

The language on the restrictive covenants that prohibits mining at Hoffman Park appears below in *italic*. It appears in full in the body of the Resolution. Language highlighted in **yellow and bold** are comments added to explain the language.

1. *These Covenants, Conditions and Restrictions shall run with the land known as the Subject Property in perpetuity (This means that the restrictions continue to remain in place even after the Park District sells the property). Any grantee or grantees of a deed to the Subject Property, or any part thereof, by the acceptance of a deed of conveyance, accepts the same subject to the covenants, conditions and restrictions stated herein, and said covenants, conditions and restrictions shall run with the land in perpetuity and bind every owner of any interest therein and shall inure to the benefit of such owner in like manner, as though the provisions of this Declaration were recited and set forth at length in each and every such deed of conveyance (This provides that any future owner accepts these restrictions upon purchase of the property). Enforcement of the provisions hereof may be undertaken by the Park District or residents of the Park District (This language allows for the Park District or ANY resident of the Park District to take action to enforce these covenants; you, as a resident taxpayer, may take action if the Park District failed to do so) either by proceedings at law or in equity against any person or persons violating or attempting to violate any provision, either by restraining said violation, removing such violation or recovering damages for such violations. Damages shall include reasonable attorney's fees.*

2. *Prohibited action and uses: No quarrying, mining, earth or mineral extraction, excavation, drilling, trucking, conveying or mining operations of sand, gravel, aggregate or other earth materials shall be conducted on any part of the Subject Property (This part identifies all of the excluded activities). No part of the Subject Property shall be used or excavated for mining or aggregate, sand or gravel pits, and no aggregate, sand or gravel shall be mined or removed from the same for any purpose whatsoever, except to the extent necessary to grade said Subject Property properly for the erection of approved developments, or to excavate for the infrastructure, foundations and basements of such developments (This part does allow a property owner to develop the property, which makes the land valuable for development purposes instead of mining).*

The full Resolution appears on the following pages.

**CARY PARK DISTRICT  
MCHENRY COUNTY, ILLINOIS**

**RESOLUTION R-2007-08-02**

**A RESOLUTION APPROVING THE IMPOSITION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
AS TO CERTAIN PROPERTY**

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WHEREAS, the Board of Park Commissioners of the Cary Park District (“District”) is authorized under the Park District Code, 70 ILCS 1205/1-1, *et seq.* (“Act”) to manage and control any parcel of land owned by the District; and

WHEREAS, the District is the owner of a certain parcel of property approximately 80 acres in size and commonly known as the western portion of Hoffman Park, Cary, Illinois, PIN numbers: 19-15-200-015, 19-15-200-016, 19-15-200-017, 19-15-400-003, 19-15-400-012, 19-15-400-014, 19-15-400-015, and 19-15-400-016, more particularly described on Exhibit A attached hereto and incorporated herein (referred to as the “Subject Property”); and

WHEREAS, the District has determined that it is in the best interests of the District that the District impose certain covenants, conditions and restrictions as to the use of the Subject Property in perpetuity to prohibit mining of any kind on or under the Subject Property; and

WHEREAS, the District has determined that it is in the public interest to make permanent said covenants, conditions and restrictions prohibiting mining of any kind on or under the Subject Property by adoption of a document entitled, “Declaration of Covenants, Conditions and Restrictions,” a copy of which is attached hereto as Exhibit B and by causing such Declaration to be recorded as to the Subject Property with the McHenry County Recorder of Deeds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of the Cary Park District, McHenry County, Illinois:

SECTION 1: The preambles to this Resolution are incorporated in this Section as if fully set forth herein.

SECTION 2: The Board of Park Commissioners hereby approves the execution of the Declaration of Covenants, Conditions and Restrictions by the District's President and Secretary.

SECTION 3: This Resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION 4: This Resolution shall be entered into the minutes and upon the journals of the Board of Park Commissioners of the Cary Park District.

ROLL CALL VOTE:

AYES: Harvey, Stanko, Hill, Krueger

NAYS: None

ABSENT: Renner

APPROVED: this 27<sup>th</sup> day of March, 2008.

Board of Park Commissioners Cary  
Park District, McHenry County, Illinois

*Signature on File*

**William J. Krueger**, President

Attest:

*Signature on File*

**Stephen L. Cherveney**, Board Secretary

**EXHIBIT A**  
**(Legal Description)**

Common Address:                   The western portion of Hoffman Park, Cary, Illinois

Permanent Index Numbers:   19-15-200-015, 19-15-200-016, 19-15-200-017, 19-15-400-003,  
19-15-400-012, 19-15-400-014, 19-15-400-015, and 19-15-400-016

Legal Description:

THAT PART OF THE EAST 1/2 OF SECTION 15, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE SOUTH 89 DEGREES 42 MINUTES 36 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION, 100.00 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 07 MINUTES 36 SECONDS WEST ALONG A LINE 100.00 FEET WEST OF (AS MEASURED PERPENDICULAR TO) AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15 AFORESAID, 1578.73 FEET TO THE NORTH LINE OF THE SOUTH 4 CHAINS 3 LINKS (265.98 FEET) OF THE NORTHEAST 1/4 OF SECTION 15; THENCE SOUTH 89 DEGREES 45 MINUTES 40 SECONDS WEST ALONG SAID NORTH LINE, 1963.21 FEET TO THE EAST LINE OF THE WEST 676.50 FEET OF THE EAST 1/2 OF SAID SECTION 15; THENCE SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST ALONG SAID EAST LINE, 429.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 40 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION, 616.49 FEET TO THE EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 31 AS DEDICATED BY DOCUMENT NUMBER 534667; (THE FOLLOWING 5 COURSES ARE ALONG THE EAST RIGHT OF WAY LINE OF SAID ILLINOIS ROUTE 31) THENCE SOUTH 00 DEGREES 07 MINUTES 33 SECONDS EAST, 229.60 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 40 SECONDS EAST, 65.00 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 33 SECONDS EAST, 552.29 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 36 SECONDS WEST, 42.00 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 33 SECONDS EAST, 300.00 FEET; THENCE NORTH 89 DEGREES 42 MINUTES 36 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION, 2454.60 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS

**EXHIBIT B**  
**(Declaration of Covenants, Conditions and Restrictions)**

*Prepared by and after recording*

*return to:*

*Jeanne T. Goshgarian, Esq.*

*Ancel, Glink, Diamond, Bush,*

*DiCianni & Krafthefer, P.C.*

*415 W. Washington St., Suite 202*

*Waukegan, IL 60085*

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

The undersigned owner, Cary Park District ("Park District"), an Illinois park district and unit of local government, is the fee simple owner of record of the following described real estate, hereinafter described as the "Subject Property:"

THAT PART OF THE EAST 1/2 OF SECTION 15, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE SOUTH 89 DEGREES 42 MINUTES 36 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION, 100.00 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 07 MINUTES 36 SECONDS WEST ALONG A LINE 100.00 FEET WEST OF (AS MEASURED PERPENDICULAR TO) AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15 AFORESAID, 1578.73 FEET TO THE NORTH LINE OF THE SOUTH 4 CHAINS 3 LINKS (265.98 FEET) OF THE NORTHEAST 1/4 OF SECTION 15; THENCE SOUTH 89 DEGREES 45 MINUTES 40 SECONDS WEST ALONG SAID NORTH LINE, 1963.21 FEET TO THE EAST LINE OF THE WEST 676.50 FEET OF THE EAST 1/2 OF SAID SECTION 15; THENCE SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST ALONG SAID EAST LINE, 429.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 40 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION, 616.49 FEET TO THE EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 31 AS DEDICATED BY DOCUMENT NUMBER 534667; (THE FOLLOWING 5 COURSES ARE ALONG THE EAST RIGHT OF WAY LINE OF SAID ILLINOIS ROUTE 31) THENCE SOUTH 00 DEGREES 07 MINUTES 33 SECONDS EAST, 229.60 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 40 SECONDS EAST, 65.00 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 33 SECONDS EAST, 552.29 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 36 SECONDS WEST, 42.00 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 33 SECONDS EAST, 300.00 FEET; THENCE NORTH 89 DEGREES 42 MINUTES 36 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION, 2454.60 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS

It is the intention of the Park District to establish certain covenants, conditions and restrictions as to the use of the Subject Property in perpetuity as set forth in this document.

Now, therefore, in consideration of these premises, the Park District does hereby declare and make known:

1. These Covenants, Conditions and Restrictions shall run with the land known as the Subject Property in perpetuity. Any grantee or grantees of a deed to the Subject Property, or any part thereof, by the acceptance of a deed of conveyance, accepts the same subject to the covenants, conditions and restrictions stated herein, and said covenants, conditions and restrictions shall run with the land in perpetuity and bind every owner of any interest therein and shall inure to the benefit of such owner in like manner, as though the provisions of this Declaration were recited and set forth at length in each and every such deed of conveyance. Enforcement of the provisions hereof may be undertaken by the Park District or residents of the Park District either by proceedings at law or in equity against any person or persons violating or attempting to violate any provision, either by restraining said violation, removing such violation or recovering damages for such violations. Damages shall include reasonable attorney's fees.

2. Prohibited action and uses: No quarrying, mining, earth or mineral extraction, excavation, drilling, trucking, conveying or mining operations of sand, gravel, aggregate or other earth materials shall be conducted on any part of the Subject Property. No part of the Subject Property shall be used or excavated for mining or aggregate, sand or gravel pits, and no aggregate, sand or gravel shall be mined or removed from the same for any purpose whatsoever, except to the extent necessary to grade said Subject Property properly for the erection of approved developments, or to excavate for the infrastructure, foundations and basements of such developments.

3. Upon execution, the officers of the Park District shall cause this instrument to be recorded with the McHenry County Recorder of Deeds.

IN WITNESS WHEREOF, Declarant, Cary Park District, by and through its President and Secretary, has caused this instrument to be executed and attested as of the date shown below.

Dated this 27<sup>th</sup> day of March, 2008

Cary Park District, an Illinois Park District  
and unit of local government

*Signature on File*

\_\_\_\_\_  
William J. Krueger, President

Attest:

SEAL

*Signature on File*

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Stephen L. Cherveney, Secretary