

For Amendment see Rec. Book 42 pg 321

FOR PLAT SEE PLAT. RACK I-P-1

DECLARATION OF EASEMENTS AND  
DECLARATION OF RESTRICTIVE COVENANTS

SECTION 18-VALLEYVIEW HEIGHTS

LAKE CARROLL SUBDIVISION

THIS DECLARATION ("DECLARATION"), is made this 13<sup>th</sup> day of APRIL, 1987, by LAKE CARROLL HOLDINGS, INC. ("Declarant").

I. SUPPLEMENTAL DECLARATION OF RESTRICTIVE COVENANTS. The original Developer, Russwood of Illinois, Inc., has recorded on the 25th day of May, 1972, in the Office of the Recorder of Carroll County, Illinois, in Miscellaneous Book 45 at Pages 184 through 216, a certain Declaration of Restrictive Covenants subjecting Lake Carroll, (The Development) to the provisions thereof pursuant to an incremental plan of development and improvement with Additional Declarations filed as Supplemental Declarations.

The Lake Carroll Association, an Illinois Not-for-profit Corporation, filed a Declaration on the 30th day of January, 1977, as recorded in the Office of the Recorder of Carroll County, Illinois. A Declaration was filed on the 8th day of February, 1979, by Dennis P. Coyle, as Nominee of the Trustees of First Mortgage Investors, in the Office of the Recorder of Carroll County, Illinois.

This DECLARATION being filed by the Declarant supplements and is subject to all relevant provisions of the aforesaid Declarations and Amendments as and to the extent applicable.

1. The Development includes all of the real property set forth and described in the Plat of Section 18, Valleyview Heights of Lake Carroll, recorded with the Office of the Recorder of Carroll County, Illinois, on the 13<sup>th</sup> day of APRIL, 1987, in Rack/Book 1 P1 of Plats.
2. All of the property described in the Plat is made subject to the provisions of this DECLARATION and subject as and to the extent applicable to the aforementioned Declarations and Amendments which are incorporated by reference.
3. Pursuant to the provisions of this DECLARATION, all of the numbered Lots shown on said Plat are designated as Single Family Residential as to permitted use; and the minimum area of each dwelling constructed thereon shall have a minimum area of 1000 square feet, of which a minimum of 75% must be contained on the first floor. No portion of said first floor shall be below ground level.
4. Dwellings will use individual septic systems for sewage disposal, and the septic system, sewage lines and treated effluent discharges must be approved as to design and construction by the Illinois Department of Public Health (or any governmental agency which may hereafter succeed to such Department's jurisdiction and authority).
5. Each of the Lots shall carry with it as an appurtenancy a membership in the Lake Carroll Property Owners Association, subjecting said Lot owner thereof to the privileges and obligations pertaining to such membership as set forth in the Association's Articles and By-Laws.

STATE OF ILLINOIS  
 COUNTY OF CARROLL  
 FILED FOR RECORD 4/13/87  
 AT 10:30 O'CLOCK AM IN 40 CENTRAL  
 NO. 153  
 RECORDS  
 BY BARBARA K. BROWN

6. Pursuant to the provisions of this DECLARATION, the following property as shown on the Plat is designated as Common Area Property and shall be used as a T-1 Easement Parcel (as hereinafter provided) and as private parks, parkways, recreational areas or related uses:

Parcel T-1.

II. EASEMENTS. Notwithstanding any provisions in this DECLARATION and the Declaration and Amendment, the easements described in the following paragraphs are reserved, established and granted by Declarant, its grantees, mortgagees, successors and assigns, over each and every Lot and Parcel in Section 18, Valleyview Heights, Lake Carroll Development:

- A. Reservations, Establishments and Grants. The easements, together with the rights to ingress and egress to the extent necessary to exercise such easements (including, but not limited to, ingress and egress for construction and excavating equipment and construction workers), are reserved, established and granted on each Lot and Parcel as follows:
1. Utilities. Reservation of and establish a ten (10') foot wide strip running along the inside of the side Lot lines, and a twenty-five (25') foot wide strip coincident with street right-of-way lines, and a twenty-five (25') foot wide strip running along the inside of the rear Lot lines, and the area of the street right-of-ways, for the installation, maintenance and operation of utilities, including radio and television transmission cables, and the accessory right to locate guy wires, braces or anchors, and to cut, trim or remove trees and plantings whenever necessary upon such Lot in connection with the installation, maintenance and operation.
  2. Slope and Drainage. Reservation of and establish a thirty (30') foot wide easement running along the inside of all Lot lines coincident with street right-of-way lines for the purpose of cutting, filling, drainage and maintenance of slopes and drainage courses. Declarant further reserve and establishes the right to cause or permit drainage of surface water over and/or through all Lots and Parcels.
  3. Sewage Lines. Grants and establishes perpetual non-exclusive easements in, over, on and under a ten (10') foot wide strip running along the inside of the side Lot lines, a twenty-five (25') foot wide strip coincident with the street right-of-way lines and a twenty-five (25') foot wide strip running along the inside of the rear Lot lines for each Lot ("Easement Parcel") for installation, maintenance, operation, repair, replacement and relocation of underground drainage tiles, pipes and appurtenances for treated sewage effluent from certain Lots in Lakeview Heights Subdivision, Section 17, the original Plat of which was filed in Rack I-L-6 of Plats in the Office of the Recorder of Carroll County, Illinois, ("Section 17"). These easements are granted and established for the benefit of, and are appurtenant to, Lots 94, 95, 96, 97, 98, 119, 122, 123, 124, 125, 126,

127, 128, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204 and 205 in Lakeview Heights, Section 17 ("Benefited Lots"). Also, for a period of ten (10) years after the date of the recording of this DECLARATION, the Declarant, on behalf of itself, its successors and assigns, reserves the right by deed or supplemental declaration to convey, establish and grant to owner or owners of the remaining Lots in Section 17, Lakeview Heights, non-exclusive perpetual sewage drain and pipe line easements appurtenant to such remaining Section 17 Lots in and to the Easement Parcels for the purposes aforesaid. Any two Lots in Section 17 to which such easements have been or are hereafter reserved, established or granted shall have the right, but not the obligation, to combine the treated sewage effluent from their Lots into a single underground drainage tile or pipe in an Easement Parcel. The easements include the right and privilege to transfer treated effluent from single family residences now or hereafter constructed on the Lots in Section 17 to which such easements have been or are hereafter reserved, established or granted, and any and all replacement residences thereon. The drain tiles, pipes and appurtenances shall be constructed in a reasonable, substantial and workmanlike manner, including, but not limited to, installation at a sufficient depth to protect against damage to the underground installation by frost and freezing. These easements, including the benefits and burdens, shall be deemed to be covenants running with the land binding upon all parties claiming an interest in Section 18 Valleyview Heights or the Benefited Lots of Lake Carroll Development. Declarant's, or its successors or assigns' granting easements to additional Lots in Section 17, Lakeview Heights and consequently increasing the usage of the Easement Parcel shall be a permissible use of the easements and Easement Parcel and shall not be deemed an overburdening of the same.

4. Treated Effluent Discharge. Grants and establishes a perpetual non-exclusive easements for the discharge of treated sewage effluent in, onto, over, across and under the portion of the real estate hereinbefore described as "Common Area Property" and designated on the Plat of Section 18, Valleyview Heights of Lake Carroll Development, as Parcel T-1 ("T-1 Easement Parcel"); and the discharge of effluent onto the T-1 Easement Parcel includes, but is not limited to, (i) subsurface discharge into, on, under and over subsurface seepage fields and elevated mound systems (sometimes referred to as "Wisconsin mounds") one or more of which seepage fields and mounds may hereafter be installed, operated, repaired and replaced, and also (ii) surface discharge of the treated effluent in, onto, over, under and across the surface of the T-1 Easement Parcel; and the T-1 Easement Parcel may be contoured, shaped, excavated and filled, from time to time, to facilitate, control, distribute, disburse, improve and modify the movement and seepage of the treated effluent. The sources of the treated effluent

which may be discharged into, on, over, under, and across the T-1 Easement Parcel are single family residences heretofore or hereafter constructed on the Benefited Lots in Section 17, Lakeview Heights, of Lake Carroll Development. The easements herein reserved, established and granted are appurtenant to and are established for the benefit of the Benefited Lots in Section 17, Lakeview Heights; and the owner or owners of each of these Benefited Lots shall be entitled to exercise each and all of the powers, privileges and authorities conferred on them pursuant to these easement provisions. These easements, including the benefits and burdens, shall be deemed to be covenants running with the land and binding upon the land in Section 18, Valleyview Heights and the Benefited Lots. Also, for a period of ten (10) years after the date of the recording of this DECLARATION, the Declarant, on behalf of itself, its successors and assigns, reserves the right by deed or supplemental declaration to convey, establish or grant to owner or owners of the remaining Lots in Section 17, Lakeview Heights, non-exclusive perpetual sewage discharge easements into, on, under, over and to the T-1 Easement Parcel, appurtenant to such additional Section 17 Lots for the purposes aforesaid. Declarant's, or its successors or assigns' granting easements to additional Lots in Section 17, Lakeview Heights and consequently increasing the usage of the T-1 Easement Parcel shall be a permissible use of the easements and T-1 Easement Parcel and shall not be deemed an overburdening of the same.

5. Other Easements. Reserves, grants and establishes any other easements shown on the Plat and any other easements provided for in the Declaration of Restrictive Covenants filed as Document No. 343134 in Misc. Record 45 at Page 184 in the Office of the Recorder of Carroll County, Illinois.
  6. Use of and Maintenance of Owners. The areas of any Lots affected by the easements reserved, granted or established herein shall be maintained continuously by the owner of such Lot, but no structures, plantings or other materials shall be placed or permitted to remain or other activities undertaken thereon (excepting an underground sewage drain tile or pipe installed by such owner which is permitted) which may damage or interfere with the use of said easements for the purpose herein set forth. Improvements within such areas shall be maintained by the owner except those for which a public authority, utility company or a Benefited Lot is responsible.
- B. Liability for Use of Easements. No owner shall have any claim or cause of action against Declarant, its grantees, mortgagees, successors, assignees or its licensees, arising out of the exercise or non-exercise of any easement reserved, granted or established hereunder or shown on the Plat except in cases of willful or wanton misconduct.

IN WITNESS WHEREOF, Declarant has executed this DECLARATION this 13<sup>th</sup> day of APRIL, 1987.

LAKE CARROLL HOLDINGS, INC.

By: [Signature]  
R.G. Johnson, its Vice President

ATTEST:  
[Signature]  
Richard Silbert  
Secretary

STATE OF MARYLAND )  
                                  )SS.  
COUNTY OF HANTAMERY )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that R. G. JOHNSON personally known to me to be the Vice President of the Lake Carroll Holdings, Inc., an Illinois corporation, and RICHARD SILBERT personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Vice President and Secretary, they signed and delivered this said instrument as Vice President and Secretary of said corporation, and caused the corporate seal of said corporation to be affixed thereto, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 13<sup>th</sup> day of APRIL, 1987.

[Signature]  
Notary Public



Commission Expires:  
7-1-90