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**PLAT**

-20-98

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NOVEMBER

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PLAT WITH THIS DOCUMENT

Docket No. 890

RESOLUTION NO. 98-22

A Resolution Authorizing the Village President  
to Enter Into a Covenant With Respect to Parking  
(Lot 1 of Wieland Subdivision and 567 Northgate Parkway)

WHEREAS, a variation from Title 19, Zoning, Section 19.76.120 Off-Street parking and loading, Required Spaces, Subsection (c)(1), of the Wheeling Municipal Code, was granted by the Corporate Authorities for Lot 1 of Wieland Subdivision and 567 Northgate Parkway, Wheeling, Illinois, upon the passage and approval of Ordinance No. 3278 on February 2, 1998; and

WHEREAS, Wieland Properties, Inc., Owner, has submitted an executed Covenant With Respect to Parking, which stipulates that should the Village of Wheeling conclude that additional parking is necessary or desirable, the owner of the property shall install 71 additional parking spaces substantially in conformance with Sheet A-1, Site Plan and Data, prepared by GPA Architects of Northbrook, Illinois, last revised 1/7/98 for 'Wieland 2000, Phase I Expansion-New Production Facility', herein attached and made part of; and

WHEREAS, the President and Board of Trustees deem it to be in the best interests of the Village to enter into a Covenant With Respect to Parking:

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS, that the Village President is hereby authorized to sign the Covenant With Respect to Parking, and said Covenant shall be duly recorded in the Office of the Cook County Recorder of Deeds.

File 1/15 2/26/98  
MVP

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Trustee Abruscato moved, seconded by Trustee Horcher, that Resolution No. 98-22 be adopted.

Trustee Abruscato aye

Trustee Lehmann aye

Trustee Neer aye

Trustee Spangenberg aye

Trustee Horcher aye

Trustee Wisinski aye

ADOPTED this 2nd day of February, 1998, by the

President and Board of Trustees of the Village of Wheeling, Illinois.



Greg Klatecki  
Greg Klatecki  
Village President

ATTEST:

Elaine E. Simpson  
Elaine E. Simpson  
Village Clerk

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## COVENANT WITH RESPECT TO PARKING

This COVENANT WITH RESPECT TO PARKING (this "Covenant") is made as of the 22 day of JANUARY, 1998, by WIELAND PROPERTIES, INC., an Illinois corporation ("Owner").

### RECITALS:

A. Owner is the owner of record of: (i) the property commonly known as 567 Northgate Parkway, Wheeling, Illinois ("Improved Property"), which is improved with an approximately 81,600 square foot 1 and 2 story building. The Improved Property is legally described on Exhibit "A" attached hereto and made a part hereof; and (ii) the property located at the southeast corner of Northgate Parkway and Lake Cook Road, Wheeling, Illinois ("Vacant Property"), which is vacant, unimproved property. The Vacant Property is legally described on Exhibit "B" attached hereto and made a part hereof. The Improved Property and the Vacant Property are sometimes collectively referred to as the "Properties";

B. Owner intends to construct on the Vacant Property an approximately 30,000 square foot building ("New Building");

C. The Village of Wheeling's Zoning Ordinance ("Ordinance") Chapter 19.76 requires that Owner construct and maintain sufficient off street parking. The Ordinance requires the following parking:

Improved Property	103 spaces
Vacant Property (with New Building)	<u>96 spaces</u>
TOTAL	199 spaces

D. Based on prior experience, Owner has determined that it will need only 128 parking spaces on the Properties to satisfy its parking needs, and has requested that the Village of Wheeling ("Village") grant a variance from the Ordinance's parking requirements;

E. The Village has agreed to grant the variance provided that Owner maintains sufficient area on the Vacant Property for construction of additional parking spaces should Owner's or any tenant's actual use of the Properties require additional parking;

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NOW THEREFORE, for and in consideration of the Village's grant of a variation as aforesaid, and for other good and valuable consideration, Owner hereby agrees as follows:

1. In the event that the Village determines that the actual use of the Properties necessitate additional off street parking to accommodate the motor vehicles of the Owner, tenants, and their employees, visitors and customers, then upon written notice from the Village, Owner will construct such additional parking not to exceed a total of 71 parking spaces (i.e., total parking spaces of 199), which spaces shall be constructed in substantial conformity with Site Plan A-1 dated January 7, 1998, prepared by Greg Pradun and Associates, Inc., 2219 Chestnut Street, Northbrook, Illinois.

2. All provisions of this Covenant, including the benefits and burdens, run with the land and are binding upon and inure to the successors and assigns of the Owner.

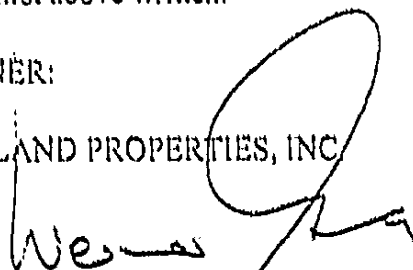
3. The Village may terminate this Covenant by recording a release in recordable form with directions for delivery of same to Owner at its last address given, whereupon all rights, duties and liabilities hereby created shall terminate.

4. This Covenant shall be governed by the laws of the State of Illinois.

IN WITNESS WHEREOF, Owner has executed this Covenant on the day and date first above written.

OWNER:

WIELAND PROPERTIES, INC

BY:   
Its Executive Vice President  
WERNER TRAA

VILLAGE OF WHEELING, an Illinois municipal corporation

By:   
Village President

ATTEST:

  
Village Clerk

SEAL:

RECORDED

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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF Cook )

98128602

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that WERNER T. TRAA, personally known to me to be the Executive Vice President of WIELAND PROPERTIES, INC., an Illinois corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Executive Vice President he signed and delivered the said instrument pursuant to authority, given by the Board of Directors of said Corporation as his free and voluntary act, and as the free and voluntary act of the Corporation.

Given under my hand and official seal this 22nd day of January, 1998.

Patricia A. Moore  
Notary Public



This Instrument Prepared By:

Gregory F. Smith, Esq.  
Lillig & Thorsness, Ltd.  
1900 Spring Road, Suite 200  
Oak Brook, IL 60523  
630.571.1900

After Recording Return to:

Ms. Linda Johnson  
Village of Wheeling  
111 S. Northgate Parkway  
Wheeling, IL 60090

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EXHIBIT "A"

98128602

LOTS 2, 3, 4, 5, 6, 7, 8 AND 9 IN NORTHGATE INDUSTRIAL CENTER, BEING SUBDIVISION IN PART OF SECTION 2 AND 3, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 16, 1978 AS DOCUMENT 24329400, IN COOK COUNTY, ILLINOIS.

P.I.N.: 03-03-203-002 through 009

567 NORTHGATE PKWY.

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## EXHIBIT "B"

LOT 1 IN WIELAND SUBDIVISION, BEING A SUBDIVISION OF THE NORTHWEST QUARTER (1/4) OF SECTION 2 AND THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 03-03-<sup>203</sup>200-019  
03-02-100-045 (affects other property)

VACANT PROPERTY

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