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ARBOR LAKES

ONSITE UTILITY AND ROADWAY AGREEMENT

WHEREAS, the American National Bank and Trust Company of Chicago, Illinois not personally but solely as Trustee under Trust Agreement dated August 27, 1984 and known as Trust No. 62047 is the legal title holder of the real estate in the Village of Arlington Heights, Cook County, Illinois legally described as "Parcel A" on Exhibit 1 attached and made a part hereof; and

WHEREAS, the undersigned, as owner of said property, desires to develop the above described property; and

WHEREAS, it is necessary to service said parcel with sanitary sewer, storm sewer, domestic water and parking lot lighting; and

WHEREAS, the portion of the sanitary sewers, storm sewers, and watermains servicing and located within the boundaries of the subject property are not located within public right-of-ways or dedicated easements; and

WHEREAS, the Village of Arlington Heights does not maintain sanitary sewers, storm sewers and watermains on privately owned property, therefore;

IT IS agreed by the owners, their successors and assigns, that at no expense to the Village of Arlington Heights they will (to the extent the same relates to their property):

1. Maintain all sanitary sewer and appurtenances upstream and west from but not including the manhole located approximately 115' North of the Southeast corner of the property within the Wilke Road right-of-way, as shown on plans prepared by Intercon Engineering Corp. entitled "Arbor Lakes" dated January 25, 1985, latest revision September 3, 1985.
2. Maintain all storm sewers and appurtenances, including storm detention facilities and basins upstream and west from the manhole located approximately 20' north easterly of the Southeast corner of the subject property within the Wilke Road right-of-way.

In addition, all catch basins, inlets and storm sewers within parking lots, lawn areas and detention areas within said subject property outside the dedicated right-of-ways, as shown on plans prepared by Intercon Engineering Corp. entitled "Arbor Lakes" dated January 25, 1985, latest revision dated September 3, 1985.

THIS DOCUMENT WAS PREPARED BY:
Mark D. Yura, Esq., Rudnick & Wolfe
30 North LaSalle Street, Chicago, IL 60602

RETURN TO: BOX 416 (M.D. YURA)

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3. Maintain all watermains and appurtenances located on said subject property between the connections to the Village watermain on Wilke Road (two connections located near the south easterly corner and north easterly corner of said subject property) and specifically the 8 inch watermain and the 6 inch watermain which loops within said parcel as shown on plans prepared by Intercon Engineering Corp. entitled "Arbor Lakes" dated January 25, 1985 latest revision dated September 3, 1985.
4. Maintain the utilities as itemized above in accordance with the rules and regulations of the Village of Arlington Heights.
5. Maintain the storm water retention basins located as shown on plans prepared by Intercon Engineering Corp. entitled "Arbor Lakes" dated January 25, 1985, latest revision dated September 3, 1985 in an acceptable manner to the Village of Arlington Heights, so that it remains operable in accordance with the approved design and so as not to create a public nuisance; and
6. Maintain all roadways and parking lots not within dedicated right-of-ways as shown on the plans prepared by Intercon Engineering Corp. entitled "Arbor Lakes" dated January 25, 1985, latest revision dated September 3, 1985 within the subject property in accordance with the rules and regulations of the Village of Arlington Heights.

It is further agreed that should the undersigned not properly maintain the aforementioned storm water collection system and storm water retention basins to preserve the designed capacity of the basins or should the undersigned allow a public nuisance to exist, the Village of Arlington Heights is hereby authorized to enter upon the property to correct deficiencies and to place a lien against said property until such time that the Village has been fully reimbursed for its expenses in correcting these deficiencies; and

It is further agreed that the beneficiaries of the undersigned shall save the Village harmless from any and all claims for damages resulting from the Village interrupting service to the respective properties due to failure of the undersigned to properly maintain the aforementioned systems in respect of the property of each of the undersigned as described above and any other claims or damages arising out of this Agreement and the ownership and maintenance of the facilities described herein.

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This instrument is executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, personally but solely as Trustee, as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. All the terms, provisions, stipulations, covenants and conditions to be performed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO are undertaken by it solely as Trustee, as aforesaid, and not individually and all statements herein made are made on information and belief and are to be construed accordingly, and no personal liability shall be asserted or be enforceable against AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO by reason of any of the terms, provisions, stipulations, covenants and/or statements contained in this instrument.

AMERICAN NATIONAL BANK AND TRUST
COMPANY OF CHICAGO
not personally but solely as
Trustee as aforesaid

By: _____

Second Vice President

Title: _____

Attest: _____

Title: _____

Address: 331 W. Lake St., Chicago 60690

Approximate Property Address:

Southwest Corner of Lake Cook Road and Wilke Road
Arlington Heights, Illinois 60005

Permanent Tax Index Number:

02-01-202-002-0000 **K**

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EXHIBIT "I"
Parcel "A"
LEGAL DESCRIPTION
ARBOR LAKES

Lot 218 formerly known as Commercial Tract in Tiburon Planned Unit Development Plat in part of the East 1/2 of the northeast 1/4 of Section 1, Township 42 North, Range 10 East of the Third Principal Meridian and Part in the West 1/2 of the northwest 1/4 of Section 6, Township 42 North, Range 11 east of the Third Principal Meridian, recorded July 8, 1977. As Document 24004046 (corrected by Certificate of Correction recorded September 26, 1977) as Document 24121632 and October 21, 1977 as document 24159150), excepting there from that part dedicated for public roadways by Plat of Dedication recorded July 11, 1985 as document 85098153 and excepting there from that part dedicated for public roadway by plat of dedication recorded July 11, 1985 as document 85098154, in Cook County, Illinois.

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