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DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION is made as of this 5<sup>TH</sup> day of DECEMBER 1991 by the WELLNESS COMMUNITY--CHICAGO, WESTERN

SUBURBS, an Illinois not-for-profit corporation (the "Wellness Community"),

DEPT-01 RECORDING \$84.00  
73333 TRAN 5252 12/19/91 09:21:00  
6357 + C \* -91-667294  
COOK COUNTY RECORDER

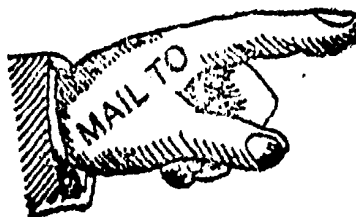
WITNESSETH:

WHEREAS, the Wellness Community is the Owner of certain property located in Cook County, Illinois, commonly known as 131-137 North County Line Road and legally described as follows:

LOT 2, 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 re-zoning 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. 091-47 of the Village of Hinsdale, a copy of which Ordinance is attached hereto as Exhibit A and by this reference incorporated herein; and



DO NOT REMOVE WITH THIS DOCUMENT

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WHEREAS, the Wellness Community has determined that it is reasonable and necessary to limit the development and use of the Subject Property to that development and use authorized by said Ordinance No. 091-47 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. 091-47; 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. 091-47, 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 are hereby acknowledged by the Wellness Community, the Wellness Community does hereby declare that:

1. This Declaration shall supersede and replace in its entirety that certain Declaration recorded against the Subject Property in the Office of the Cook County Recorder of Deeds as Document No. 90-225113 on MAY 15, 1990, which Declaration is hereby released pursuant to the consent of the Wellness Community

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and the consent given by the Village of Hinsdale by Ordinance No. 091-3.

2. 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. 091-47 of the Village of Hinsdale as that Ordinance may be amended from time to time.

3. 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, 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. 091-47 and hereby waiving any right to challenge reversion of the Subject Property to the R-4 District or any action of the Village taken to effect, confirm, or evidence such reversion.

4. Neither the Wellness Community nor any of its heirs, successors, or assigns shall cause or allow any sale, lease, or other transfer of any individual lot or other portion of the Subject Property less than the entire Subject Property.

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5. 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.

6. 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 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 5<sup>TH</sup> day of DECEMBER 1991.

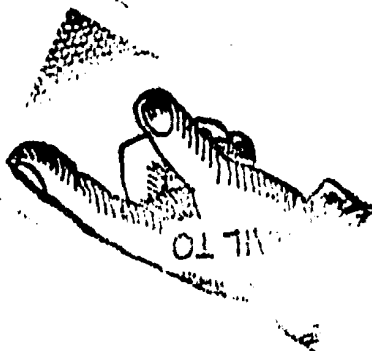
THE WELLNESS COMMUNITY--  
CHICAGO, WESTERN SUBURBS

By: [Signature]  
Title: Chairman of Board

ATTEST:

By: [Signature]  
Title: Recording Secretary

After Recording Mail to:  
Beth Rosenbaum  
Lord, Russell & Brook  
115 S. LaSalle St.  
Chicago, IL 60603



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VILLAGE OF HINSDALE

ORDINANCE NO. 091-47

AN ORDINANCE REPEALING ORDINANCE NO. 091-3 AND GRANTING A ZONING MAP AMENDMENT, SPECIAL USE PERMITS, PLANNED DEVELOPMENT APPROVAL, SITE PLAN APPROVAL, AND EXTERIOR APPEARANCE 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 to amend the approval previously granted to it for the development of a "Wellness Community" at the property commonly known as 131-137 North County Line Road and 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 is designed to provide individual and group support sessions for cancer patients; and

WHEREAS, in February 1991 the Village approved Ordinance No. 091-3 granting the necessary rezoning, special use permits, planned development approval, site plan approval, and exterior appearance approval to allow the Applicant to demolish

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two existing houses on the Subject Property and to construct a new facility with required parking; and

WHEREAS, the Applicant seeks to modify the relief granted to it in Ordinance No. 091-3, and has presented revised plans for the project that include enhancing the residential appearance of the exterior of the proposed facility, altering the interior design of the proposed facility, and erecting one ground or wall identification sign; and

WHEREAS, the Applicant seeks to demolish two houses on the Subject Property and to construct one new building with required parking, pursuant to a Landscape Plan prepared by Marvin E. Wehler, landscape architects, and dated August 8, 1991; and the plans prepared by G.O. Architectural Design, consisting of four sheets, all dated August 1, 1991, being Sheet A-1, North Elevation, Sheet A-2, Site Plan, Sheet A-3, First Floor Plan, and Sheet A-4, Second Floor Plan; and the Engineering Plan prepared by Lindley & Sons dated August 9, 1991, (collectively the "Plans"), all attached to this Ordinance as Exhibit A and by this reference incorporated into this Ordinance (the "Proposed Development"); and

WHEREAS, the Hinsdale Plan Commission, pursuant to notice published in the Hinsdale Doings on September 20, 1991, conducted a public hearing on October 9, 1991, to consider the Application and, after the conclusion of the public hearing and consideration of all of the documents, testimony, and other matters presented at the public hearing, recommended approval of the Proposed Development as presented by the Applicant, subject to certain conditions including the condition that the Applicant

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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 of the Village of Hinsdale have reviewed all of the elements of the Proposed Development and find that the Proposed Development meets the standards set forth in Subsections 11-601E, 11-602E, 11-603E, 11-603F, 11-604F, and 11-606E of the Hinsdale Zoning Code for a Zoning Map amendment, special use permits, planned development approval, site plan approval, and exterior appearance approval, subject to the conditions that the Subject Property never be used for any other development or use under the HS Health Services 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 shall 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. Repeal of Ordinance No. 091-3 and Release of Covenants. The Board of Trustees, acting under and by virtue of the authority conferred on it by the laws of the State of

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Illinois and the Hinsdale Zoning Code, does hereby repeal Ordinance No. 091-3 in its entirety and declare it to be null and void and of no further force and effect. The Board of Trustees hereby further consents to the release of the Declaration of Restrictive Covenants recorded in the Office of the Cook County Recorder of Deeds as Document No. \_\_\_\_\_ on \_\_\_\_\_.

Section 3. 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 8 of this Ordinance.

Section 4. 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 Development, subject to the conditions stated in Section 8 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, including the Plans.

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Section 5. 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 8 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, including the Plans.

Section 6. Grant of Site Plan Approval and Exterior Appearance 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 Sections 11-604 and 11-606 of the Hinsdale Zoning Code, does hereby grant to the Applicant site plan approval and exterior appearance approval to allow construction of the Proposed Development, subject to the conditions stated in Section 8 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, including the Plans.

Section 7. Grant of Variations. The Board of Trustees acting under and by virtue of the authority conferred upon it by the laws of the State of Illinois and Subsection 11-603H of the Hinsdale Zoning Code, does hereby grant to the Applicant such variations as are necessary for the construction of the Proposed Development in accordance with the Plans, subject to the

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conditions stated in Section 8 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, including the Plans.

Section 8. Conditions on Approvals and Grants. The approvals given and grants made in Sections 3, 4, 5, 6, and 7 of this Ordinance are subject to the following conditions:

A. The Zoning Map amendment granted pursuant to Section 3 of this Ordinance shall be subject to actual use of the Subject Property for the Proposed Development. 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 acknowledgement, and the Applicant does hereby acknowledge, that all hearings necessary to be had with respect to such reversion have been properly noticed and held, and conditioned on the Applicant's waiver of, and the Applicant does hereby waive, any right to challenge such reversion or any action of the Village taken to effect, 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

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Ordinance as Exhibit B and by this reference incorporated into this Ordinance.

C. The Applicant shall submit to the Village Manager detailed site engineering plans in a form and with contents satisfactory to the Village Manager, and shall submit to the Village Manager three sets of "as-built" plans, one of which shall be in reproducible form, subsequent to completion of construction.

D. The Applicant shall submit to the Village Manager copies of the Plans in a form suitable for recording with the Cook County Recorder of Deeds.

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 9. 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 B, pursuant to Subsection 8B of this Ordinance, and delivered a copy of such Declaration, as recorded, to the Village Clerk, and (B) the Applicant has submitted to the Village Manager recordable copies of the Plans, pursuant to Subsection 8D of this Ordinance, the Village Manager has approved such Plans, and such Plans have been recorded, and

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(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.


PASSED this 5TH day of NOVEMBER 1991.

AYES: TRUSTEES KLEIN, RASIN, BURRIDGE AND BARTA

NAYS: NONE

ABSENT: TRUSTEES ANGLIN AND GODDARD

APPROVED this 5TH day of NOVEMBER 1991.

  
W.B. MARTIN GROSS  
Village President

ATTEST:

  
Village Clerk

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## DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION is made as of this \_\_\_\_\_ day of \_\_\_\_\_ 1991 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, commonly known as 131-137 North County Line Road and 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. \_\_\_\_\_ 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 the development and use of the Subject Property to that development and use authorized by said Ordinance No. \_\_\_\_\_ and to restrict the Subject Property so that it may not be developed in the ES Health Services District classification of the Hinsdale Zoning Code except as authorized by said Ordinance No. \_\_\_\_\_; 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. \_\_\_\_\_, 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 are hereby acknowledged by the Wellness Community, the Wellness Community does hereby declare that:

1. This Declaration shall supersede and replace in its entirety that certain Declaration recorded against the Subject Property in the Office of the Cook County Recorder of Deeds as Document No. \_\_\_\_\_ on \_\_\_\_\_, which Declaration is hereby released pursuant to the consent of the Wellness Community

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and the consent given by the Village of Hinsdale by Ordinance No. \_\_\_\_\_.

2. 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. \_\_\_\_\_ of the Village of Hinsdale as that Ordinance may be amended from time to time.

3. 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, 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. \_\_\_\_\_ and hereby waiving any right to challenge reversion of the Subject Property to the R-4 District or any action of the Village taken to effect, confirm, or evidence such reversion.

4. Neither the Wellness Community nor any of its heirs, successors, or assigns shall cause or allow any sale, lease, or other transfer of any individual lot or other portion of the Subject Property less than the entire Subject Property.

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5. 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.

6. 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 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 \_\_\_\_\_ day of \_\_\_\_\_ 1991.

THE WELLNESS COMMUNITY--  
CHICAGO, WESTERN SUBURBS

By: [Signature]

Title: Ordinance of Board

ATTEST:

By: [Signature]

Title: Recording Secretary

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VILLAGE OF HINSDALE

ORDINANCE NO. \_\_\_\_\_

## UNCONDITIONAL AGREEMENT AND CONSENT

Pursuant to Section 9 of the Village of Hinsdale Ordinance No. \_\_\_\_\_, 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.

DATED: \_\_\_\_\_, 1991.

THE WELLNESS COMMUNITY--  
CHICAGO, WESTERN SUBURBS

By: [Signature]  
Title: CHAIRMAN OF BOARD

ATTEST:

By: Lee Koranda  
Title: Recording Secretary

EXHIBIT C

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