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9022511 BOX 337



VILLAGE OF HINSDALE FOUNDED IN 1873

19 EAST CHICAGO AVENUE
HINSDALE, ILLINOIS 60521 • (708) 789-7000

POLICE DEPARTMENT 789-7070
FIRE DEPARTMENT 789-7060
121 N. M. SYMONDS DRIVE

PRESIDENT
W. B. Martin Gross

TRUSTEES
Paul V. Anglin
Richard M. Burridge
Imogene Coleman
Edward F. Huskisson
J. Robert Meyer
Joy P. Rasin

Property of Cook County Clerk's Office

STATE OF ILLINOIS)
COUNTY OF DUPAGE)
AND COOK)

. DEPT-09 MISC. \$3.00
. T#7777 TRAN 3693 05/15/90 15:19:00
. #0806 # *-90-225113
. COOK COUNTY RECORDER

I, Ellen B. Mooney, do hereby certify that I am the duly qualified and elected Village Clerk of the Village of Hinsdale, Illinois in whose custody are the records of the Village of Hinsdale.

And, I do further certify that the attached is a true and correct copy of a DECLARATION OF RESTRICTIVE COVENANTS, with attachments, regarding the Wellness Community in the Village of Hinsdale.

WITNESS my hand and seal this 9th day of May, 1990.

Ellen B. Mooney
Village Clerk

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DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION, made as of this 27th day of April 1990 by THE WELLNESS COMMUNITY--CHICAGO, WESTERN SUBURBS, an Illinois not-for-profit corporation (the "Wellness Community").

W I T N E S S E T H:

WHEREAS, the Wellness Community is the owner of certain property located in Cook County, Illinois legally described as follows:

LOT 3, LOT 4, AND LOT 5 IN BLOCK 1 IN THE SUBDIVISION OF THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO BURLINGTON AND QUINCY RAILROAD RIGHT OF WAY (EXCEPT THE NORTH 241.56 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER) IN COOK COUNTY, ILLINOIS.

(the "Subject Property"); and

WHEREAS, the Wellness Community has applied for and received from the Village of Hinsdale certain approvals, including rezoning of the Subject Property to the HS Health Services District classification of the Hinsdale Zoning Code from the R-4 Single Family Residential District classification of the Zoning Code, authorizing development of the Subject Property as a planned development for the Wellness Community pursuant to Ordinance No. 90-15 of the Village of Hinsdale, a copy of which ordinance is attached hereto as Exhibit A and by this reference incorporated herein; and

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WHEREAS, the Wellness Community has determined that it is reasonable and necessary to limit development and use of the Subject Property to that development and use authorized by said Ordinance No. 90-15 and to restrict the Subject Property so that it may not be developed in the HS Health Services District classification of the Hinsdale Zoning Code except as authorized by said Ordinance No. 90-15; and

WHEREAS, the Wellness Community hereby declares its intention to so restrict the development and use of the Subject Property; and

WHEREAS, the Wellness Community believes it is appropriate that, in the event the Wellness Community or its heirs, successors, or assigns ever discontinue or abandon use of the Subject Property for the Wellness Community pursuant to said Ordinance No. 90-15, that the Subject Property revert to the R-4 Single Family Residential District of the Hinsdale Zoning Code and be developed and used only in conformance with the regulations of said R-4 District;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged by the Wellness Community, the Wellness Community does hereby declare that:

1. The Subject Property shall never be developed under the HS Health Services District classification of the Hinsdale Zoning Code except in conformance with Ordinance No. 90-15 of the Village of Hinsdale as that Ordinance may be amended from time to time.

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2. If the Wellness Community or any of its heirs, successors, or assigns shall discontinue or abandon use of the Subject Property for any reason for a period of three consecutive months, or if for any reason use of the Subject Property has not commenced on the Subject Property in accordance with the provisions of said Ordinance No. 90-15 within one year after the effective date of said Ordinance No. 90-15, then the Subject Property shall not be developed or used thereafter except in conformance with the provisions of the R-4 Single Family Residential District classification of the Hinsdale Zoning Code and neither the Wellness Community nor any of its heirs, successors, or assigns shall object to or contest rezoning of the Subject Property into said R-4 District, the Wellness Community hereby acknowledging and agreeing that said R-4 District is the appropriate and proper classification for the Subject Property for all development and uses other than the Wellness Community pursuant to said Ordinance No. 90-15.

3. The restrictive covenants contained herein are expressly intended to run with the land and shall be binding on the Wellness Community and its heirs, successors, and assigns. These restrictive covenants shall issue to the benefit of the Village of Hinsdale.

4. This Declaration of Restrictive Covenants may be released only by written instrument, properly executed, acknowledged, and recorded in the office of the Recorder of Deeds of Cook County, Illinois, and only by agreement of the Wellness Community or any heir, successor, or assign, and only with the

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approval of the Village of Hinsdale which approval shall be in the form of an ordinance of the Village of Hinsdale Board of Trustees properly passed and approved.

IN WITNESS WHEREOF, the Wellness Community has signed this Declaration of Restrictive Covenants as of this 27th day of April 1990.

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THE WELLNESS COMMUNITY--
CHICAGO, WESTERN SUBURBS

By: *Michael Caruso*

Title: Chairman

ATTEST:

By: *Agnes C. Owen*

Title: Deputy Village Clerk
Village of Hinsdale

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VILLAGE OF HINSDALE
ORDINANCE NO. 90-15

AN ORDINANCE GRANTING A ZONING MAP AMENDMENT,
SPECIAL USE PERMITS, PLANNED DEVELOPMENT APPROVAL,
AND SITE PLAN APPROVAL
FOR THE WELLNESS COMMUNITY DEVELOPMENT
AT 131-137 NORTH COUNTY LINE ROAD

WHEREAS, the Wellness Community--Chicago, Western Suburbs, an Illinois not-for-profit corporation providing programs for adults with cancer, (the "Applicant") filed an application with the Village of Hinsdale seeking approval for the development of a "Wellness Community" at 131-137 North County Line Road in the Village (the "Subject Property"); and

WHEREAS, the Subject Property is legally described as follows:

LOT 3, LOT 4, AND LOT 5 IN BLOCK 1 IN THE SUBDIVISION OF THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO BURLINGTON AND QUINCY RAILROAD RIGHT OF WAY (EXCEPT THE NORTH 241.55 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER) IN COOK COUNTY, ILLINOIS.

WHEREAS, the Wellness Community is designed to provide individual and group support sessions for cancer patients; and

WHEREAS, the Applicant proposes to demolish an existing house on the north lot of the Subject Property, to replace that house with a landscaped surface parking lot, and to remodel the existing house on the south lot of the Subject Property for use as the Applicant's Wellness Community, all pursuant to the plans and specifications attached to this Ordinance as Exhibit A and by

EXHIBIT A
TO DECLARATION OF RESTRICTIVE COVENANTS

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this reference incorporated into this Ordinance (the "Proposed Development"); and

WHEREAS, the Applicant seeks rezoning of the Subject Property to the HS Health Services District classification of the Hinsdale Zoning Code from the R-4 Single Family Residential classification of the Zoning Code, special use permits for a planned development of the Subject Property to provide individual and family services, approval of its planned development, and site plan approval; and

WHEREAS, the Hinsdale Plan Commission, pursuant to notice published in the Hinsdale Doings on March 23, 1990, conducted a public hearing on April 11, 1990, to consider the Applicant's Proposed Development and, after the conclusion of the public hearing and consideration of the proposal, recommended approval of the Proposed Development as presented by the Applicant subject to the condition that the Applicant be restricted in the type of development and use of the Subject Property in the future should the Applicant discontinue its use of the Subject Property for the Wellness Community; and

WHEREAS, the President and Board of Trustees have reviewed all of the elements of the Applicant's Proposed Development and believe that the Proposed Development meets the standards set by Subsections 11-601E, 11-602E, 11-603E and H, and 11-604F of the Hinsdale Zoning Code for a Zoning Map amendment, special use permits, planned development approval, and site plan approval subject to the condition that the Subject Property never be used for any other development or use under the HS Health Services

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District classification of the Hinsdale Zoning Code and that, should the Applicant or its successors or assigns ever discontinue or abandon use of the Subject Property for the Wellness Community, the Subject Property be developed and used only in compliance with the regulations of the R-4 Single Family Residential District classification of the Zoning Code;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated herein as findings of the President and Board of Trustees.

Section 2. Amendment of Zoning Map. The Board of Trustees, acting under and by virtue of the authority conferred on it by the laws of the State of Illinois and by Section 11-601 of the Hinsdale Zoning Code, does hereby amend the Zoning Map of the Village of Hinsdale, incorporated into the Hinsdale Zoning Code pursuant to Section 2-103 of the Zoning Code, to reclassify the Subject Property into the HS Health Services District, subject to the conditions stated in Section 6 of this Ordinance.

Section 3. Grant of Special Use Permits. The Board of Trustees, acting under and by virtue of the authority conferred on it by the laws of the State of Illinois and by Sections 7-105 and 11-602 of the Hinsdale Zoning Code, does hereby grant to the Applicant special use permits to allow a planned development in the HS Health Services District and use of the Subject Property for individual and family services as part of the Proposed

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Development, subject to the conditions stated in Section 6 of this Ordinance and subject further to construction and maintenance of the Proposed Development in strict accordance with all finally approved plans and specifications therefor.

Section 4. Grant of Planned Development Approval. The Board of Trustees, acting under and by virtue of the authority conferred on it by the laws of the State of Illinois and by Section 11-603 of the Hinsdale Zoning Code, does hereby grant to the Applicant planned development concept plan and detailed plan approval to allow construction of the Proposed Development, subject to the conditions stated in Section 6 of this Ordinance and subject further to construction and maintenance of the Proposed Development in strict accordance with all finally approved plans and specifications therefor.

Section 5. Grant of Site Plan Approval. The Board of Trustees, acting under and by virtue of the authority conferred on it by the laws of the State of Illinois and by Section 11-604 of the Hinsdale Zoning Code, does hereby grant to the Applicant site plan approval to allow construction of the Proposed Development, subject to the conditions stated in Section 6 of this Ordinance and subject further to construction and maintenance of the Proposed Development in strict accordance with all finally approved plans and specifications therefor.

Section 6. Conditions on Approvals and Grants. The approvals given and grants made in Sections 2, 3, 4, and 5 of this Ordinance are subject to the following conditions:

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A. The Zoning Map amendment granted pursuant to Section 2 of this Ordinance shall be subject to actual use of the Subject Property for the Proposed Development. If the Applicant or its successors or assigns fails to commence such use of the Subject Property within one year after the effective date of this Ordinance, or if at any time such use of the Subject Property shall be discontinued or abandoned for any reason for a period of three consecutive months, then the Subject Property shall revert to the R-4 Single Family Residential District classification of the Hinsdale Zoning Code and shall be developed and used only in conformance with the regulations of said R-4 District. This approval is expressly conditioned upon the Applicant's acknowledgment that all hearings necessary to be had with respect to such reversion have been properly noticed and held and the Applicant's waiver of any right to challenge such reversion or any action of the Village taken to confirm or evidence such reversion.

B. The Applicant shall properly execute and record with the Cook County Recorder of Deeds a Declaration of Covenants in substantially the form as the declaration attached to this Ordinance as Exhibit B.

C. The Applicant shall submit detailed site engineering plans to the Village in a form and with contents satisfactory to the Village Manager.

D. The Applicant shall submit a planned development plan in a form suitable for recording with the Cook County Recorder of Deeds and satisfactory to the Village Manager depicting all

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proposed improvements to the Subject Property to be made as part of the Proposed Development. Such plan shall be prepared in accordance with the plans and specifications attached to this Ordinance as Exhibit A.

The failure of the Applicant to fulfill any one of the conditions stated in this Ordinance shall be cause for revocation of any approval given or grant made by this Ordinance or any building permit issued pursuant to any such approval or grant.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall be of no force or effect unless and until (A) the Applicant has properly executed and recorded a Declaration of Covenants in substantially the form attached to this Ordinance as Exhibit A pursuant to Subsection 6B of this Ordinance and delivered a copy of such declaration, as recorded, to the Village Clerk, and (B) the Applicant has prepared the plan provided for in Subsection 6D of this Ordinance and delivered a copy of such plan to the Village Manager, the Village Manager has approved such plan, and such plan has been recorded, and (C) the Applicant, within 30 days after passage of this Ordinance, has properly executed and delivered to the Village Clerk the Unconditional Agreement And Consent attached to this Ordinance as Exhibit C and by this reference incorporated into this Ordinance.

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PASSED this 17th day of APRIL 1990.

AYES: TRUSTEES COLEMAN, ANGLIN, RASIN, MEYER, BURRIDGE & HUSKISSON

NAYS: NONE

ABSENT: NONE

APPROVED this 17th day of APRIL 1990.


W. B. MARTIN GROSS
Village President

ATTEST:


Village Clerk

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DECLARATION OF RESTRICTIVE COVENANTS

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W I T N E S S E T H:

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(the "Subject Property"); and

WHEREAS, the Wellness Community has applied for and received from the Village of Hinsdale certain approvals, including rezoning of the Subject Property to the HS Health Services District classification of the Hinsdale Zoning Code from the R-4 Single Family Residential District classification of the Zoning Code, authorizing development of the Subject Property as a planned development for the Wellness Community pursuant to Ordinance No. 90-15 of the Village of Hinsdale, a copy of which ordinance is attached hereto as Exhibit A and by this reference incorporated herein; and

EXHIBIT B
TO ORDINANCE NO. 90-15

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WHEREAS, the Wellness Community has determined that it is reasonable and necessary to limit development and use of the Subject Property to that development and use authorized by said Ordinance No. 90-15 and to restrict the Subject Property so that it may not be developed in the HS Health Services District classification of the Hinsdale Zoning Code except as authorized by said Ordinance No. 90-15; and

WHEREAS, the Wellness Community hereby declares its intention to so restrict the development and use of the Subject Property; and

WHEREAS, the Wellness Community believes it is appropriate that, in the event the Wellness Community or its heirs, successors, or assigns ever discontinue or abandon use of the Subject Property for the Wellness Community pursuant to said Ordinance No. 90-15, that the Subject Property revert to the R-4 Single Family Residential District of the Hinsdale Zoning Code and be developed and used only in conformance with the regulations of said R-4 District;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged by the Wellness Community, the Wellness Community does hereby declare that:

1. The Subject Property shall never be developed under the HS Health Services District classification of the Hinsdale Zoning Code except in conformance with Ordinance No. 90-15 of the Village of Hinsdale as that Ordinance may be amended from time to time.

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2. If the Wellness Community or any of its heirs, successors, or assigns shall discontinue or abandon use of the Subject Property for any reason for a period of three consecutive months, or if for any reason use of the Subject Property has not commenced on the Subject Property in accordance with the provisions of said Ordinance No. 90-15 within one year after the effective date of said Ordinance No. 90-15, then the Subject Property shall not be developed or used thereafter except in conformance with the provisions of the R-4 Single Family Residential District classification of the Hinsdale Zoning Code and neither the Wellness Community nor any of its heirs, successors, or assigns shall object to or contest rezoning of the Subject Property into said R-4 District, the Wellness Community hereby acknowledging and agreeing that said R-4 District is the appropriate and proper classification for the Subject Property for all development and uses other than the Wellness Community pursuant to said Ordinance No. 90-15.

3. The restrictive covenants contained herein are expressly intended to run with the land and shall be binding on the Wellness Community and its heirs, successors, and assigns. These restrictive covenants shall issue to the benefit of the Village of Hinsdale.

4. This Declaration of Restrictive Covenants may be released only by written instrument, properly executed, acknowledged, and recorded in the office of the Recorder of Deeds of Cook County, Illinois, and only by agreement of the Wellness Community or any heir, successor, or assign, and only with the

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IN WITNESS WHEREOF, the Wellness Community has signed this Declaration of Restrictive Covenants as of this 27th day of April 1990.

THE WELLNESS COMMUNITY--
CHICAGO, WESTERN SUBURBS

By: Willis Caruso

Title: Chairman

ATTEST:

By: Agnes C. Owen

Title: Deputy Village Clerk

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VILLAGE OF HINSDALE

ORDINANCE NO. 90-15

UNCONDITIONAL AGREEMENT AND CONSENT

Pursuant to Section 7 of the Village of Hinsdale Ordinance No. 90-15, and to induce the Village of Hinsdale to grant the zoning relief provided for in said Ordinance, the undersigned acknowledge that they have read and understand all of the provisions of said Ordinance and do hereby acknowledge the validity of each of the conditions and provisions of said Ordinance and do hereby unconditionally consent to and agree to accept and be bound by each and all of the conditions and provisions of said Ordinance.

THE WELLNESS COMMUNITY--
CHICAGO, WESTERN SUBURBS

BY: *William Carson*

Title: *Chairman*

ATTEST:

By: *Agnes C. Owen*

Title: *Deputy Village Clerk*

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EXHIBIT C

TO ORDINANCE NO. 90-15