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COVENANT NOT TO SUE

92301390

TARGET GREATLAND SHOPPING CENTER

American National Bank and Trust Company of Chicago, not personally but solely as Trustee under a Trust Agreement dated May 9, 1989 and known as Trust No. 108303-05 (hereinafter, "Trust 108303-05"), and solely in its capacity as owner of record of the property legally described in Exhibit A hereto (hereinafter, the "Property"), hereby covenants to the Village of Schaumburg (hereinafter, the "Village") that Trust No. 108303-05 will never institute any suit or action at law or in equity against the Village which challenges the constitutionality, validity, reasonableness or enforceability of the conditions stated in Section Two of Ordinance No. 92-27 of the Village, adopted March 10, 1992, a copy of said Ordinance being attached hereto as Exhibit B. This Covenant shall be binding on Trust No. 108303-05 and its beneficiaries, assigns and successors in title to the Property. This Covenant shall not be amended or released unless and until the Board of Trustees of the Village adopts a resolution consenting to such amendment or release.

Dated: _____, 1992

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally but solely as Trustee under a Trust Agreement dated May 9, 1989 and known as Trust No. 108303-05

By: [Signature] Anna M. Lutkus
Its: TRUST OFFICER

Accepted by:

VILLAGE OF SCHAUMBURG

[Signature]
President

ATTEST:

[Signature]
Its: ASSISTANT SECRETARY

ATTEST:

[Signature]
Village Clerk

DEPT-01 RECORDING \$39.00
T#5555 TRAM S#51 05/04/92 11:34:00
#8332 # 92-301390
COOK COUNTY RECORDER

92301390

39.00

JAN 4 1992

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STATE OF ILLINOIS)

) SS

COUNTY OF COOK)

I, ALAN M. ..., a notary public in and for said county, in the state aforesaid, do hereby certify that ... of American National Bank and Trust Company of Chicago and Gregory S. Kasprzyk thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such ... and ... respectively, appeared before me this day and personally acknowledged they signed and delivered the said instrument of their own free will and voluntary act and as the free and voluntary act of said Bank, not personally but solely as Trustee under a Trust Agreement dated May 9, 1989 and known as Trust No. 108303-05, and at the direction of the beneficiaries of that Trust, for the uses and purposes therein set forth.

Given under my hand and notarial seal this ... day of MAR 26 1992, 1992.

Alan M. ...
Notary Public

My Commission Expires: ...

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EXHIBIT A

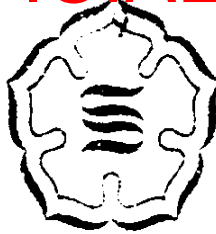
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THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID QUARTER QUARTER SECTION WITH THE WESTERLY LINE OF MEACHAM ROAD AS WIDENED, BEING A LINE OF 70.00 FEET, AS MEASURED AT RIGHT ANGLES, WEST OF AND PARALLEL WITH THE EAST LINE OF SAID QUARTER QUARTER SECTION; THENCE NORTH 00 DEGREES 40 MINUTES 53 SECONDS EAST ALONG SAID LAST DESCRIBED PARALLEL LINE, 325.99 FEET TO A POINT FOR A PLACE OF BEGINNING; THENCE NORTH 89 DEGREES 19 MINUTES 07 SECONDS WEST AT RIGHT ANGLES TO SAID LAST DESCRIBED LINE, 1251.49 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID QUARTER QUARTER SECTION; THENCE NORTH 00 DEGREES 36 MINUTES 43 SECONDS EAST ALONG SAID LAST DESCRIBED WEST LINE, 902.38 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF HIGGINS ROAD AS WIDENED; THENCE SOUTH 80 DEGREES 09 MINUTES 11 SECONDS EAST ALONG SAID LAST DESCRIBED SOUTHERLY LINE, 1268.79 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF MEACHAM ROAD AS WIDENED, BEING A LINE 70.00 FEET, AS MEASURED AT RIGHT ANGLES, WEST OF AND PARALLEL WITH THE EAST LINE OF SAID QUARTER QUARTER SECTION; THENCE SOUTH 00 DEGREES 40 MINUTES 53 SECONDS WEST ALONG SAID LAST DESCRIBED PARALLEL LINE, 700.28 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS;

Cook County Clerk's Office

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EXHIBIT B

VILLAGE OF SCHAUMBURG • PROGRESS THROUGH THOUGHTFUL PLANNING

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF DuPAGE)

I, PENNY M. DIETRICH, Clerk of the Village of Schaumburg, Cook County and DuPage County, Illinois, DO HEREBY CERTIFY that the attached and foregoing is a true and correct copy of

ORDINANCE NO. 92-27

TARGET GREATLAND SHOPPING CENTER
CASE NO. 29007-02

AN ORDINANCE GRANTING REZONING FROM R-7 TO B-2, BUILDING HEIGHT VARIATION, SIGN VARIATION, SIGNAGE APPROVAL AND SITE PLAN APPROVAL

passed and approved for first reading the 10th day of March, 19 92 and adopted the 24th day of March, 19 92.

I DO FURTHER CERTIFY that the original of which the attached and foregoing is a true and correct copy is now on file in my office.

92091000
WITNESS my hand and the corporate seal of the Village of Schaumburg, Illinois this 30th day of March, 19 92.

Penny M. Dietrich
Penny M. Dietrich, Village Clerk
Village of Schaumburg

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ORDINANCE NO. 92-27

03/10/92

TARGET GREATLAND SHOPPING CENTER CASE NO. Z9007-02

AN ORDINANCE GRANTING REZONING FROM R-7 TO B-2, BUILDING HEIGHT VARIATION, SIGN VARIATION, SIGNAGE APPROVAL AND SITE PLAN APPROVAL

WHEREAS, the Zoning Board of Appeals of the Village of Schaumburg conducted public hearings on September 4, and October 9, 1991, to consider a request by Dayton Hudson Corporation and KHS Land Partnership for rezoning, variations, and Site Plan Approval for the Target-Greatland Shopping Center located at the southwest corner of the Higgins Road and Meacham Road intersection, Case No. Z9007-02; and

WHEREAS, The Zoning Board of Appeals has recommended the granting of said rezoning, variations, and Site Plan Approval, subject to certain conditions; and

WHEREAS, the President and Board of Trustees of the Village of Schaumburg have determined that the requested rezoning, variations and Site Plan approval are in conformance with the regulations and requirements of the Zoning Ordinance of the Village of Schaumburg and with the provisions regarding commercial uses in the Settlement Agreement dated March 27, 1990 among the parties to Case No. 88 CH 4883 in the Circuit Court of Cook County, and that granting of said rezoning, variations, and Site Plan approval is in the best interests of the Village of Schaumburg;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG: 92001000

SECTION ONE: That rezoning from R-7 Single-Family Residence District to B-2 General Retail Business District, be and it is hereby granted on property legally described as:

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID 1/4 1/4 SECTION WITH THE WESTERLY LINE OF MEACHAM ROAD AS WIDENED, BEING A LINE OF 70.00 FEET, AS MEASURED AT RIGHT ANGLES, WEST OF AND PARALLEL WITH THE EAST LINE OF SAID 1/4 1/4 SECTION; THENCE NORTH 00 DEGREES 40 MINUTES 53 SECONDS EAST ALONG SAID LAST DESCRIBED PARALLEL LINE, 325.99 FEET TO A POINT FOR A PLACE OF BEGINNING; THENCE NORTH 89 DEGREES 19 MINUTES 07

- d. Due to the proposed grading at the rear of the center, detailed grading plans for the adjoining single-family lots shall be submitted for review and approval. submital for review and approval.
 - c. photometrics plan shall be submitted at the time of final engineering situated within a proposed landscape island. A detailed parking lot lighting Wherever possible, all proposed parking for lighting standards shall be Additional details on the proposed "Grease Trap" basin shall be provided.
 - b. path.
 - a. The proposed grading along the Higgins Road frontage of the proposed shopping center shall be revised to accommodate the placement of a bike path.
2. At the time of final engineering submital, revise the plans to reflect the following:
1. All conditions of the Statement of Agreement and Conditions (SAC), dated February 27, 1990, for the Park St. Claire/Polk-Brach planning area, not specifically modified hereunder are hereby reaffirmed.
- conditions:

shopping center, be and they are hereby granted subject to compliance with the following Ordinance; signage approval, and Site Plan Approval for a 245,205 square foot retail Shopping Center Signs, Item 2. Ground Signs, Paragraph E. Directory Signs, of the Sign five hundred (1,500) square feet, in accordance with Article 155, Section 155.10-02 area of shopping center ground sign from four hundred (400) square feet to one thousand Article XII, Section 3.4-5 of the Zoning Ordinance; a variation to increase the permitted the principal building from thirty-five (35) feet to fifty-two (52) feet, in accordance with SECTION TWO: That a variation to increase the maximum building height for Read intersection .

which property is located at the southwest corner of the Higgins Road and Meacham

SECONDS WEST AT RIGHT ANGLES TO SAID LAST DESCRIBED LINE, 1251.49 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID 1/4 SECTION; THENCE NORTH 00 DEGREES 36 MINUTES 43 SECONDS EAST ALONG SAID LAST DESCRIBED WEST LINE, 902.38 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF HIGGINS ROAD AS WIDENED; THENCE SOUTH 80 DEGREES 09 MINUTES 11 SECONDS EAST ALONG SAID LAST DESCRIBED SOUTHERLY LINE, 1268.79 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF MEACHAM ROAD AS WIDENED, BEING A LINE 70.00 FEET, AS MEASURED AT RIGHT ANGLES, WEST OF AND PARALLEL WITH THE EAST LINE OF SAID 1/4 SECTION; THENCE SOUTH 00 DEGREES 40 MINUTES 53 SECONDS WEST ALONG SAID LAST DESCRIBED PARALLEL LINE, 700.28 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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TARGET GREATLAND SHOPPING CENTER CASE NO. Z9007-02

Based upon the proposed drawings, the "horse-shoe" grading may not be allowed on the residential lots.

3. Prior to the issuance of a land development permit, the petitioner shall make a contribution of \$47,965.25 to the Village of Schaumburg in lieu of installing street lights along Higgins Road and Meacham Road. This contribution may be in the form of cash, letter of credit or set-aside letter in a form acceptable to the Village Attorney. This figure is based upon a unit cost of \$25.00 per lineal foot of frontage and a total lot frontage of 1,218.34 feet along Higgins Road and 700.27 feet along Meacham Road.
4. Prior to the issuance of a land development permit, the petitioner shall contribute sixty-three percent (63%) of the cost to improve the intersection of Higgins Road and National Parkway (extended) in accordance with a preliminary engineering/design plan thereof prepared by Midwest Consulting Engineers, dated February 4, 1992. Petitioner's contribution may be in the form of cash, letter of credit or set-aside letter in a form acceptable to the Village Attorney. The total cost of this improvement is estimated to be \$991,200.00; and, therefore, the petitioner's share is \$624,456.00. This figure, however, may be subject to change based upon actual design and configuration of the intersection and actual construction costs. Any right-of-way necessary for intersection improvements which has not been dedicated in advance of construction shall be purchased and dedicated by the petitioner or, alternatively, condemned by the Village of Schaumburg at the petitioner's expense; in either case, the Village shall enter into a recapture agreement with the petitioner which will repay the petitioner's cost at the time other property adjacent to such right-of-way is developed. If the petitioner is required to pay for intersection improvements in excess of its sixty-three (63%) percent share thereof to meet Illinois Department of Transportation (IDOT) requirements, the Village shall enter into a recapture agreement with the petitioner which will repay the petitioner's extra costs at the time other property adjacent to such improvements is developed.
5. Prior to the issuance of a land development permit, the petitioner shall submit an executed lease or purchase agreement for a grocery store to occupy the second anchor unit in the shopping center. For the purposes of this condition, a "grocery store" shall mean a store for retail sales to the public which contains at least 30,000 square feet of floor area dedicated to food, including, but not limited to, fresh dairy products, fresh produce, fresh meats and bakery products. Said store may also sell other goods and merchandise.
6. Prior to the issuance of a land development permit, the petitioner shall make a contribution of \$17,579.56 to the Village of Schaumburg in lieu of installing parkway trees along National Parkway (extended), Higgins Road, and Meacham Road. This contribution may be in the form of cash or letter of credit or set-aside letter in a form acceptable to the Village Attorney. This figure is based upon a total lot frontage of 2,812.73 lineal feet and a unit cost of \$6.25 per lineal foot, with parkway trees spaced at forty (40) foot intervals.
7. Prior to the issuance of a building permit, the petitioner shall submit a completed application for Final Plat of Subdivision to the Village of Schaumburg. Said Plat shall include the necessary easements for the public bike paths situated on private property as well as the remaining right-of-way for National Parkway extended.

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TARGET GREATLAND SHOPPING CENTER CASE NO. Z9007-02

8. A Police and Fire Fund contribution of \$0.10 per square foot of development, or a total of \$23,640.50 (236,405 square feet x \$0.10/sq. ft.), shall be paid prior to the issuance of a building permit.
9. A Medical Fund contribution of \$250.00 per acre, or a total of \$5,500.00 (22.0 acres x \$250.00/acre), shall be paid prior to the issuance of a building permit.
10. Prior to the issuance of a building permit, the petitioner shall submit an acceptable Recycling Plan to the Village's Health and Human Service Department for review and approval. Said recycling plan shall be implemented upon issuance of an occupancy permit.
11. Prior to the issuance of an occupancy permit, the petitioner shall erect all directional, handicapped, and informational signage in accordance with the approved Site Plan.
12. Prior to the issuance of an occupancy permit, the petitioner shall submit executed copies of the tenant/lease agreements stipulating the requirements and locations of all employee parking areas.
13. Prior to the issuance of an occupancy permit, the petitioner shall enter into a contract with the Village of Schaumburg empowering the Village to regulate the parking of automobiles and traffic on the premises. The petitioner shall also provide "No Parking - Fire Lane" signs along the entire frontage of the retail units in the shopping center.
14. Prior to the issuance of an occupancy permit, National Parkway must be improved to its full cross section from Higgins Road to the south property line of the shopping center.
15. This approval is for Phase 1 development only. The two (2) outlot buildings shall be required, at a minimum, to receive Site Plan approval from the Village Board of Trustees.
16. A maximum of two (2) outlots will be permitted as part of this development.
17. Left-turn movements onto National Parkway from the shopping center shall be prohibited for vehicles in excess of five (5) tons.
18. The hours of delivery to the shopping center shall be limited to no earlier than 6:00 a.m. in the morning and no later than 10:00 p.m. in the evening Monday through Saturday, and no later than 6:00 p.m. in the evening on Sunday. The standing, running, or storage of trucks and/or trailers after the above designated hours shall be prohibited. Delivery vehicles shall not, at any time, park on or along the front driving aisle of the shopping center building nor park in the rear service aisle except for loading and unloading purposes.
19. All outlot buildings shall be architecturally compatible with that of the main retail building.
20. Restaurant use on either of the two (2) proposed outlots shall be limited to a Type "A", or sit-down, restaurant without drive-thru capabilities. Fast food restaurant will be strictly prohibited.

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TARGET GREATLAND SHOPPING CENTER CASE NO. Z9007-02

21. A building permit, in accordance with the current regulations and requirements of the Village of Schaumburg, must be issued within three (3) years from the date of from the date of this Ordinance. The Site Plan Approval, without need for further action by any Village board, commission or official, shall become null and void if no building permit is issued within such three (3) year period. The Village Board of Trustees may, by motion and majority vote, extend the Site Plan Approval granted herein for periods of up to one (1) year upon the written request of the owner of the subject property or his authorized agent.
22. The following plans shall be adopted as part of the governing ordinance:
- Site Plan, prepared by Otis Associates, Inc., dated August 7, 1991.
 - Landscape Plan, prepared by Otis Associates, Inc., dated August 7, 1991.
 - Tree Survey, prepared by the Hoffman Group, dated July 25, 1989; most recently revised February 8, 1990.
 - Elevation Renderings, Sheets A1 thru A3, prepared by RSP Architects Ltd., dated August 7, 1989.
 - Elevations/Floor Plan, Sheets A4 thru A9, prepared by RSP Architects Ltd., dated August 7, 1991.
 - Plaza Fixtures Plan, Sheet A10, prepared by RSP Architects Ltd., dated August 7, 1991.
 - Preliminary Engineering Plan, prepared by Cowhey Gudmundson Feder, dated June 20, 1991; most recently revised August 7, 1991.
 - Traffic Study, prepared by Ted B. Fresh and David B. Milier of Metro Transportation Group, Inc., dated June 20, 1991.

SECTION THREE: The Director of Building and Code Enforcement and Director of Engineering of the Village of Schaumburg are hereby directed to issue the necessary permits upon proper application to effectuate the provisions of this ordinance.

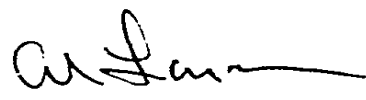
SECTION FOUR: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form and posting in the manner provided by law. The Director of Planning, or his designee, is hereby directed to file a copy of this Ordinance with the Recorder of Deeds of Cook County, Illinois.

AYES: (5) TRUSTEES: PETERSON, DAILLY, DUNHAM, MORENZ,
TROM

NAYS: (1) TRUSTEE TIKWART

ABSENT: (0) NONE

ADOPTED this 24th day of March, 1991.



Village President

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TARGET GREATLAND SHOPPING CENTER
CASE NO. Z9007-02

ATTEST:

Penelope Dutaich
Village Clerk

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