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BOX 384

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VILLAGE OF GLENVIEW, ILLINOIS

OFFICIAL BUSINESS

NATURE *Covenant Running and Land*

SIGNATURE *[Signature]* DATE *2-3-89*

WHEREAS, American National Bank & Trust Company of Chicago as Trustee under the provisions of a Trust Agreement dated May 20, 1988 and known as Trust #105493-01 (herein the "Owner"), is the owner of record of the parcel of real estate legally described as follows and made a part hereof:

THAT PART OF LOT 3 LYING EAST OF THE CENTER LINE OF MILWAUKEE AVENUE AND LYING WEST OF THE CENTER LINE OF GREENWOOD AVENUE, (EXCEPT THE NORTH 2 ACRES THEREOF) AND EXCEPT THE NORTH 100 FEET (MEASURED ON THE EAST LINE THEREOF) OF THE SOUTH 2 ACRES OF THE NORTH 4 ACRES OF THAT PART OF LOT 3 LYING BETWEEN THE CENTER LINE OF GREENWOOD AVENUE AND THE CENTER LINE OF MILWAUKEE AVENUE AND EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING ON THE SOUTH LINE OF SAID LOT 3, AND ON THE WEST LINE OF GREENWOOD AVENUE, THENCE WEST ON SAID SOUTH LINE 55.0 FEET TO THE EASTERLY LINE OF MILWAUKEE AVENUE, THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE 220.0 FEET, THENCE NORTHEASTERLY 221.20 FEET TO THE WEST LINE OF GREENWOOD AVENUE TO A POINT 277.7 FEET NORTH OF THE POINT OF BEGINNING, THENCE SOUTH 277.7 FEET TO THE POINT OF BEGINNING, ALL IN OWNERS SUBDIVISION OF PART OF SECTION 11, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PER PLAT RECORDED JANUARY 2, 1917, AS DOCUMENT 6022131, IN COOK COUNTY, ILLINOIS.

P.T.N. 09-11-301-024

and is situated in unincorporated Cook County and is commonly known as 9705-9709 North Milwaukee Avenue, Des Plaines, Illinois, and,

WHEREAS, the Owner has requested the Village of Glenview to provide water for the above-described premises provided the Village of Glenview approves certain zoning requests by the Owner; and,

WHEREAS, the Owner recognizes that it is the Owner's responsibility to extend, if necessary, at the Owner's expense, water mains to the subject property in such size and location as may be required by the Village; and,

WHEREAS, said described real estate, while in the vicinity of the Village of Glenview's municipal boundary, is not presently contiguous to the Village but may become contiguous some time in the future; and,

WHEREAS, the Property is currently located in unincorporated Cook County and is currently zoned by the County Board as a C-8 Intensive Commerical District which permits a number of uses for said property including, but not limited to,

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bakeries (manufacturing of goods limited to those retailed on the premises), bars and cocktail lounges, delicatessens, drug stores, grocery stores, ice cream stores, package liquor stores, pet shops, restaurants, drive-in restaurants, dry cleaning stores with plants serving the retail outlet, coin-operated laundromats; and,

WHEREAS, the Cook County Board has previously approved and issued a building permit for construction of a strip shopping center based upon the plans and specifications submitted by the Owner; and,

WHEREAS, the Village of Glenview is desirous of obtaining an easement over a portion of the property for installation of an underground water line in order to complete its water service line for the entire Village of Glenview;

NOW THEREFORE, in consideration of the mutual and several promises hereinafter contained, IT IS HEREBY AGREED AS FOLLOWS:

- (1) The Village of Glenview will provide water utility service to the above-described real estate;
- (2) If, as and when said legally described real estate becomes contiguous to the Village, the Owner will voluntarily petition to annex such real estate to the Village immediately upon such contiguity occurring. Owner will not incur any fees or assessments in connection with the Petition for Annexation and the Plan of Annexation will be prepared by the Village.
- (3) The Owner further covenants it will not jointly or severally at any time prior to said property becoming contiguous to the Village of Glenview seek to have said described real estate annexed to any other Village or Municipal body;
- (4) In connection with any improvements, changes, or additions to said premises, subsequent to the date hereof and except as hereinafter provided, the Owner will conform to the standards, regulations and restrictions set forth in all Glenview Codes and Ordinances, including, but not limited to:
 - (a) Official Map Amendment Approval
 - (b) Subdivision Approval
 - (c) Conditional Use Approval
 - (d) Engineering Approval
 - (e) Zoning Variation Approval
 - (f) Appearance Commission Approval
 - (g) Fire Department Approval
 - (h) Building Plan Approval
 - (i) Zoning Code Approval
 - (j) Site Development Approval

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Such approvals shall include the right of the Village of Glenview to inspect and enforce said codes and ordinances.

- (5) In connection with all approvals subsequent to this agreement, all fees and required escrows, including but not limited to, application fees, water connection fees, plan review fees, engineering and building inspection fees, site development and public improvement escrows (but excluding the preparation of the annexation plat by the Village of Glenview) of the Village of Glenview shall be waived by the Village of Glenview. In addition the Village of Glenview will install at the sole expense of the Village a "Buffalo Box" with a 6-inch opening for water service to the property.
- (6) This Covenant is subject to the express condition precedent that the Village of Glenview approve all of the plans and specifications of the Owner for the construction of a strip shopping center on said property as presently drawn and reviewed by the Village of Glenview. Said plans are expressly incorporated by reference into this Covenant. Said plans and specifications are in conformity with the Village of Glenview Municipal Code, Building Code, Zoning Code, Fire Code, Electrical Code and Health Code with the exception of the following items:
- (a) The sign along Milwaukee Avenue shall be 27.5 feet in height and shall contain 210 square feet.
 - (b) Parking Area Barrier Curbs are not in compliance with Section 24-10.4(5)(c)(i).
 - (c) The landscaping strip separating the parking area and the street is to be deleted and sidewalks are to be installed.

The existing plans are hereby expressly approved by the Village of Glenview.

- (7) This Covenant is subject to the express condition precedent that when the Village of Glenview annexes the Property, the Village of Glenview Zoning Ordinance will be amended to establish said Property as a General Business District (B-2) pursuant to its current official map and to allow the following conditional uses as a matter of right provided that the applications for said conditional uses are reviewed and approved by the Zoning Board of Appeals and Trustees:

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(a) Carry-Out Food & Beverage Establishments (4) with seating in conformity with Building Code Requirements for Parking Spaces

(b) Dry Cleaning (Self-Service)

(c) Laundries (Self-Service)

The Owner shall include language in each lease executed subsequent hereto which provides that all uses on the Property are subject to the B-2 General Business District use regulations of the Village of Glenview. The lease shall include language allowing the Owner to terminate or cancel a lease in the event a Tenant seeks to commence a use on the Property not properly authorized by the Village of Glenview as a permitted or conditional use. However, the Owner is not precluded from making application to the Zoning Board of Appeals for additional conditional uses in conformance with Village Zoning Ordinance.

(8) The Appearance Commission of the Village of Glenview shall approve all of the plans and specifications of the Owner for the erection and maintenance of a strip shopping center with the exception of those matters which have not been previously approved by the Village and arise subsequent to the acceptance of this Covenant.

(9) Village agrees to review liquor license applications for any Tenants which enter into leases for a portion of the premises. Applicants must satisfy all of the requirements of the Village of Glenview for issuance of a liquor license.

(10) Owner hereby grants onto the Village of Glenview an easement under the North Five (5) feet along the Southerly property line for the purpose of installation of a water line which shall be installed at the sole cost and expense of the Village of Glenview. Provided, however, said water line is to be installed prior to May 1, 1989. The Village of Glenview shall be liable for FIFTY (50%) PERCENT of any and all costs of restoring the parking lot and landscaping to a condition which is consistent with the previous condition of the property. In addition, the Owner grants a limited license to the Village of Glenview for use of the Property to use an auger along Milwaukee Avenue to install a water main under Milwaukee Avenue provided this work is completed prior to completion of the parking lot. If the installation of the water main under Milwaukee Avenue

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is made subsequent to completion of the parking lot, the construction work will not interfere with the use of the premises and will be completed in a reasonable period of time and in a workmanlike manner. In cutting into the existing parking lot asphalt or curbs, the Village will use the saw cut method in order to facilitate restoration of the improvements.

(11) The Village may terminate water service to the property following notice to the Owner according to the Water-Shut-Off Procedures attached hereto and incorporated herein as "EXHIBIT A" for failure to comply with any provision of this agreement.

(12) This Covenant shall run with the land described and shall be binding upon the heirs, grantees, successors and assigns of the undersigned.

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed at Glenview, Illinois this 6th day of December, 1988.

American National Bank as
Trustee under Trust #105493-01

BY: *Hanna M. Rayyan*

HANNA M. RAYYAN
Beneficiary

Michael H. Rayyan
MICHAEL H. RAYYAN
Beneficiary

NAMEH H. RAYYAN
NAMEH H. RAYYAN
Beneficiary

RAYYAN H. RAYYAN
RAYYAN H. RAYYAN
Beneficiary

Village of Glenview,
an Illinois municipal corporation

BY: *James W. Smiley*

Village President

DATE: *January 24, 1989*

ATTEST: *Paul J. McCarthy*

Village Clerk

DATE: *January 24, 1989*

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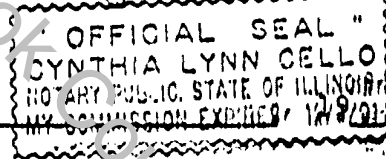
STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that HANNA M. RAYYAN, NAMEH H. RAYYAN, RAYYAN H. RAYYAN and MICHAEL H. RAYYAN Sole Beneficiaries of American National Bank Trust #105493-01 personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and executed the foregoing instrument for the uses and purposes therein set forth.

Given under my hand and official seal this 5th day of January, 1988.

Cynthia L. Cello
NOTARY PUBLIC

Commission expires _____



TRAN 5840 02/07/89 10 54:00
H A K-09-098695
COOK COUNTY RECORDER

STATE OF ILLINOIS
COUNTY OF Cook) SS.

The foregoing instrument was submitted to me before me this JAN 04 1989 day of JANUARY, 1989, by Antia M. Lutken and Antia M. Lutken, both of whom are known to me to be the same persons whose names are subscribed to the foregoing instrument, as members of the International Association of Teachers association.

[Signature]
Notary Public

PREPARED BY:

George S. Bellas & Associates, P.C.
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Village of

GLENVIEW

TELEPHONE
724-1700



1225 WAUKEGAN ROAD
GLENVIEW, ILLINOIS 60025-3071

October 19, 1987

Water Covenant Annexation Procedure

This procedure has been set forth in order to insure the annexation of parcels of land covered by a fully executed water covenant agreement between the parcel owner(s) and The Village of Glenview.

1. The Engineering Department of the Village of Glenview shall notify the parcel owner by registered letter that the property covered by a water covenant is now contiguous to the corporate limits of the Village. This letter will instruct owner(s) to proceed with the preparation of the documents to affect the parcel's annexation to the Village and to contact the village staff with an estimated time table for completion of said documents.
2. If staff receives no response to the first letter within a Thirty (30) day period from the date of the first letter, the Engineering Department shall send a second registered letter outlining the procedure to follow for annexation to the Village and setting forth a Thirty (30) day grace period to commence with annexation proceedings as agreed to in the water covenant.
3. If there is no response to the second letter by the parcel owner(s) within the allotted Thirty (30) day grace period, the parcel shall be posted with a water shut off notice. This notice shall clearly state that within Ten (10) days of the posting of this notice the water will be shut off unless proof is presented to the Engineering Department that action has been undertaken to annex this parcel to the Village.
4. If there is no response to this posted notice within the Ten (10) day period the water will be shut off.

Mary M. Bak
MARY BAK
Director of Development

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