

# UNOFFICIAL COPY



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Cook County Recorder of Deeds  
Date: 06/01/2006 01:42 PM Pg: 1 of 8

D. Scott Hargadon  
Bryan Cave LLP  
161 N. Clark Street, Suite 4300  
Chicago, IL 60601

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Space above reserved for use by Recorder of Deeds

## EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is made and entered into effective as of the ~~30th~~<sup>30th</sup> day of November, 2005, by and between Arboretum of South Barrington, LLC, a Delaware limited liability corporation ("Arboretum") and the South Barrington Park District, a municipal corporation (the "District").

### RECITALS

- A. Arboretum purchased certain real property from the Village of South Barrington, Illinois, pursuant to a Real Estate Purchase and Sale Agreement dated June 30, 2005 (the "PSA"), which property is legally described on Exhibit A attached hereto and incorporated herein (the "Detention Parcel").
- B. Arboretum desires to construct certain storm water improvements on the Detention Parcel.
- C. Arboretum desires to perform certain grading of the Easement Area (defined below) which will allow the stormwater improvements to have increased capacity to receive stormwater from the property owned by the District (which property is legally described on Exhibit B attached hereto and incorporated herein (the "District Property")). Such increased capacity will allow the District Property to be developed up to an impervious surface coverage ratio at sixty-five percent (65%), as opposed to thirty percent (30%) without the grant of the Easement (defined below) pursuant to this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties agree as follows:



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If to Arboretum: Arboretum of South Barrington, LLC  
c/o WSB Development Partners LLC  
5301 Virginia Way, Suite 155  
Brentwood, TN 37027

With a Copy to: D. Scott Hargadon  
Bryan Cave LLP  
161 North Clark Street, Suite 4800  
Chicago, Illinois 60601

6. Choice of Law. This Agreement shall be construed and governed according to the laws of the State of Illinois.

7. Entire Agreement. This Agreement constitutes the entire agreement of the parties and may not be modified except by express written amendment by the parties hereto.

8. Attorneys Fees Costs. In the event suit is brought to enforce the provisions of this Agreement, the prevailing party shall be entitled to recover all of its reasonable costs and expenses incurred in connection therewith, including but not limited to its court costs, reasonable attorneys fees, and survey or engineering reports.

9. Recording. This Agreement may be recorded in the office of the Cook County Recorder of Deeds, by either party hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the day and year first above written.

**ARBORETUM:**

ARBORETUM OF SOUTH BARRINGTON, LLC, a Delaware limited liability corporation

By: RREEF AMERICA, L.L.C., an Illinois limited liability company  
Its: Authorized Agent

By: Michael J. Dunigan  
Name: Michael J. Dunigan  
Title: Director

**VILLAGE:**

SOUTH BARRINGTON PARK DISTRICT, a municipal corporation

By: Patricia M. Probst  
Name: PATRICIA M PROBST  
Its: PRESIDENT

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STATE OF ILLINOIS        )  
  )SS  
COUNTY OF COOK        )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO  
HEREBY CERTIFY that PATRICIA M PROVES personally known to be to be the PRESIDENT  
of the SOUTH BARRINGTON PARK DISTRICT, and personally known to me to be the same  
person whose name is subscribed to the foregoing instrument as such PRESIDENT of the  
SOUTH BARRINGTON PARK DISTRICT, and that SHE appeared before me this day  
in person and acknowledged that as such PRESIDENT of the SOUTH BARRINGTON PARK  
DISTRICT SHE signed and delivered the said instrument, pursuant to authority given by the  
SOUTH BARRINGTON PARK DISTRICT as HER free and voluntary act, and as the free  
and voluntary act and deed of said municipality, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this 12<sup>th</sup> day of April, 2006

Commission expires on \_\_\_\_\_, 20\_\_\_\_



Karen A Lamont

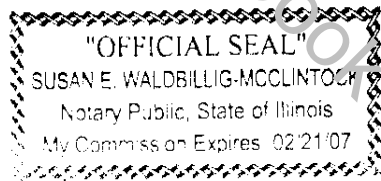
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State of Illinois                    )  
   ) SS.  
 County of Cook                    )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that Michael J. Dungen is personally known to me to be the Director of RREEF America, L.L.C., the Authorized Agent of Arboretum of South Barrington, LLC and personally known by me to be the same person whose name is subscribed to the foregoing instrument as such Director of RREEF America, L.L.C., the Authorized Agent of Arboretum of South Barrington, LLC, and that Dungen appeared before me this day in person and acknowledged that as such Director of RREEF America, L.L.C., the Authorized Agent of Arboretum of South Barrington, LLC signed and delivered the said instrument, pursuant to the authority given by RREEF America, L.L.C., the Authorized Agent of Arboretum of South Barrington, LLC and personally known by me to be and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

Given under my hand and official seal, this 17<sup>th</sup> day of March, 2007

Commission expires 02-21 2007.



*Susan E. Waldbillig-McClintock*

County Clerk's Office

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## EXHIBIT A

### DETENTION PARCEL

THAT PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE NORTH 00 DEGREES 04 MINUTES 45 SECONDS WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 160.00 FEET TO A POINT ON A LINE THAT IS 160.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, SAID POINT BEING ALSO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 58 MINUTES 22 SECONDS WEST ALONG SAID PARALLEL LINE, 762.68 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 39 SECONDS WEST, 557.45 FEET; THENCE NORTH 65 DEGREES 47 MINUTES 33 SECONDS WEST, 381.45 FEET; THENCE NORTH 51 DEGREES 22 MINUTES 16 SECONDS WEST, 26.87 FEET; THENCE NORTH 38 DEGREES 37 MINUTES 44 SECONDS EAST, 83.15 FEET TO THE WEST LINE OF THE EAST 16.35 CHAINS OF SAID NORTHEAST QUARTER OF SECTION 33; THENCE NORTH 00 DEGREES 04 MINUTES 45 SECONDS WEST ALONG SAID WEST LINE, 476.54 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 35 SECONDS EAST, 455.10 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, 422.20 FEET; THENCE SOUTH 45 DEGREES 12 MINUTES 05 SECONDS EAST, 141.12 FEET; THENCE NORTH 39 DEGREES 40 MINUTES 35 SECONDS EAST, 524.01 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST ALONG SAID EAST LINE, 756.39 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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## EXHIBIT B

### DISTRICT PROPERTY

THAT PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE NORTH  $00^{\circ}04' 45''$  WEST ALONG THE EAST LINE OF THE SAID NORTHEAST QUARTER, A DISTANCE OF 160.00 FEET TO A POINT ON A LINE 160.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SAID NORTHEAST QUARTER, THENCE NORTH  $89^{\circ}58' 22''$  WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 762.78 FEET; THENCE NORTH  $00^{\circ}02' 39''$  WEST, A DISTANCE OF 557.45 FEET; THENCE NORTH  $65^{\circ}47' 33''$  WEST, A DISTANCE OF 381.45 FEET; THENCE NORTH  $51^{\circ}22' 16''$  WEST, A DISTANCE OF 26.87 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH  $51^{\circ}22' 16''$  WEST, A DISTANCE OF 761.28 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 787.00 FEET AND A CHORD BEARING OF NORTH  $11^{\circ}22' 09''$  EAST, AN ARC LENGTH OF 269.11 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 450.00 FEET, AN ARC LENGTH OF 595.26 FEET TO A POINT OF TANGENCY; THENCE NORTH  $77^{\circ}21' 49''$  EAST, A DISTANCE OF 193.37 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 342.00 FEET, AN ARC LENGTH OF 54.67 FEET TO A POINT ON THE WEST LINE OF THE EAST 16.35 CHAINS OF SAID NORTHEAST QUARTER; THENCE SOUTH  $00^{\circ}04'45''$  EAST ALONG THE WEST LINE OF THE EAST 16.35 CHAINS OF SAID NORTHEAST QUARTER, A DISTANCE OF 1158.05 FEET; THENCE SOUTH  $38^{\circ}37' 44''$  WEST, A DISTANCE OF 83.15 FEET TO THE POINT OF BEGINNING; CONTAINING 12.513 ACRES OF LAND, MORE OR LESS, ALL IN COOK COUNTY, ILLINOIS.

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 N  
 Scale: 1"=200'  
 Revised 10/19/05

Property of Cook County Park's Office

**PARK DISTRICT PARCEL**

N 87°55'15" E  
50.00'

N 38°37'44" E  
65.59'

N 51°22'16" W  
50.00'

N 00°04'45" W 452.98'

S 00°04'45" E 476.54'  
West line of L 16.33 chains  
of NE 1/4 of Section 33-42-9

S 38°37'44" W  
83.15'

**EXHIBIT C  
EASEMENT AREA**  
**ARBORETUM OF  
SOUTH BARRINGTON**  
SOUTH BARRINGTON, ILLINOIS

**HAEGER ENGINEERING**  
consulting engineers      land surveyors  
1308 Park Grove Road, Scherborn, IL 60172 • Tel: 617.394.6600 Fax: 617.394.6600  
www.haegerengineering.com

Project Manager: T A S      Engineer: T A S      Sheet 1 / 1  
Date: 08/24/05      Project No. 05076