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. DEPT-01 RECORDING \$33.00
. T#2222 TRAN 8651 11/15/96 16:03:00
. #1245 # KB *-96-872231
. COOK COUNTY RECORDER
. DEPT-10 PENALTY \$30.00

33.00

30.00

63.00 ✓

NON-EXCLUSIVE EASEMENT AGREEMENT

FOR STORMWATER DETENTION

Property of Cook County Clerk's Office

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1250 RIDGE ROAD

BOX 337

NORTHEROOK, ILLINOIS

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NON-EXCLUSIVE EASEMENT AGREEMENT FOR STORMWATER DETENTION

THIS AGREEMENT is dated as of this 7th day of October, 1996, by and between the Village of Northbrook, an Illinois home rule municipal corporation (the "Village"), and CLARK DEVELOPMENT CORPORATION (the "Owner").

IN CONSIDERATION OF the mutual covenants and agreements set forth herein and pursuant to the Village's home rule powers, the parties hereto agree as follows:

1. BACKGROUND.

A. The Owner is the owner of certain real estate situated at 1250 Ridge Road in Northbrook, County of Cook, State of Illinois, which real estate is legally described in Exhibit A (the "Subject Properties").

B. The Owner and the Village have determined that it is in their respective best interests to enter into this Agreement in order to provide the Village with a sufficient property interest in the Subject Property to fulfill the purposes described herein.

2. GRANT AND USE OF EASEMENT. The Owner grants, conveys, warrants, and dedicates to the Village a perpetual easement in, at, over, along, across, through, upon, and under that portion of the Subject Property legally described on Exhibit B (the "Easement Premises"), to survey, operate, use, maintain, own, test, inspect, repair, remove, and replace or abandon in place (collectively the "Installation") Stormwater Detention and any appurtenances thereto (the "Facilities") together with all reasonable rights of ingress and egress over, along, across, and upon the Subject Property necessary for the exercise of the rights granted herein.

3. RESERVED RIGHT. The Owner retains the right to use the Easement Premises in any manner that will not prevent or interfere in any way with the exercise by the Village of the rights granted herein; provided, however,

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that the Owner shall not permanently or temporarily alter or obstruct the Easement Premises, Installation and Facilities or cause any improvements or obstructions to be constructed on the Easement Premises, Installation and Facilities that would impair the exercise by the Village of the rights granted herein without the express prior written consent of the Village Manager.

4. ADDITIONAL EASEMENTS. The Owner shall have the right to grant other non-exclusive easements over, along, across or upon the Easement Premises; provided, however, that any such other easements shall be subject to this Agreement granted hereby; and provided further, that the Village Manager shall have first consented in writing to the terms, nature, and location of any such other easements.

5. COVENANTS RUNNING WITH THE LAND. The easements and rights granted in this Agreement, the restrictions imposed by this Agreement, and the agreements and covenants contained in this Agreement shall be easements, rights, restrictions, agreements and covenants running with the land, shall be recorded against the Subject Property and shall be binding upon and inure to the benefit of the Owner and the Village and their respective heirs, executors, administrators, successors, assigns, agents, licensees, invitees, and representatives, including, without limitation, all subsequent owners of the Subject Property, or any portion thereof, and all persons claiming under them. If any of the easements, rights, restrictions, agreements, or covenants created by this Agreement would otherwise be unlawful or void for violation of (a) the rule against perpetuities or some analogous statutory provision, (b) the rule restricting restraints on alienation, or (c) any other statutory or common law rules imposing time limits, then such easements, rights, restrictions, agreements or covenants shall continue only until 21 years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States.

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6. ASSIGNMENT OF RIGHTS. The Owner agrees that the Village may assign its rights or delegate its duties under this Agreement to any assignee: (a) who is reasonably competent to exercise the rights granted herein and the obligations imposed herein; and (b) who makes adequate assurances to the Owner that any activity performed pursuant to such assignment or delegation shall be conducted in a good and workmanlike manner.

7. AMENDMENT. This Agreement may be modified, amended or annulled only by the written agreement of the Owner and the Village.

8. EXHIBITS. Exhibits A and B attached to this Agreement are incorporated herein and made a part hereof by this reference.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on the date first above written.

WITNESS:

Ann Meyers

OWNER: CLARK DEVELOPMENT CORPORATION

By:

Martin J. Clark

Title:

President

ATTEST:

VILLAGE OF NORTHBROOK:

By:

[Signature]
Village of Northbrook
Village Manager

[Signature]
Village of Northbrook
Village Clerk

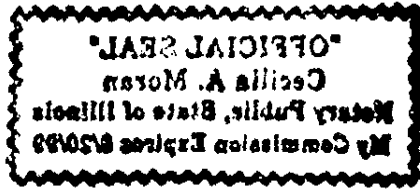
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12/15/2011

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EXHIBIT A

Legal Description of the Subject Property

LOT 3 IN NORTHBROOK GLEN SUBDIVISION UNIT NO. 2 A SUBDIVISION OF PART OF LOTS 28, 29 AND 30 IN THE ASSESSORS DIVISION OF SECTION 10, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. COMMONLY KNOWN AS 1250 RIDGE ROAD.

PREI No. 04-10-205-045

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EXHIBIT B

Legal Description of the Subject Easement

THE NORTH THIRTY THREE FEET (33'), EXCLUDING THE WEST FIFTEEN FEET (15') OF LOT 3 IN NORTHBROOK GLEN SUBDIVISION UNIT NO. 2 A SUBDIVISION OF PART OF LOTS 28, 29 AND 30 IN ASSESSORS DIVISION OF OF SECTION 10, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. COMMONLY KNOWN AS 1250 RIDGE ROAD.

PREG No. 04-10-205-045

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