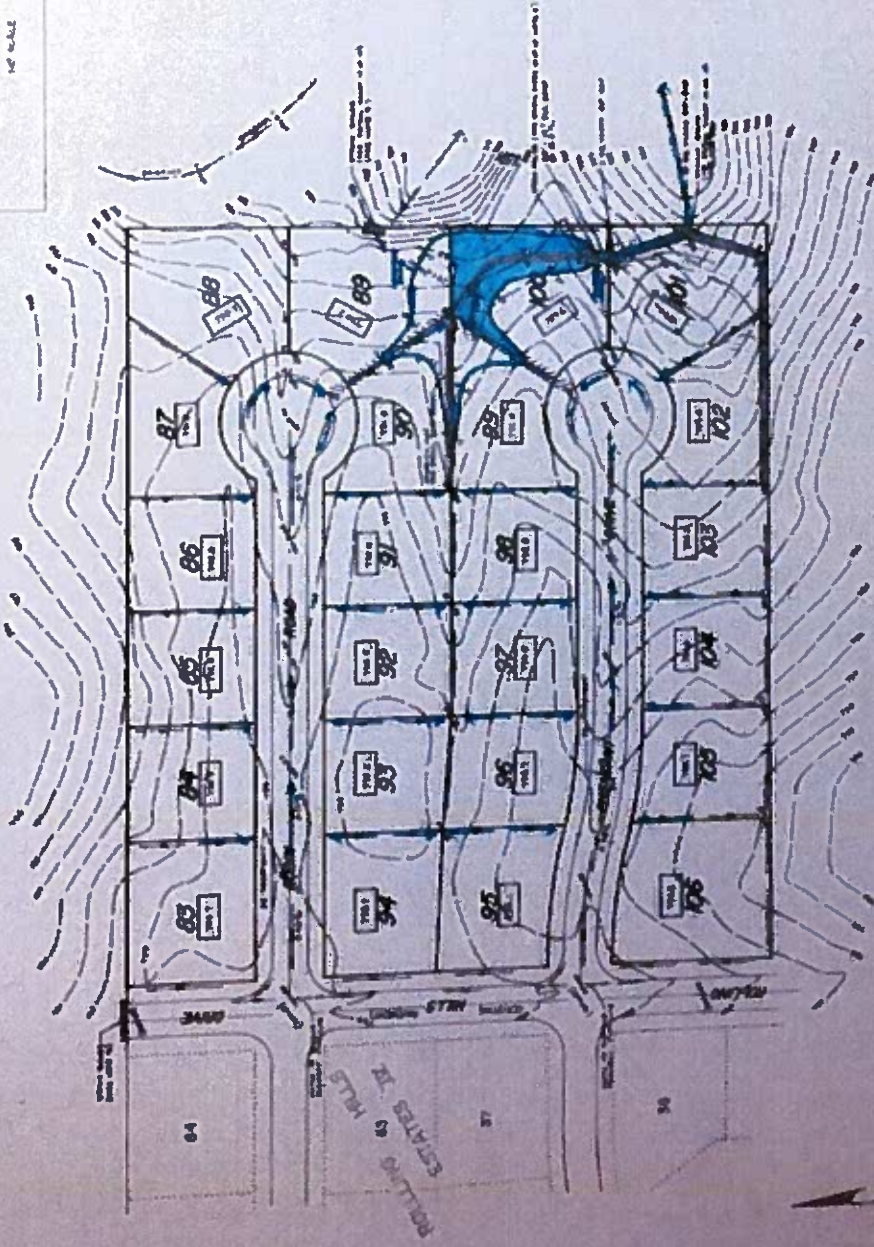
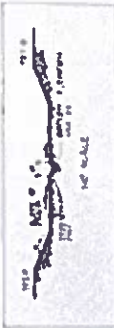
1. All measurements were taken with a Leica total station, which is a highly accurate instrument. The accuracy of the measurements is within ± 0.01 feet.
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CHAMPAIGN CO P & Z DEPARTMENT



EXISTING ELEVATION  
 PROPOSED FINISHED GRADE  
 PROPOSED SITE  
 PROPOSED CONTOUR  
 10' = 1"



- NOTES:**
1. All construction shall be in accordance with the provisions of the applicable codes and regulations.
  2. All construction shall be in accordance with the provisions of the applicable codes and regulations.
  3. All construction shall be in accordance with the provisions of the applicable codes and regulations.
  4. All construction shall be in accordance with the provisions of the applicable codes and regulations.
  5. All construction shall be in accordance with the provisions of the applicable codes and regulations.
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  8. All construction shall be in accordance with the provisions of the applicable codes and regulations.
  9. All construction shall be in accordance with the provisions of the applicable codes and regulations.
  10. All construction shall be in accordance with the provisions of the applicable codes and regulations.



TO THE BEST OF THE KNOWLEDGE AND BELIEF OF THE ENGINEER, THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE APPLICABLE CODES AND REGULATIONS. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED HEREON.



S. E. C. Allen  
 PROFESSIONAL ENGINEER  
 STATE OF MARYLAND

**Altech Consultants, Inc.**

1800 SOUTH WATFIS AVENUE  
 CHARLESTON, MARYLAND 21033  
 PHONE: 410-739-1100  
 FAX: 410-739-1101  
 WWW: WWW.ALTECHCONSULTANTS.COM

PROJECT NO. 17-0000000000  
 SHEET NO. 15 OF 18

**RECEIVED**  
 SEP 06 2017  
 CHARLESTON CO. F & Z DEPARTMENT



Tx: 4064173



Champaign County  
Transfer Tax \$ 12.00

**2015R24551**

REC ON: 12/28/2015 4:08:30 PM  
CHAMPAIGN COUNTY

**BARBARA A. FRASCA, RECORDER**

REC FEE: 44.00

RHSPS Fee: 9.00

REV FEE: 36.00

PAGES 2

PLAT ACT: OPLAT PAGE:

STATE TAX	STATE OF ILLINOIS	# 0000012312	REAL ESTATE TRANSFER TAX
	DEC. 28. 15		0002400
	REAL ESTATE TRANSFER TAX DEPARTMENT OF REVENUE		FP 102811

**5253-1509919**

**TRUSTEES DEED- JOINT TENANCY**

**THE GRANTOR, FRANCES B. KOLLER, Trustee of "FRANCES B. KOLLER TRUST UNDER AGREEMENT DATED MARCH 20, 2006", of Champaign, Illinois, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEY and WARRANT to the GRANTEE, SCOTT BLAKENEY and DEBORAH BLAKENEY, as joint tenants and not tenants in common, of the County of Champaign and State of Illinois, the following described real estate:**

Lot 100 in Rolling Hills Estates V Subdivision, as per Plat recorded in Plat Book "BB" at Page 250, situated in Champaign County, Illinois.

Commonly Referred to as: 2312 E. Pheasant Ridge Road, Mahomet, Illinois  
Permanent Index Number: 15-13-12-201-030

- Subject to:**
- (1) Real estate taxes for the year 2015 and subsequent years;
  - (2) Covenants, conditions, restrictions and easements apparent or of record;
  - (3) All applicable zoning laws and ordinances;

The Grantor covenants that the within deed is executed, acknowledged and delivered pursuant to the authority and direction set-forth in the above referenced Trust Agreement.

Dated this 23<sup>rd</sup> day of December, 2015.

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*Frances B. Koller*  
\_\_\_\_\_  
Frances B. Koller, Trustee aforesaid

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23. Storage: No machinery, appliance or structure of any kind shall be permitted upon, maintained, or operated in or on the premises of any lot for the facilitation or carrying on of any trade, business or manufacturing. This clause shall not restrict the property owner from carrying on a professional practice such as a doctor, attorney, architect, professional engineering consultant, etc. from his home in a study, office or studio, but such a practice shall not employ anyone except the resident on that lot.
24. Field Tile: All existing field tiles that may be encountered by owner or owner's contractors in the course of constructing a residence on any of the subject lots or in the course of any construction thereon shall be rerouted and maintained in service by such owner, at his or their cost, such rerouting to be so effected so as to provide for the continuation of such field drainage system.
25. Drainage Swales: The drainage swales on Lots 88, 89, 100 and 101 in said subdivision shall remain and shall be kept open and unobstructed.
26. Maintenance of Stormwater Control Basin. A stormwater control basin exists on parts of Lots 89, 90, 99 and 100 and is subject to periodic inundation following rainstorms. This basin shall be maintained by the Architectural Control Committee on behalf of all lot owners served by the stormwater control basin and shall not be filled, built upon or otherwise modified in any way that would reduce its storage volume or impair the flow of water into the basin or alter the flow of water out of the basin. Any impairment of the basin's storage volume or flows into the basin or change in flows out of the basin shall be remedied within 14 days of the receipt of notice from the Architectural Control Committee. Upon failure to remedy the impairment of the basin within a reasonable time acceptable to the Architectural Control Committee, it or its agents or employees may enter onto Lots 89, 90, 99 or 100 and take such action as it deems necessary to remedy any impairment of the basin's functions. To the extent any lot owner is responsible for such impairment, the Architectural Control Committee may assess and the owner shall pay any costs incurred in remedying the impairment of the basin.
27. Binding Effect: The covenants, restrictions and reservations herein contained shall be construed and held to run with the land, as is hereinabove provided and shall be binding upon all lots and all owners of said lots and all persons claiming under them for a period of twenty-five (25) years from the date that this Owner's Certificate is placed of record, except that any of the foregoing restrictions may be altered at any time by a written stipulation to that effect signed by the



Mr. John Hall

**Champaign County Department of Planning and Zoning  
Blakeny Site Drainage  
Champaign County, Illinois  
February 3, 2017  
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In conclusion, the overall suggestions of Phoenix Consulting Engineers to Mr Blakeny do not appear to be adequate to allow for the basin to continue to function as it was designed, after the placement of additional fill. The basin storage volume has been apparently decreased by more than 75% as compared to 1993 conditions and appears to significantly increase the release rate from the basin. The installation of a flow reducer in the basin outlet pipe will bring the flow to less than the required release rate for the pipe outlet, however, additional outflow will now be overflowing in the spillway, causing the total outflow to be above the maximum allowable release rate of 5 cfs. *Phoenix analysis, release rate of 22.6 cfs.*

In our opinion, the current basin as modified from the 2008 conditions apparently does not meet the requirements of the current Champaign County Stormwater Management Regulations. It also apparently does not meet the requirements of the 1993 County regulations.

We appreciate this opportunity to be of assistance to you. If you have any questions, please call. Thank you.

Sincerely,  
**BERNS, CLANCY AND ASSOCIATES, P.C.**

*p.p. Justin Houston*

Donald S. Wauthier, Vice President

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