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Cook County Recorder 27.50

**DECLARATION OF
RESTRICTIVE
COVENANT
FOR
WEXFORD**

**COOK COUNTY
RECORDER**



99148325

**ROLLING MEADOWS
(FOR RECORDER'S USE ONLY)**

THIS DECLARATION is made this 28th day of October, 1998, by the Wexford Limited Partnership, an Illinois limited partnership, by Kimball Hill, Inc., its sole general partner ("Declarant").

RECITALS

- A. Declarant is the owner of record of a certain real estate ("Subject Property") located within the corporate boundaries of the City of Rolling Meadows and the Village of Palatine, Cook County, Illinois (the "Municipalities"), which is legally described in the attached Exhibit "A" and generally located at the southeast corner of Euclid and Quentin Roads, Rolling Meadows and Palatine, Illinois.
- B. The Municipalities have entered into an Intergovernmental Agreement ("Agreement") providing for the development of the Subject Property.
- C. The Municipalities have provided for the development of the Subject Property for single-family detached residences only to be built on the Subject Property.
- D. The Agreement requires a Restrictive Covenant be placed on the Subject Property limiting development to detached single-family residences.

For and in consideration of the mutual promises, covenants, and undertakings contained herein, Declarant hereby covenants and agrees as follows:

1. The Subject Property shall be developed as single-family detached residences.

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Upon the closing of the sale of a single-family detached residence, this Restrictive Covenant shall expire with respect to that property without any further action by the owner of such residence, the Developer, or the Municipalities.

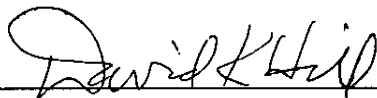
2. To the extent this Declaration has not expired, as provided in paragraph 1 hereof, this Declaration shall run with the land and shall be for the benefit of and enforceable by the owners within the Subject Property, their successors, assigns, and grantees, the City of Rolling Meadows, and the Village of Palatine.

3. Declarant hereby agrees to indemnify and hold harmless the owners within the Subject Property, the Village of Palatine, and the City of Rolling Meadows from any and all costs, damages, and claims, including reasonable attorneys' fees and costs, that any and all owners, the Village of Palatine, or the City of Rolling Meadows incur as a result of the enforcement at law or in equity of the terms specifically set forth herein.

4. Failure by any or all of the owners within the Subject Property, the Village of Palatine, or the City of Rolling Meadows to enforce any covenant or restriction set forth in this Declaration shall not be deemed a waiver of the right to do so at any time thereafter.

5. This Declaration shall be binding upon Declarant's successors, grantees, and assigns and shall be recorded with the Cook County Recorder of Deeds.

WEXFORD LIMITED PARTNERSHIP, by
KIMBALL HILL, INC., its sole general partner

By: 
David K. Hill, Chief Executive Officer
and Chairman of the Board

ATTEST:

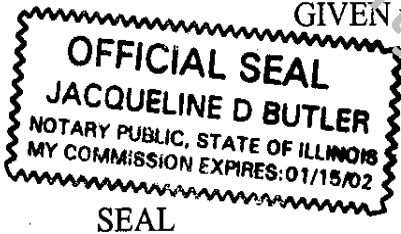

JoAnn Peterson, Secretary

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Jacqueline D. Butler, notary public in and for said county and state aforesaid, do hereby certify that David K. Hill, Chairman of the Board and Chief Executive Officer of Kimball Hill, Inc., and JoAnn Peterson, Secretary thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Chairman of the Board and Chief Executive Officer and Secretary, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand Notarial Seal this October 30, 1998.



Jacqueline D. Butler
Notary Public

My commission expires: 01-15-2002

Prepared by and mail to:

Donald M. Rose
Storino, Ramello & Durkin
9501 W. Devon Avenue, 8th Floor
Rosemont, IL 60018
847/318-9500



Property of Cook County Clerk's Office

**EXHIBIT A
TO
DECLARATION OF RESTRICTIVE COVENANT FOR
WEXFORD**

Legal description for the "Subject Property" as defined in the Declaration:

LOTS 1 TO 65, INCLUSIVE, IN WEXFORD UNIT 1, BEING A SUBDIVISION IN THE SOUTH 1/2 OF SECTION 27, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. (PALATINE)

LOTS 1 TO 65, INCLUSIVE, IN WEXFORD UNIT 2, BEING A SUBDIVISION IN THE SOUTH 1/2 OF SECTION 27, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. (ROLLING MEADOWS)

LOTS 66 TO 79, INCLUSIVE, IN WEXFORD UNIT 3, BEING A SUBDIVISION IN THE SOUTH 1/2 OF SECTION 27, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. (PALATINE)

Address of Property: Unimproved property
Euclid Avenue and Quentin Road
Palatine and Rolling Meadows, Illinois

- PIN NO.:** 02-27-301-003
02-27-301-004
02-27-301-007
02-27-400-003
02-27-400-005
02-27-400-006

Cook County Clerk's Office