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OFFICIAL BUSINESS

ONSITE UTILITY MAINTENANCE AGREEMENT  
ARLINGTON PARK RACE TRACK  
ARLINGTON HEIGHTS, ILLINOIS

LEGAL DEPARTMENT  
VILLAGE OF ARLINGTON HEIGHTS  
33 S. Arlington Heights Road  
Arlington Heights, IL 60005  
89162189

THIS AGREEMENT made as of November 14, 1988 by and between Arlington Park Racetrack Ltd, and the Village of Arlington Heights (the "Village").

## WITNESSETH:

WHEREAS, Owner owns fee title to the real estate situated in the Village of Arlington Heights, Cook County, Illinois described on Exhibit A. (include legal description) attached hereto (the "Property")

WHEREAS, the Property is to be developed and in connection therewith it is necessary to service the Property with sanitary sewer, storm sewer and domestic water and to maintain storm water detention lakes and basins to service the Property; and

WHEREAS, the sanitary sewer, storm sewer, water mains and storm water detention lakes and basins are not located within public rights-of-way or dedicated easements and the Village does not maintain sanitary sewers, storm sewers, water mains and storm water detention lakes and basins on privately owned property.

NOW, THEREFORE, in consideration of the foregoing, and other good and valuable consideration, it is agreed as follows:

- 1) Owner agrees to maintain, at no cost or expense to the Village all of the following:
  - a) All sanitary sewerage facilities to be located on the Property as shown on the plans entitled Arlington Park Racetrack, prepared by Skidmore Owings & Merrill, dated November 14, 1988 as approved by the Village, or any amended plans as agreed to and approved by both parties.
  - b) All storm sewers, detention basins, swales and appurtenances to be located on the Property as shown on the plans entitled Arlington Park Racetrack, prepared by Skidmore, Owings & Merrill, dated November 14, 1988 as approved by the Village, or any amended plans as agreed to and approved by both parties;
  - c) All water mains and appurtenances located on the Property; as shown on the plans entitled Arlington Park Racetrack, prepared by Skidmore Owings & Merrill, dated November 14, 1988 as approved by the Village, or any amended plans as agreed to and approved by both parties.

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- d) Maintain the utilities as itemized above in accordance with the Rules and Regulations of the Village of Arlington Heights.
- 2) In the event Owner does not properly maintain the above described water and sanitary sewer services on the Property in accordance with the requirements of the Village, reasonable written notice thereof shall be given to Owner advising Owner that the system is not in conformance with the Village and other applicable agency requirements and the deficiencies thereto. In the event the Owner does not diligently and continuously take steps to bring said services into compliance with the applicable requirements, the Village is authorized to enter upon the property to correct deficiencies and to place a lien against the Property until such time that the Village has been fully reimbursed for its expenses in correcting the deficiencies. In an emergency situation, the Village is authorized to enter upon the property in order to remedy the emergency situation.
- 3) In the event Owner does not properly maintain the above described storm water collection system and storm water detention lakes and basins to preserve the designed capacity of the basin or should Owner allow a public nuisance to exist, the Village is authorized to enter upon the property to correct deficiencies and to place a lien against the Property until such time that the Village has been fully reimbursed for its expenses in correcting the deficiencies.
- 4) a) Owner agrees to save the Village harmless from any and all claims for damages resulting from the Village interrupting service to the Property due to failure of owner to properly maintain the systems described above and any other claims or damages arising out of this Agreement and the ownership and maintenance of the facilities described herein; and
- b) The Village agrees to save the Owner harmless from any and all claims for damages and any other claims or injuries arising out of the negligent or intentional acts of its employees and/or agents while performing services on the Property.
- 5) All covenants and agreements of Owner hereunder shall be deemed and taken to be covenants running with the land and shall be binding upon Owner and its successors and assigns. Upon transfer of the Property, the obligations of the Owner or transferor hereunder shall become the obligations for the transferee and the Owner and transferor shall be relieved from and all obligation and liability hereunder.

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IN WITNESS WHEREOF, this Agreement was executed as of the day and year first above described.

ARLINGTON PARK RAILROAD CO.  
Owner

ATTEST:

BY: 

BY: \_\_\_\_\_

VILLAGE OF ARLINGTON HEIGHTS

ATTEST:

BY: 

BY: 

VILLAGE MANAGER

Onsite.Utl

Property of Cook County Clerk's Office

89162459

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## Legal Description attachment to Exhibit A

### Arlington Park Race Track

#### Parcel One

That part of the east quarter of the northeast quarter of section 26 and part of the northwest quarter of section 25 all in Township 42 north, Range 10 east of the Third Principal Meridian described as follows: Commencing at the southwest corner of the said east quarter of the northeast quarter of section 26; thence northward along the west line of the said east quarter, north 00 degrees 1 minute 14 seconds west, a distance of 2511.21 feet; thence north 45 degrees 52 minutes 23 seconds east, a distance of 69.63 feet to the point of beginning; thence continuing northeasterly along the last described line, north 45 degrees 52 minutes 23 seconds east of and parallel with the north line of the northeast quarter of said section 26, south 89 degrees 29 minutes 44 seconds east a distance of 525.00 feet; thence south 00 degrees 30 minutes 16 seconds west, a distance of 145.66 feet; thence south 89 degrees 29 minutes 44 seconds east, a distance of 412.77 feet; thence 00 degrees 17 minutes 16 seconds east, a distance of 813.00 feet; thence north 89 degrees 52 minutes 43 seconds west, a distance of 565.81 feet; thence north 88 degrees 49 minutes 06 seconds west, a distance of 413.43 feet; thence north 00 degrees 01 minutes 14 seconds west, a distance of 916.48 feet to the point of beginning, all in Cook County, Illinois and containing an area of 20.2058 acres.

#### Parcel Two

That part of the east quarter of the northeast quarter of section 26, that part of the southwest quarter and the southeast quarter of Section 24, and that part of the northeast quarter and the northwest quarter of Section 25 all in Township 42 north, Range 10 east of the Third Principal Meridian described as follows: Commencing at the southwest corner of the said east quarter of the northeast quarter of Section 26; thence northward along the west line of the said east quarter, being the center line of Rohlwing Road, north 00 degrees 01 minute 14 seconds west a distance of 2511.21 feet; thence north 45 degrees 52 minutes 23 seconds east a distance of 128.06 feet; thence eastward along a line being 37 feet south of and parallel with the north line of the northeast quarter of section 26, south 89 degrees 29 minutes 44 seconds east a distance of 525.00 feet to the point of beginning; thence continuing eastward along the last described line south 89 degrees 29 minutes 44 seconds east a distance of 47.58 feet to the east line of the east quarter of the northeast quarter of said Section 26; thence north 00 degrees 01 minutes 25 seconds west a distance of 37.00 feet to the northeast corner of

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said northeast quarter thence north 00 degrees 11 minutes 26 seconds east on the west line of the southwest quarter of section 24, a distance of 666.43 feet to the intersection of said west line and the southeasterly right of way line of S.B.I. Route 53; thence northeasterly along said southeasterly right of way line being a curved line convexed to the northwest of 5862.50 feet in radius having a chord length of 396.84 feet on a bearing of north 47 degrees 29 minutes 20 seconds east, for an arc length 396.93 feet to a point on the last described curved line 291.64 feet easterly of and at right angles to the west line of the southwest quarter of section 24; thence northeasterly along the southeasterly right of way line of S.B.I. Route 53 being a curved line convexed to the northwest of 7,593.78 feet in radius, having a chord length of 869.48 feet on a bearing of north 60 degrees 31 minutes 31 seconds east for an arc length of 869.96 feet to a point of tendency; thence northeasterly along said southeasterly right of way line of S.B.I. Route 53, north 63 degrees 48 minutes 26 seconds east, a distance of 214.46 feet to a point 71.62 feet southwesterly of the southwesterly right of way line of the Chicago & Northwestern Rail Road; thence southeasterly along a line of 60.00 feet southwesterly of and parallel to said southwesterly right of way line south 59 degrees 17 minutes 20 seconds east, a distance of 1660.13 feet to a point on the east line of the southwest quarter of section 24; thence south 54 degrees 37 minutes 00 seconds east a distance of 122.76 feet; thence south 59 degrees 17 minutes 20 seconds east a distance of 80.00 feet thence at right angles to the last described line north 30 degrees 42 minutes 40 seconds east, a distance of 100.00 feet; thence at right angles to the last described line north 59 degrees 17 minutes 20 seconds west a distance of 40.65 feet; thence north 67 degrees 56 minutes 27 seconds west a distance of 199.43 feet to the west line of the southeast quarter of section 24; thence northward along said west line north 00 degrees 07 minutes 58 seconds east a distance of 58.08 feet to the southwesterly right of way line of the C & N.W. Railroad; thence southeasterly along said right of way south 59 degrees 17 minutes 20 seconds east a distance of 1594.04 feet; thence at right angles to the last described line south 30 degrees 42 minutes 40 seconds west a distance of 50.00 feet; thence at right angles to the last described line south 59 degrees 17 minutes 20 seconds east a distance of 150.00 feet; thence at right angles to the last described line north 30 degrees 42 minutes 40 seconds east a distance of 50.00 feet; thence at right angles to the last described line southeasterly along the southwesterly right of way line of the C & N.W. Railroad south 59 degrees 17 minutes 20 seconds east a distance of 1275.05 feet to the west right of way line of Wilke Road; thence southward on a line 50.00 feet west of and parallel to the east line of the northeast quarter of section 25, south 00 degrees 18 minutes 24 seconds west a distance of 91.60 feet; thence north 89 degrees 41 minutes 36 seconds west a distance of 30.00 feet; thence north 28 degrees 32 minutes 22 seconds west a distance of 145.09 feet; thence south 16 degrees 44 minutes 56 seconds west a distance of 123.65 feet; thence south 59 degrees 17 minutes 20 seconds east a distance of 156.53



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feet to the west right of way line of Wilke Road; thence southward along said west line south 00 degrees 18 minutes 24 seconds west a distance of 1644.18 feet to a point 30.27 feet, as projected along the last described line, northerly of the south line of the northeast quarter section 25, said point being the north right of way line of Euclid Avenue; thence westerly along said right of way line north 89 degrees 00 minutes 46 seconds west a distance of 1270.09 feet to a point 107.00 feet north of the northeast corner of lot 443 in Rolling Meadows Unit 3 as measured on the east line of said lot projected northward; thence continuing along said north right of way line north 89 degrees 54 minutes 56 seconds west a distance of 1783.06 feet; thence continuing along said north right of way line north 84 degrees 19 minutes 28 seconds west a distance of 201.00 feet; thence continuing along said north said right of way line north 89 degrees 54 minutes 56 seconds west a distance of 407.91 feet to a point 70.00 feet north of and perpendicular to the south line of the northwest quarter section 25; thence north 07 degrees 39 minutes 47 seconds east a distance of 156.73 feet; thence north 18 degrees 59 minutes 37 seconds east a distance of 164.48 feet; thence north 29 degrees 22 minutes 04 seconds east a distance of 129.06 feet; thence north 15 degrees 43 minutes 19 seconds east a distance of 127.85 feet; thence north 05 degrees 48 minutes 10 seconds east a distance of 129.09 feet; thence north 01 degrees 24 minutes 57 seconds east a distance of 199.59 feet; thence north 02 degrees 35 minutes 45 seconds east a distance of 216.71 feet; thence north 12 degrees 33 minutes 00 seconds east a distance of 149.50 feet; thence north 24 degrees 48 minutes 46 seconds east a distance of 89.54 feet; thence north 34 degrees 17 minutes 37 seconds east a distance of 225.19 feet; thence north 36 degrees 40 minutes 44 seconds west a distance of 67.69 feet; thence north 83 degrees 39 minutes 05 seconds west a distance of 48.88 feet; thence north 89 degrees 52 minutes 43 seconds west a distance of 1537.00 feet to the east line of parcel 1; thence northward along said east line north 00 degrees 17 minutes 16 seconds west a distance of 813.00 feet; thence north 89 degrees 29 minutes 44 seconds west a distance of 363.85 feet to the west line of the northwest quarter of section 25; thence continuing along the last described line north 89 degrees 29 minutes 44 seconds west a distance of 48.92 feet; thence north 03 degrees 30 minutes 16 seconds east a distance of 145.66 feet to the point of beginning all in Cook County, Illinois and containing 104.2952 acres.

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