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Cook County Recorder 32.00

This Instrument Prepared by and
After Recording Return to:

Shannon Walsh
McDermott, Will & Emery
227 West Monroe Street
Chicago, IL 60606



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DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (this "*Declaration*") is made this 6th day of August, 2002 by **THE VILLAGE OF GLENVIEW**, an Illinois home-rule municipal corporation ("*Declarant*"), in favor of OliverMcMillan Glenview, LLC, a California limited liability company ("*OMG*"), and each of the other Owners (as hereinafter defined), together with their respective successors and/or assigns (Declarant, OMG, the other Owners and their respective successors and/or assigns, collectively, the "*Benefited Parties*").

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RECITALS:

A. Declarant is the owner of the real estate legally described on Exhibit A attached hereto and made a part hereof (the "*Property*").

B. Declarant desires to cause a covenant relating to the Property to be created for the benefit of OMG and the other person(s) or entity(ies) whose estates or interests individually or collectively aggregate fee simple absolute ownership of one or more of the parcels of land legally described on Exhibit B attached hereto and made a part hereof, together with their respective successors and/or assigns (OMG and such persons and/or entities, collectively, the "*Owners*", and the property described on Exhibit B, the "*Benefited Property*").

NOW THEREFORE, Declarant does hereby declare that the Property shall be transferred, held, sold, conveyed and occupied, subject to the restrictions hereinafter set forth.

1. **Restriction.** Declarant agrees that, for itself and its successors and assigns, except for an asphalt or other paved surface, vegetation and other landscaping, lighting structures and other improvements normally incident to the use of the Property as a surface parking area (collectively, the "*Permitted Improvements*"), no improvements shall be constructed on the Property; provided, however, that in no event shall any Permitted Improvement on the Property substantially impair the free flow of light and air across the Property to the Benefited Property.

2. **Binding Effect.** This Declaration and the rights and obligations set forth herein shall run with the land, perpetually in full force and effect, and shall be binding upon and shall inure to the benefit of the Benefited Parties.

3. **Perpetuities and Other Invalidity.** The restrictions contained in this Declaration shall be enforceable by any of the Benefited Parties for the term of this Declaration, which shall

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be perpetual (or if applicable law (including any rule against perpetuities or other statutory or common law rule) prescribes a shorter period, then upon expiration of such period). If applicable law prescribes such shorter period, then upon expiration of such shorter period, such restrictions shall be automatically extended without further act or deed of Declarant or any of the Benefited Parties, except as may be required by applicable law, for successive periods of twenty (20) years each, subject to amendment or termination, to the extent allowed by applicable law.

4. **Severability**. If any provision of this Declaration shall be determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect the other provisions of this Declaration, which shall be enforced to the fullest extent allowed by law.

5. **Governing Law**. This Declaration shall be governed by and construed in accordance with the laws of Illinois, without regard to conflicts of law principles.

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LOT 12

[Except that part shown on the GNAS Mixed Use Subdivision recorded September 27, 2001, as Document No. 0010905146 as the area excluded from B.I. & E.E., B.U.E. and B.N.B.E. (see note 5) on such Lot 12] in Glen Town Center, a resubdivision of Lot 3 in GNAS Mixed Use Retail Center, in the West ½ of Section 27, Township 42 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded as Document Number 0020733381 in Cook County, Illinois.

Address of Property: Approx. 1.076 acres adjacent to Patriot Boulevard,
Glenview, IL

Permanent Index Number: Part of 04-27-103-00__

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