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ARLINGTON ANNEX - HARCON FOODS, INC. ON-SITE UTILITY AND ROADWAY AGREEMENT

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WHEREAS, Harcon Foods, Inc. has purchased real estate legally described in Exhibit A, attached hereto and made a part hereof, from Bank of Ravenswood as Trustee under Trust Agreement dated December 18, 1985 and known as Trust No. 25-6836, for development and use as a Hardee's restaurant; and

WHEREAS, pursuant to the purchase agreement between the parties all site work, including sanitary sewer, storm sewer and domestic water mains, was performed to the borders of the property purchased by Harcon Foods, Inc.; and

WHEREAS, the Village of Arlington Heights and the sellers entered into an Agreement recorded as document number 85208638, a copy of which is attached hereto as Exhibit B and made a part hereof; and

WHEREAS, the Village of Arlington Heights has requested that a similar agreement be entered into by and between the sellers and Harcon Foods, Inc.; and

WHEREAS, the sellers have mandated the location of Harcon Foods, Inc.'s monument sign directly over a sewer line;

NOW, THEREFORE, it is hereby agreed by and between the parties hereto, their successors and assigns as follows:

1. The Agreement attached hereto and made a part hereof as Exhibit B shall extend in favor of Harcon Foods, Inc. as if made and entered into by and between the seller and Harcon Foods, Inc. to the extent all such utilities and roadways abut upon and service the property of Harcon Foods, Inc., both as to direct and consequential effects and results;
2. Should for any reason seller have to move Harcon Foods, Inc.'s monument sign to repair or replace the sewer line thereunder, all costs and expenses attendant thereto shall be borne by Harcon Foods, Inc.;
3. This agreement is in addition to and not in derogation of any other agreements by and between sellers and Harcon Foods, Inc.

HARCON FOODS, INC.

BY [Signature]
President

Attest [Signature]
Secretary

BANK OF RAVENSWOOD IN RAVENSWOOD, ILLINOIS, not personally but solely as Trustee as aforesaid

BY [Signature]
Title VICE PRESIDENT

Attest [Signature]

Title LAND TRUST OFFICER

Address _____

PIN 03-17-302-027-0000
03-17-302-031-0000
03-17-302-033-0000

99 BRAND RD, ARLINGTON HEIGHTS, IL, 60004

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12/14/2014

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12/14/2014

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located approximately 90 feet northwest of the northwesterly corner of said parcel to C.B. #3. In addition, all storm sewer in the parking lot in front of and between the buildings and specifically from inlets #6, #8, #9 and #11 to C.B. #4 and from C.B. #4 to C.B. #3 and in addition, all storm sewer behind buildings along the southwest side of said parcel and specifically from C.B. #3 to M.H. #1 and from M.H. #1A to M.H. #1 and from M.H. #1 terminating in an 36" flared end section in said detention basin, as shown on plans prepared by Edward M. Cohon & Associates, Ltd., Architects entitled "Arlington Annex" dated June 18, 1985, latest revision dated July 24, 1985.

3. Maintain all water mains and appurtenances located on said parcel between the connections to the village water main on Rand Road (two connections located near the northeasterly corner and the northwesterly corner of said parcel and specifically the 8 inch water main looping around the rear of buildings and the 6 inch water main looping around in front of and between the buildings as shown on plans prepared by Edward M. Cohon & Associates, Ltd., Architects entitled "Arlington Annex" dated June 18, 1985, latest revision dated July 24, 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 Edward M. Cohon & Associates Ltd. Architects entitled "Arlington Annex" dated June 18, 1985, latest revision dated July 24, 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 shown on the plans prepared by Edward M. Cohon & Associates Ltd. Architects entitled "Arlington Annex" dated June 18, 1985, latest revision dated July 24, 1985, within the subject property in accordance with rules and regulations of the Village of Arlington Heights.

It is further agreed that should the undersigned not properly maintain the water and sanitary sewer services in accordance with the requirements of the Village, written modification shall be given the undersigned advising that after ten (10) days the Village will terminate said services until such time that the systems are brought into conformance with Village and other applicable agency requirements. In the event that the undersigned does not diligently and continuously take steps to

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ring the service into compliance with the applicable requirements, the Village will be entitled to terminate sewer and water services; and

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 systems in respect of the property of each of the under signed as described above and any other claims or damages arising out of this Agreement and the ownership and maintenance of the facilities described herein.

This instrument is executed by BANK OF RAVENSWOOD, not personally but solely as Trustee, as aforesaid, in the exercise of the power and authority conferred upon and vested in its as such Trustee. All the terms, provisions, stipulations, covenants and conditions to be performed by BANK OF RAVENSWOOD 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 BANK OF RAVENSWOOD by reason of any of the terms, provisions, stipulations, covenants and/or statements contained in this instrument.

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VILLAGE OF ARLINGTON HEIGHTS,
ILLINOIS

BANK OF RAVENSWOOD IN RAVENSWOOD, ILLINOIS
not personally but solely as Trustee as
aforesaid

BY: Kenneth M. Bonder
Kenneth M. Bonder
Title: Village Manager

By: Marion S. Edwards
VICE PRESIDENT
Title: _____

Attest: John Gross
John Gross
Title: Finance Director

Attest: Cecil K. ...
Trust Officer
Title: _____

Address: 1825 W. Lawrence Chicago, Illinois

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Permanent Index No. 03-17-302-003, - 004, - 005, - 033, 034,
- 007, - 008, - 009, - 010, - 011, - 012, - 013, - 035, - 036,
- 015

Approximate Property Address: 21 East to 111 W. Rand Road,
Arlington Heights, Illinois 60005

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RECEIVED NOV 11 1985

LEGAL DESCRIPTION OF OUTLOT A
IN ARLINGTON ANNEX PLAZA

THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, LYING SOUTH OF THE CENTER LINE OF RAND ROAD ALL IN TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE CENTER OF RAND ROAD THAT IS 1,350 FEET NORTHWESTERLY OF THE INTERSECTION OF THE CENTER OF SAID ROAD WITH THE EAST LINE OF THE SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, SAID INTERSECTION BEING 936.53 FEET NORTH OF THE SOUTH LINE OF SAID SECTION; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID RAND ROAD 421.3 FEET TO A POINT THAT IS 928.7 FEET NORTHWESTERLY OF THE INTERSECTION WITH SAID EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER; THENCE SOUTHWESTERLY 50.0 FEET ON A LINE NORMAL TO RAND ROAD TO A POINT OF BEGINNING; THENCE, CONTINUING SOUTHWESTERLY 230 FEET ON A LINE NORMAL TO RAND ROAD TO A POINT; THENCE, NORTHWESTERLY 175 FEET ALONG A LINE PARALLEL TO CENTER LINE OF RAND ROAD TO A POINT; THENCE, NORTHEASTERLY 230 FEET ALONG A LINE NORMAL TO RAND ROAD TO A POINT; THENCE, SOUTHEASTERLY 175 FEET ALONG A LINE PARALLEL WITH AND 50 FEET SOUTHWESTERLY OF THE CENTER LINE OF RAND ROAD TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

NOVEMBER 11, 1985

ORDERED BY: EDWARD M. COHON & ASSOCIATES
318 WEST RANDOLPH STREET
CHICAGO, ILLINOIS 60606

PREPARED BY: APPLIED ENGINEERING COMPANY
4242 KIRCHOFF ROAD
ROLLING MEADOWS, ILLINOIS 60008

(Faint, illegible text, possibly a recording or filing stamp)

25-6836

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Exhibit A

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Property of Cook County Clerk's Office

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OFFICIAL BUSINESS

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WHEREAS, Bank of Ravenswood in Ravenswood, Illinois, not personally but solely as Trustee under Trust Agreement dated December 18, 1985 and known as Trust No. 25-6836 is the legal titleholder 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, desire 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 sanitary sewers, storm sewers and water mains servicing the property are not located within public rights-of-way or dedicated easements; and

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

It is hereby 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 respective property):

1. Maintain all sanitary sewers and appurtenances upstream and southwesterly from but not including M.H. #3 located approximately 25 feet south of the northwest corner of said parcel to and including M.H. #10. Also the sanitary building service extending southwesterly from but not including M.H. #13 located approximately 715 feet southeasterly of M.H. #3, as shown on plans prepared by Edward M. Cohon & Associates, Ltd. Architects entitled "Arlington Annex" dated June 18, 1985, latest revision dated July 24, 1985.
2. Maintain all storm sewers and appurtenances, including storm detention facilities and basins upstream and southwesterly from and including M.H. #17, located approximately 30 feet west of the northeasterly corner of said parcel, said M.H. connected to the 42 inch storm sewer in Rand Road with a 12 inch tap, terminating in a 12 inch flared end section in the detention basin located on the southwesterly side of said parcel. In addition, the storm sewer from and including the 6 inch clean out located approximately 95 feet southwesterly of the northeasterly corner of said parcel and terminating in a 15 inch flared end section in said detention basin. In addition, the

Exhibit B

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8 6 3 0 8 3 3 4

EXHIBIT "I"
Parcel "A"
LEGAL DESCRIPTION

DEPT-01 RECORDING

\$15.25

ARLINGTON ANNEX SHOPPING CENTER

T#3333 TRAN 5633 07/22/86 12:06:00

#9291 # A * - 86 - 308334

COOK COUNTY RECORDER

That part of the West Half of the Southwest Quarter of Section 17, lying South of the centerline of Rand Road and that part of the East Half of the Southeast Quarter of Section 18, lying South of the centerline of Rand Road, all in Township 42 North, Range 1 East of the Third Principal Meridian, described as follows: Beginning at a point in the center of Rand Road that is 1350 feet Northwesterly of the intersection of the center of said road with the East line of the said West Half of the Southwest Quarter of Section 17, said intersection being 936.53 feet North of the South line of said Section; thence Southeasterly along the centerline of said Rand Road 900 feet to a point that is 450 feet Northwesterly of the intersection with said East line of the West Half of the Southwest Quarter; thence Southwesterly 665.58 feet on a line to a point in a line that is 775 feet North of and parallel to the South line and 848.9 feet West of East line of said West Half of Southwest Quarter; thence West 125.35 feet along last said line to a line that is 443.40 feet East of the West line of said West Half of the Southwest Quarter; thence North 125.00 feet along last said line to a line 900 feet North of and parallel to the South line of said Southwest Quarter; thence West 534.23 feet along last said line to a line that is normal to the centerline of Rand Road and 1025 feet Northwesterly of the East line of the West Half of said Southwest Quarter as measured along the centerline of Rand Road; thence Northeast 365.44 feet along last said line to a line that is 600 feet Southwesterly and parallel to the centerline of said Rand Road; thence Northwesterly 325 feet along last said line to a line normal to Rand Road, a distance of 1,320 feet Northwesterly of the intersection of the centerline of said line of said road with the East line of said West Half of the Southwest Quarter; thence Northeasterly 650 feet along last said line to the place of beginning (excepting therefrom the Northeast 50 feet taken for Rand Road), all in Cook County, Illinois.

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15th mail

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Property of
MAIL TO
RALPH G. OSCHEN
20 N. CLARK ST.
CHICAGO IL 60602

County Clerk's Office

6/15/02