

UNOFFICIAL COPY

63106903

Official
Business

Village of Northbrook

→ Box 337

DECLARATION OF RESTRICTIVE COVENANTS

THIS Declaration of Restrictive Covenants (the "Declaration") is made and entered into effective as of the first day of June, 1988, by Harris Trust and Savings Bank, as Trustee under Trust No. 41965 dated September 28, 1982, ("Owner"), the legal owner of certain land described in Exhibit A attached hereto and commonly known as 625 Academy Drive, Northbrook, Illinois (the "Property").

W I T N E S S E T H:

WHEREAS, Owner desires to use the Property, or to allow the Property to be used, for the operation of a national mail order computer equipment business with showroom and pick-up facilities incidental thereto (the "Business"); and

WHEREAS, Owner has represented to the Zoning Board of Appeals (the "ZBA") of the Village of Northbrook (the "Village"), in ZBA Docket No. 88-Z-14, that it would operate the Business on the Property only in strict accordance with the restrictions and agreements hereinafter set forth; and

WHEREAS, Owner desires to bind all current and future owners of, and other persons acquiring an interest in, the Property, or any portion thereof, to the restrictions and agreements hereinafter set forth;

NOW, THEREFORE, Owner hereby declares and agrees that the Property, and all portions thereof, are and shall be held, transferred, sold, conveyed, used and occupied subject to the restrictions and agreements hereinafter set forth, as follows:

1. The foregoing recitals are incorporated herein as if fully set forth.

2. In the event that the Business is operated on the Property, Owner shall, at Owner's sole cost and expense, take all necessary steps to insure that:

- (a) access to any show room on the Property, and the sale of merchandise from the Property, is limited to consumers of business and computer equipment intended for business purposes;
- (b) the hours of operation of the Business on the Property shall be limited to 10:00 a.m. to 4:00 p.m. Monday through Saturday;
- (c) adequate signage is posted at the public entrance to the Property stating that all sales on the Property are restricted to consumers of computer equipment exclusively for business purposes; and
- (d) any and all advertisement regarding sales on the Property shall state that all sales on the Property are restricted to consumers of computer equipment for business purposes.

3. In the event that the Village adopts any ordinance prohibiting the Business or similar business entities to be operated on the Property, neither the action of the ZBA in Docket No. 88-Z-14 nor any provision of this Declaration shall be deemed or interpreted as allowing the Business to be operated on the Property, except as a non-conforming use pursuant to this Declaration and the then applicable Village zoning ordinance provisions governing the same. In the event that the Village adopts any ordinance permitting the Business or similar business entities to be operated on the Property, no provision of this

63106903

UNOFFICIAL COPY

COOK COUNTY

Property of Cook County Clerk's Office

PROPERTY

UNOFFICIAL COPY

I hereby certify that this document is a true and correct copy of the original as shown to me by the person presenting it. Any restriction, easement, or other interest in the property, if any, is hereby expressly made a part hereof.

Declaration shall be deemed or interpreted as prohibiting the Property from being used in accordance with such ordinance.

4. The restrictions and agreements contained in this Declaration may be enforced by the Village. Enforcement may be sought by any proceeding at law or in equity against any person or persons attempting to violate any restriction or agreement, either to restrain violation, compel affirmative action, or to recover damages.

5. The Village shall be under no obligation to exercise the rights granted herein, except as it shall determine to be in its best interests. No failure to exercise any right herein granted to the Village shall be construed as a waiver of that or any other rights.

6. This Declaration shall be recorded with the Recorder of Deeds of Cook County, Illinois, and all contracts and deeds of conveyance relating to the Property or any part thereof shall be subject to the provisions of this Declaration.

7. The restrictions and agreements contained in this Declaration shall run with and bind the Property, and shall inure to the benefit of the Village for a term of one hundred (100) years from the date this Declaration is recorded. If any of the restrictions or agreements contained in this Declaration would otherwise be unlawful or void for violation of (a) the rule against perpetuities, or some analogous statutory provisions; (b) the rule restricting restraints on alienation; or (c) any other statutory or common law rule imposing time limits, then this Declaration shall continue only until twenty-one (21) years after the death of the survivor of the now living lawful descendants of Ronald W. Reagan, President of the United States.

8. This Declaration shall be binding on, and inure to the benefit of, the heirs, transferees, assigns and successors of Owner.

9. This Declaration shall not be modified, amended, annulled or released without the prior written approval of the Village Manager.

10. Invalidation of any one provision of this Declaration by a judgment or court order shall in no wise affect any other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, Owner has executed this Declaration as of the date first above written.

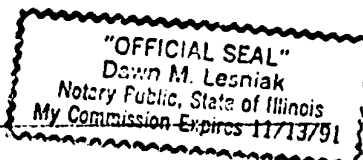
Harris Trust and Savings Bank,
not personally but solely as
Trustee Under Trust No. 41965
Dated September 28, 1982

[Signature]
ASSISTANT VICE PRESIDENT

SUBSCRIBED AND SWORN TO
before me this 27th day
of February, 1987.

[Signature]
Notary Public

My Commission Expires: _____



63106903

UNOFFICIAL COPY

LEGAL DESCRIPTION

Lot 5 in the Resubdivision of Part of Lot 4, in Block 3 in First Resubdivision of Sky Harbor Industrial Park, Unit Number 1 in the South $\frac{1}{2}$ of Section 5, Township 42 North, Range 12, East of the Third Principal Meridian, according to the Plat thereof recorded June 27, 1973 as Document Number 22377699, in Cook County, Illinois.

Property of Cook County Clerk's Office

RECORDS SECTION
INDEXED
FILED
JUN 27 1973
COOK COUNTY CLERK'S OFFICE
11.60
11.60
11.60
11.60
11.60

-89-100307

63106903

1800

UNOFFICIAL COPY

Property of Cook County Clerk's Office

200703