

CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

301 Walnut St. • Washington, IL 61571

Ph. 309-444-1135 • Fax 309-444-9779

<http://www.washington-illinois.org>

joliphant@ci.washington.il.us

MEMORANDUM

TO: Chairman Burdette and Planning and Zoning Commission
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: Public Hearing – Request by Protea Place, LLC, to Rezone Vacant Land on Washington Road west of Cummings Lane from C-2 to R-2
DATE: June 20, 2023

Zoning: C-2 (General Retail)

Comprehensive Plan: FLEX (Flexible Use)

Summary: Protea Place, LLC, has requested the rezoning of about five acres of undeveloped land near the intersection of Washington Road (US Business 24) and Cummings Lane from C-2 (General Retail) to R-2 (Multi-Family Residential) to allow for the future construction of 56 multifamily residential units. Staff recommends approval of the rezoning as detailed below.

Background: The proposed rezoning would consist of approximately 5.02 acres of the overall 11.67 acres that is bordered by Cummings Lane on the east, Washington Road (US Business Route 24) on the north, and Lakeshore Drive on the west. Please note that the remaining 6.65 acres are not subject to the proposed rezoning and would remain zoned as C-2. Future commercial development is planned there to better utilize the proximity and visibility of BR 24.

The property is located on a stretch of Business 24 with an average daily traffic (ADT) count of 18,900, which is the highest in the Washington city limits. N. Cummings has an ADT of 7,250 and S. Cummings has an ADT of 3,700. This is an attractive location for potential commercial businesses based on the traffic counts and nearby business activity.

An attached access agreement was approved in 1992 between the City and the Westlake Management Co. homeowners association that, among a few stipulations, dedicated a 250' long strip of right-of-way for Lakeshore closest to its intersection with BR 24. Lakeshore to the south of this point is private, though the City is responsible for snow plowing and minimal maintenance pursuant to the terms of the access agreement. Per the agreement, one means of ingress-egress is allowed on Lakeshore and it must be as close to the BR 24 intersection as the Illinois Department of Transportation (IDOT)—which has jurisdictional control over BR 24—would allow. The project engineer working on behalf of the developer has conceptually placed the Lakeshore ingress-egress within the southern end of the public portion of Lakeshore. An exact Lakeshore ingress-egress location would be subject to the review and approval by IDOT. BR 24 access would only consist of a right-in/right-out curb cut that would align with the same access for Cherry Tree Shopping Center. A full access intersection would be established on S. Cummings.

A possible downside to commercial development has been the property's slightly difficult accessibility, particularly with the speed of approaching vehicles from the west. Left-turn traffic from northbound Lakeshore to westbound BR 24 can be challenging without a stoplight. Phase 1 engineering initiated by the City has been in progress to study the potential for a future BR 24/Lakeshore intersection improvement that would include a stoplight. A stoplight would currently only be required upon such time when Lakeshore would be extended to connect with Freedom Parkway in the future. Additionally, the property is approximately 450' deep, which reduces the commercial viability and visibility further south from BR 24. These considerations make multi-family residential development towards the rear of the property a better fit.

The C-2 district allows for single-building mixed-use developments so long as non-residential is on the ground floor and residential is on the upper floors (and not on the same floor as a commercial use). The proposed development must receive rezoning approval because the uses would not be part of the same buildings. The proposed residential developer based on verbal representations by Protea Place, LLC, should the property be rezoned, Leman Property Management Co., has built and managed other multi-family residential developments in the area, including in Morton and Pekin. Attached is an overview of the proposed development submitted by Leman Property Management Co.

This area contains a mix of commercial and residential uses. The properties on the BR 24 corridor are primarily zoned either C-2 or C-3 (Service Retail). The Westlake Acres subdivision parcels and the undeveloped parcels that abut the subdivision to the north are zoned R-1 (Single- and Two-Family Residential). The abutting Canterbury Manor condominium parcels to the south are zoned R-2 while there is a single parcel at the intersection of S. Cummings and Canterbury Drive that houses a medical clinic and is zoned C-1 (Local Retail). The subject property is in the Enterprise Zone, though residential uses are not eligible for the incentives.

The comprehensive plan deems this property as FLEX (Flexible Uses). That moniker is given to some properties that are typically larger in size, are located on corridors with higher traffic counts, and can sustain and thrive with a mix of uses. This location is within walking distance of existing retail and restaurants. It would figure to increase the ability to attract commercial development to the north side of the property given the additional buying power. The entire 11.67 acres has an equalized assessed value of about \$3,500. The property tax generation figures to increase substantially upon its buildout, which would benefit each of the applicable taxing authorities. Additional sales tax revenue would result from the 100+ residents that live there.

Due to these reasons, staff recommends approval of the rezoning of the approximately 5.02 acres of the property near the intersection of Washington Road (Business Route 24) and Cummings Lane from C-2 to R-2. The rezoning ordinance that would be considered by the City Council will include a provision that would require the property be subdivided within one year if the rezoning is approved in order to eliminate a split of zoning classifications. If a final plat is not recorded in that time, the 5.02 acres of the property would revert to its current C-2 designation.

A public hearing will be held by the Planning and Zoning Commission at their meeting on Wednesday, July 5 to make a recommendation to the City Council.

Enclosures

cc: Protea Place, LLC

CITY OF WASHINGTON, ILLINOIS

APPLICATION FOR REZONING

To have a complete application for a rezoning, you must submit the following:

- Signed and completed application
- Plat showing subject property and all adjacent properties – See below for plat requirements
- Ownership documentation (lease, deed, mortgage, etc.)
- Accurate legal description obtained from the Warranty Deed
- Application fee of \$100 payable to the City of Washington

Address or location of property: vacant land Washington Road west of Cummings Lane (part)

Property Tax ID (PIN) number: 02-02-21-205-004, 008, 009, 010, 058 (part)

Current zoning classification of the property: C-2 Proposed zoning classification of the property: R-2

Current use of the property: vacant

Proposed use of the property: multi-family residential

Does the proposed zoning meet the City's Comprehensive Plan? ☒ YES ☐ NO

If not, what unique characteristics about your property warrant a rezoning? rear portion of parcels with no frontage on US Route 24, appropriate for multi-family use.

Name of Applicant: Protea Place, LLC

Phone Number of Applicant: 309-672-6365

Address of Applicant: 34 Diamond Point, Morton, IL 61550

Owner of Property: Delaware Crossing LLC/ Heartland Bank & Trust Co.

Address of Owner: 201 N. Cummings Lane, Washington, IL 61571/ 401 N. Hershey Road, Bloomington, IL 61702

I would like to receive correspondence by: ☐ Mail ☒ Email Email address: mseghetti@emrslaw.com

PLAT REQUIREMENTS: Your rezoning plat must show:

- The subject property and all adjacent properties (including across rights-of-way)
- Each property shall be labeled to show the owner or business name, address, current zoning, and proposed zoning
- Adjacent rights-of-way, streets, roads, railroads, waterways, and other physical features

PUBLIC HEARING: Your case will be referred with staff's recommendation to the next regularly scheduled Planning and Zoning Commission meeting for a public hearing. The Planning and Zoning Commission meets the first Wednesday of every month at 6:30 p.m. at the Washington District Library meeting room at 380 N. Wilmor Road. At the Planning and Zoning Commission meeting, you will present your request. The Planning Commission will consider the following factors before making their recommendation to the City Council:

1) Existing uses and zoning of nearby property; 2) Extent to which property values are diminished by particular zoning restrictions; 3) Extent to which destruction of value of some property promotes health, safety, morals or general welfare of the public; 4) Relative gain to public compared to hardship imposed upon individual property owners; 5) Suitability of property for zoned purposes; 6) Length of time property has been vacant as zoned, considered in context of land developed in vicinity; 7) Community need for the proposed use; and 8) Compatibility with the Comprehensive Plan.

Certification: To the best of my knowledge, the information contained herein, and on the attachments, is true, accurate, and correct, and substantially represents the existing features and proposed features. Any error, misstatement, or misrepresentation of material fact or expression of material fact, with or without intention, shall constitute sufficient grounds for the revocation or denial of the proposed Rezoning.

SEE ATTACHED SIGNATURE PAGE

Signature of Applicant

Date

SEE ATTACHED SIGNATURE PAGE

Signature of Owner

Date

After receiving a completed application, the City Clerk will file notice of your request with the local newspaper and with the adjoining property owners. If you have any questions, please contact Jon Oliphant, Planning & Development Director at (309) 444-1135.

FOR OFFICE USE ONLY Case No.: _____

Fee Paid? Y / N Date: _____

Plat Submitted? Y / N Date: _____

Documentation of Authority Submitted: _____

Date to go before the Planning and Zoning Commission: _____

Commission Action: _____

**SIGNATURE PAGE TO
APPLICATION FOR REZONING**

Delaware Crossing LLC

By: 
Name: Lee T. Kinsinger
Title: Manager

Protea Place, LLC

By: 
Debra L. Braker, Manager

Heartland Bank & Trust Co.

By: _____

Name: _____

Title: _____

**SIGNATURE PAGE TO
APPLICATION FOR REZONING**

Delaware Crossing LLC

By: _____
Name: Lee T. Kinsinger
Title: Manager

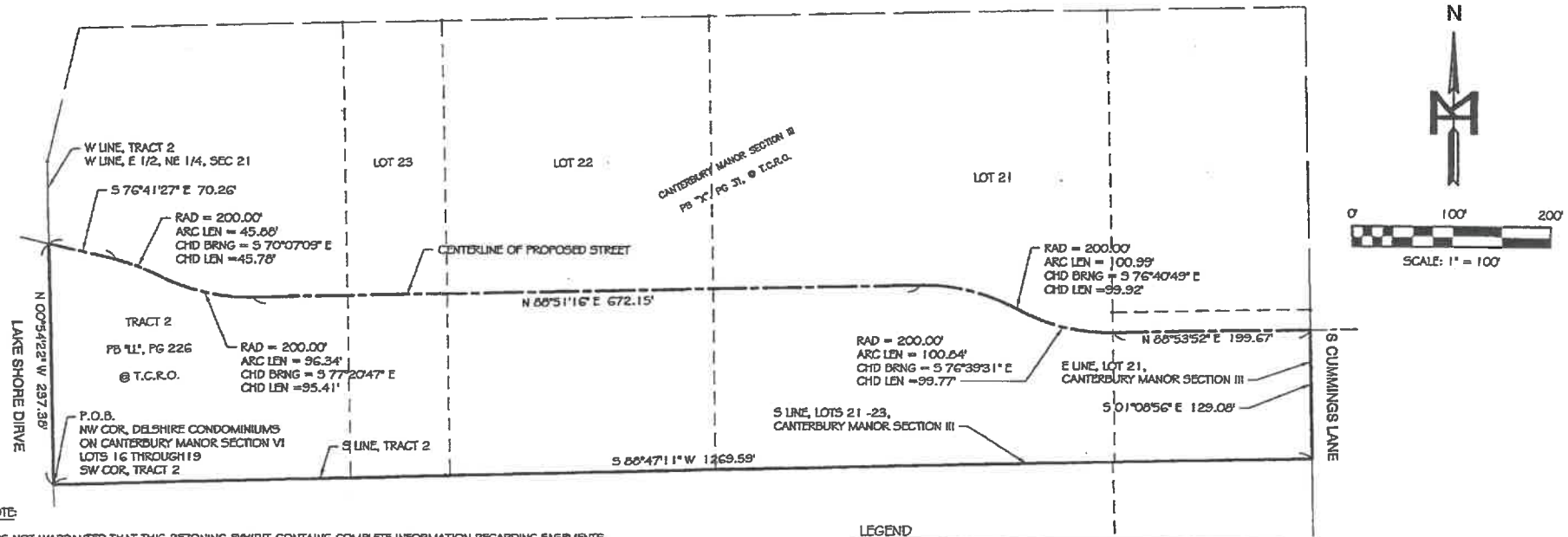
Heartland Bank & Trust Co.

By: Craig A Orwig
Name: Craig A Orwig
Title: Senior Vice President

Protea Place, LLC

By: Debra L Braker
Debra L. Braker, Manager

REZONING EXHIBIT



NOTE

IT IS NOT WARRANTED THAT THIS REZONING EXHIBIT CONTAINS COMPLETE INFORMATION REGARDING EASEMENTS, RESERVATIONS, RESTRICTIONS, RIGHT-OF-WAY, BUILDING SETBACK LINES AND OTHER ENCUMBRANCES. FOR COMPLETE INFORMATION, A TITLE OPINION OR OTHER COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED.

DESCRIPTION

A PART OF TRACT 2 AS SHOWN ON PLAT RECORDED IN PLAT BOOK "L", PAGE 226 AT THE TAZEWELL COUNTY RECORDERS OFFICE, AND ALSO A PART OF LOTS 21, 22 AND 23 OF CANTERBURY MANOR SECTION III AS SHOWN ON PLAT RECORDED IN PLAT BOOK "X" PAGE 30 AT THE TAZEWELL COUNTY RECORDERS OFFICE, ALL IN SECTION 21, TOWNSHIP-26-NORTH, RANGE-3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF DELSHIRE CONDOMINIUMS ON CANTERBURY MANOR SECTION VI LOTS 16 THROUGH 19, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF SAID TRACT 2 AND ALSO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED:

FROM THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 54 MINUTES 22 SECONDS WEST, (BEARINGS ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE, WEST ZONE, NAD83, 2011 ADJUSTMENT), ALONG THE WEST LINE OF SAID TRACT 2, SAID LINE ALSO BEING THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 237.88 FEET; THENCE SOUTH 76 DEGREES 41 MINUTES 27 SECONDS EAST, A DISTANCE OF 70.26 FEET; THENCE IN AN EASTERLY DIRECTION ALONG A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 200.00 FEET AND AN ARC LENGTH OF 45.88 FEET BEING SUBTENDED BY A CHORD BEARING SOUTH 70 DEGREES 07 MINUTES 09 SECONDS EAST WITH A CHORD LENGTH OF 45.78 FEET; THENCE IN AN EASTERLY DIRECTION ALONG A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 200.00 FEET AND AN ARC LENGTH OF 96.34 FEET, BEING SUBTENDED BY A CHORD BEARING SOUTH 77 DEGREES 20 MINUTES 47 SECONDS EAST WITH A CHORD LENGTH OF 95.41 FEET; THENCE NORTH 88 DEGREES 51 MINUTES 16 SECONDS EAST, A DISTANCE OF 672.15 FEET; THENCE IN AN EASTERLY DIRECTION ALONG A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 200.00 FEET AND AN ARC LENGTH OF 100.99 FEET BEING SUBTENDED BY A CHORD BEARING SOUTH 76 DEGREES 40 MINUTES 49 SECONDS EAST WITH A CHORD LENGTH OF 99.92 FEET; THENCE IN AN EASTERLY DIRECTION ALONG A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 200.00 FEET AND AN ARC LENGTH OF 100.84 FEET BEING SUBTENDED BY A CHORD BEARING SOUTH 76 DEGREES 39 MINUTES 31 SECONDS EAST WITH A CHORD LENGTH OF 99.77 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 52 SECONDS EAST, A DISTANCE OF 199.67 FEET, TO A POINT ON THE EAST LINE OF SAID LOT 21; THENCE SOUTH 01 DEGREES 08 MINUTES 56 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 129.08, TO THE SOUTHEAST CORNER OF SAID LOT 21; THENCE SOUTH 88 DEGREES 47 MINUTES 11 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOTS 21 THROUGH 23 AND THE SOUTH LINE OF SAID TRACT 2, A DISTANCE OF 1269.59 FEET, TO THE POINT OF BEGINNING, CONTAINING 5.02 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

LEGEND

—	AREA TO BE REZONED
— — —	CENTERLINE OF PROPOSED STREET
- - - - -	ADJACENT PROPERTY LINE
- - - - -	APPARENT RIGHT-OF-WAY
—	MEASURED BEARING
—	MEASURED DISTANCE
●	FOUND IRON ROD / PIPE
T.C.R.O.	TAZEWELL COUNTY RECORDERS OFFICE
P.O.B.	POINT OF BEGINNING

DATED THIS 25TH DAY OF MAY, 2023.

MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.

Caleb E. Johnson
CALEB E. JOHNSON
ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR #035-3884



LICENSE EXPIRES NOVEMBER 30, 2024



MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
5901 N. Prospect Road, Suite 68
Peoria, Illinois 61614
www.mohr-kerr.com

Office: (309) 692-8500
Fax: (309) 692-8501
Professional Design Firm #184003001

REZONING EXHIBIT

SURVEYED	WAC	PROJECT NO.
DRAWN	BAJ	22-01
CHECKED	CEJ	SHEET 1 OF 1
SCALE	1" = 100'	DRAWING NO.
DATE	5-24-23	1

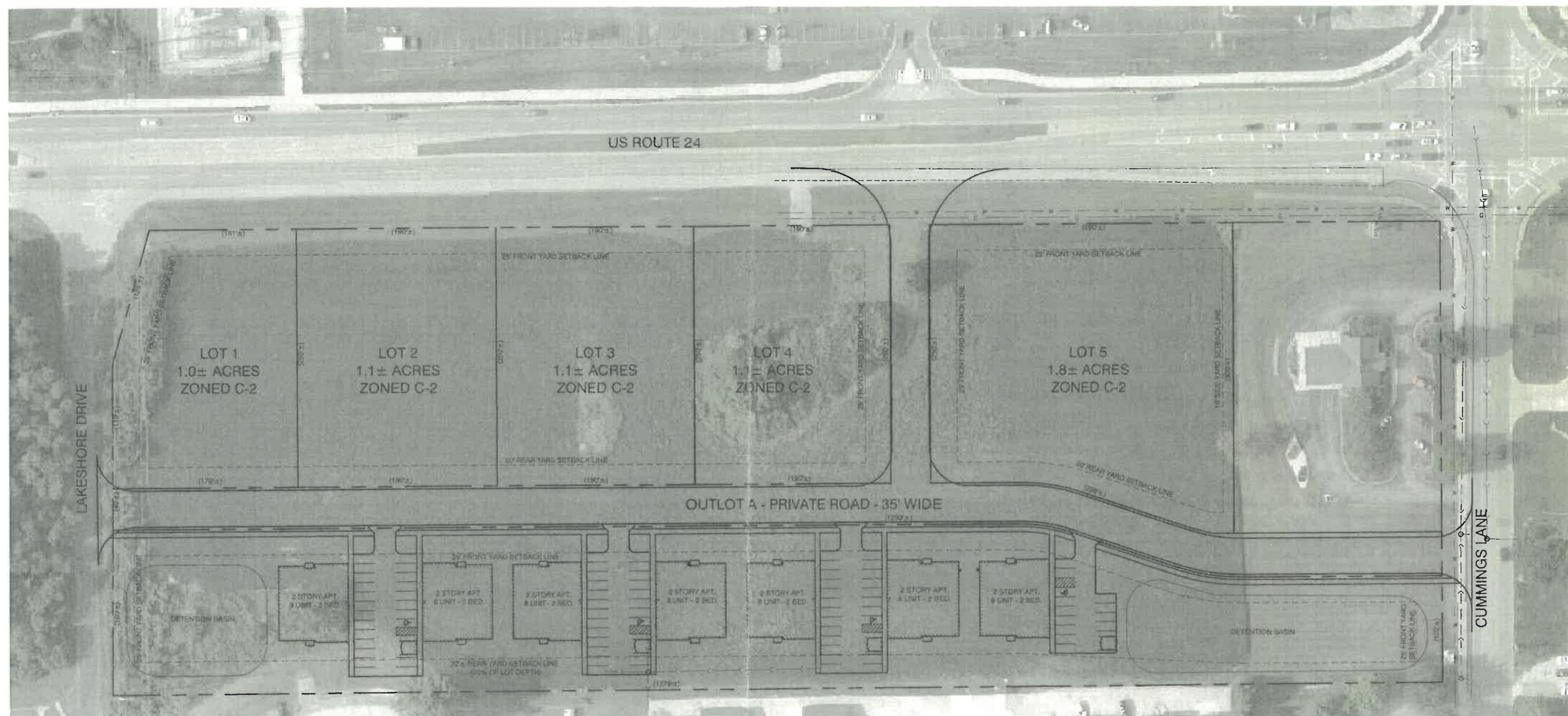
DEB BRAKER

DESCRIPTION

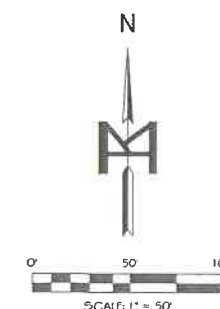
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COMMERCIAL ZONED C-2 - 6.1 ACRES±
RESIDENTIAL - REZONE TO R-2 MULTI - FAMILY - 4.3 ACRES±
TOTAL UNITS SHOWN = 58
1 UNIT PER 3300 SQUARE FEET (1 UNIT PER 3000 SF IS REQ.)
PROVIDING 1.5 PARKING SPACES PER UNIT



MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
5901 N. Prospect Road, Suite 6B
Peoria, Illinois 61614
www.mohrandkerr.com
Office: (309) 692-8500
Fax: (309) 692-8501
Professional Design Firm #184.005091

REV	DATE	NATURE OF REVISION	CHECKED	DATE
1	3/21/2023	Initial Design	BRAD BRAKER	3/21/2023
2	3/21/2023	Revised Design	BRAD BRAKER	3/21/2023
3	3/21/2023	Final Design	BRAD BRAKER	3/21/2023

CLIENT:

BRAD BRAKER

TITLE:

CONCEPT DEVELOPMENT PLAN

PROJECT NO.
22-431
SHEET 1 OF 1
DRAWING NO.
C100



Our development group is excited by the prospect of a new multifamily complex in Washington. We believe Washington will benefit from this development and appreciate the opportunity to share a brief summary of our plans.

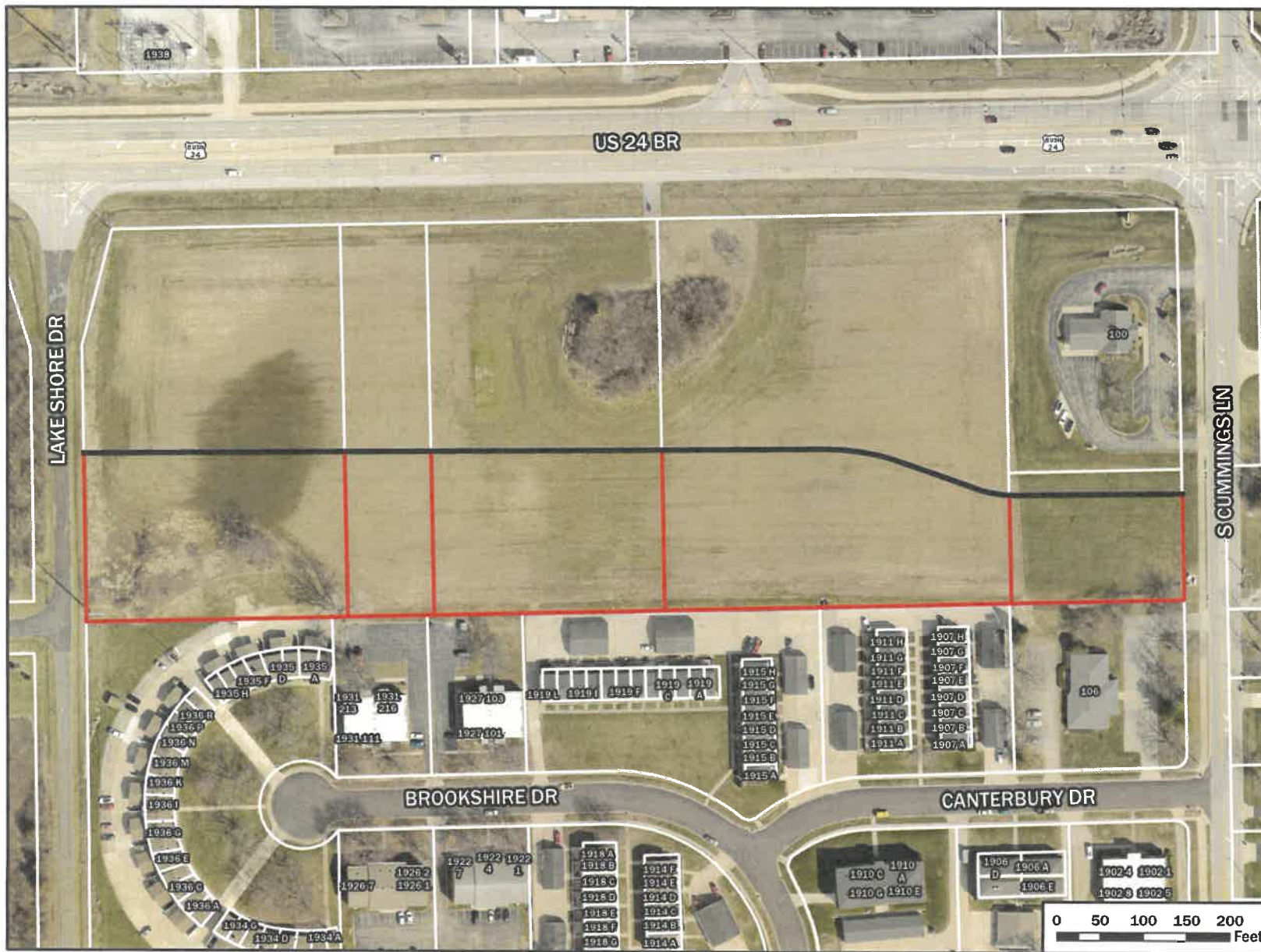
The development, once complete, will consist of 56 spacious units. Each will include two bedrooms and two bathrooms and will boast high-end finishes throughout. Based on similar developments we have recently completed in Morton and Pekin, we possess a good understanding of the expected demographics these units will serve. This will primarily include retired empty-nesters looking to shed the chores associated with homeownership and younger professionals possessing disposable income but not yet ready to invest in homeownership.

We are confident Washington will benefit from this development for multiple reasons. Foremost, this will be an attractive development and will provide Washington with an important tool in drawing or retaining residents who want a high-end living experience without ownership. Theoretically, many of the young professionals who rent in this development will eventually choose to call Washington “home” and build or purchase a home in town. Secondly, this multifamily development is critical to the overall development of this prominent plot of land that has remained undeveloped for many years. The apartments will provide a necessary buffer between the future businesses along Business 24 and the residential area to the south. Finally, this development will build in potential customers for the expanding retail and restaurant businesses located in the surrounding area.

It should not be overlooked that the property manager will also be an investor in this project. Leman Property Management Co. has been in business for over 40 years. Recent projects include Jefferson Place and the Farmhouse in Morton; Twelve21 Duryea in Peoria Heights; and the Marquette Building in downtown Peoria. The management company is locally owned and operated and has a strong track record with these similar high end properties. Considering all of these factors, we believe this would be a classic win-win for Washington and the development group.







Business 24 / S Cummings Ln

PIN: 02-02-21-205-004
PIN: 02-02-21-205-008
PIN: 02-02-21-205-009
PIN: 02-02-21-205-010
PIN: 02-02-21-205-058

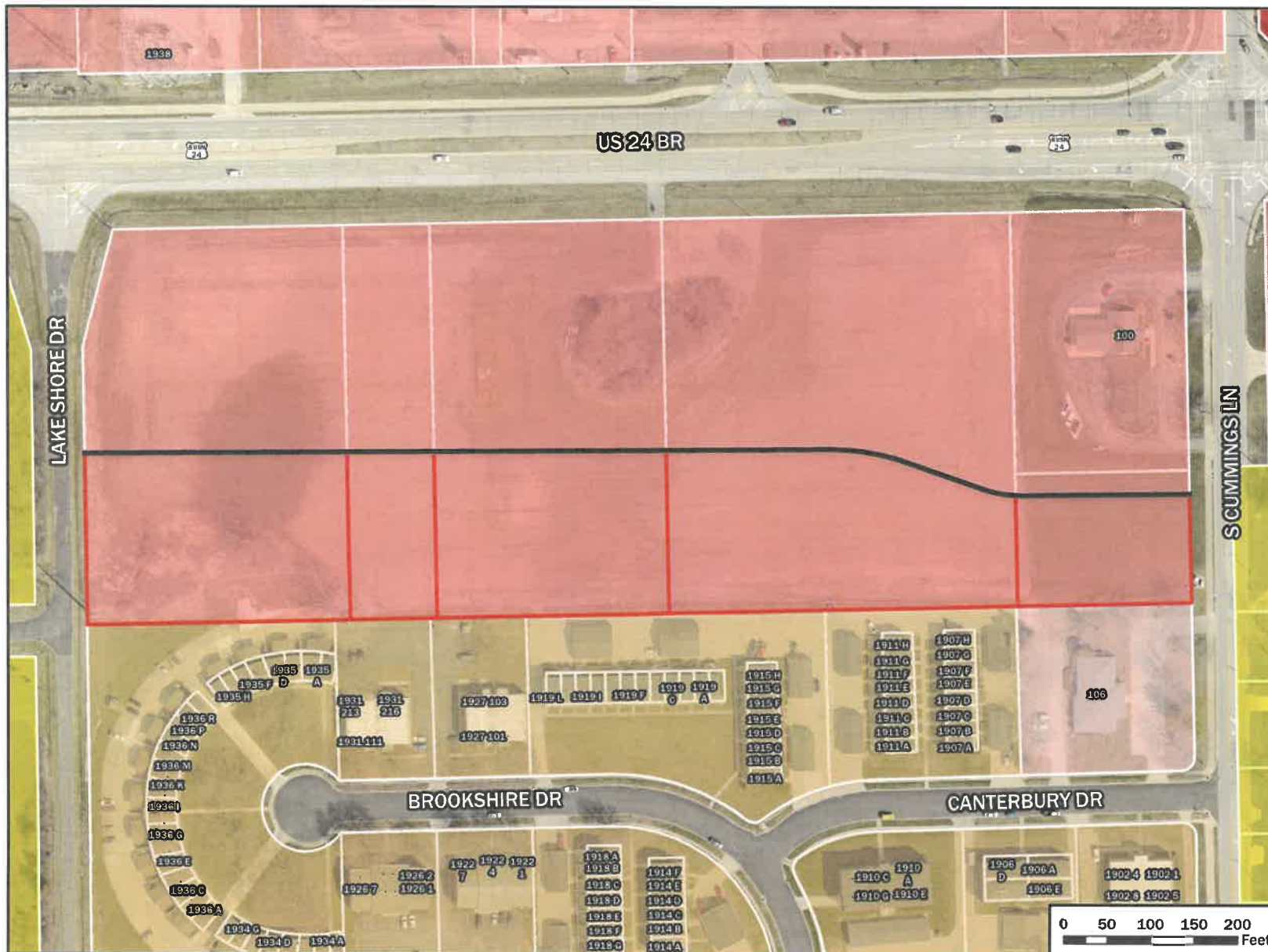
Legend

- Proposed Centerline
- Rezoned Parcels



Date: 6/9/2023

This map indicates approximate data locations and may not be 100% accurate. Parcels are provided and maintained by Tazewell County.



Business 24 / S Cummings Ln

PIN: 02-02-21-205-004
 PIN: 02-02-21-205-008
 PIN: 02-02-21-205-009
 PIN: 02-02-21-205-010
 PIN: 02-02-21-205-058

Legend

Zoning

- AG-1
- I-1
- CE
- R-1A
- R-1
- R-2
- C-1
- C-2
- C-3
- I-2

Proposed
Centerline

Rezoned Parcels



Date: 6/9/2023

This map indicates approximate
data locations and may not be 100% accurate.
Parcels are provided and maintained
by Tazewell County.

0 50 100 150 200
Feet

AGREEMENT

THIS AGREEMENT made and entered into this 4th day of May, 1992, between the CITY OF WASHINGTON, an Illinois municipal corporation, organized and existing under and by virtue of the constitution of the laws of the State of Illinois, hereinafter referred to as "City," and WESTLAKE MANAGEMENT CO., an Illinois corporation, hereinafter referred to as "Westlake."

R E C I T A L S

(A) The Illinois Department of Transportation (IDOT) plans to construct a fully improved intersection at Route 24 and Lakeshore Drive.

(B) That before IDOT will agree to construct said fully improved intersection, it will require Westlake to dedicate a right-of-way fifty-nine (59) feet wide and two hundred fifty (250) feet deep.

(C) Westlake shall retain a one-foot reserve strip running the full length of said dedicated right-of-way on the west side which shall eliminate access to the property located immediately west of the reserve strip from said Lakeshore Drive. IDOT has agreed to configure the deceleration lane in front of said property so it shall have access to Route 24, but shall be limited to a right turn in and a right turn out.

(D) That since the intersection improvement and the related right-of-way dedication shall be in the best interest of the residents of the City, the City has agreed to certain conditions as set forth herein.

NOW, THEREFORE, in consideration of the mutual

A # 113

promises, covenants, and agreements herein contained, the parties hereto COVENANT, CONSENT, AND AGREE as follows:

(1) Westlake agrees that it shall grant to the City, by Warranty Deed, a right-of-way dedication touching on U.S. Route 24, north and south two hundred fifty (250) feet and east and west fifty-nine (59) feet, more particularly described in the document entitled Warranty Deed attached hereto, marked Exhibit "A", and by reference expressly made a part hereof.

(2) Westlake agrees, upon the execution of this Agreement, it shall execute and deposit with COMMUNITY BANK OF GREATER PEORIA, as escrow agent, the Warranty Deed referred to above conveying the right-of-way to the City, subject to a certain document entitled "Escrow Deposit Agreement," a copy of which is attached hereto, marked Exhibit "B", and by reference expressly made a part hereof.

THE CITY AGREES, upon the conveyance by Westlake of the right-of-way referred to above, it shall:

(3) Maintain the private roadways located within Westlake's subdivision, pursuant to a certain Road Maintenance Agreement, in substantially the form of the document marked Exhibit "C" attached hereto and by reference expressly made a part hereof.

(4) At its sole expense, post and maintain signs clearly showing that the roadway beyond the end of the dedicated right-of-way is a private drive.

(5) Grant no access off the dedicated right-of-way to any property located to the west of said right-of-way

without the express consent of Westlake.

(6) Grant no more than one access off the dedicated right-of-way to the east. Said access shall be no wider than thirty (30) feet and shall be as close to Route 24 as IDOT will permit and is reasonable.

THE CITY AND WESTLAKE FURTHER AGREE as follows:

(7) The City shall assume no liability for damages to Westlake or to any third party as a result of its road maintenance pursuant to this Agreement, or the Road Maintenance Agreement, and Westlake agrees to hold the City harmless and indemnified from any such liability.

(8) Each party shall be responsible for its own attorneys' fees and costs, but City shall be responsible for the preparation of this Agreement and its exhibits.

(9) This Agreement shall be enforceable in any court of competent jurisdiction by either of the parties hereto by an appropriate action at law or in equity to secure the performance of the covenants herein contained.

(10) If any provision of this Agreement is held invalid, such provisions shall be deemed to be exorcised therefrom and the invalidity thereof shall not affect any of the other provisions contained herein.

(11) This Agreement and the underlying right-of-way dedication constitutes a covenant running with the land and is binding upon the grantees and grantors, their successors and assigns.

IN WITNESS WHEREOF, the parties to this Agreement have

caused it to be executed on the date and year first above written.

CITY OF WASHINGTON
a municipal corporation,

By Donald A. Gorenfeld
Its Mayor

ATTEST:

Carol K. Moss
City Clerk

CITY

WESTLAKE MANAGEMENT CO.,
an Illinois corporation,

By Douglas E. Young
Its President

ATTEST:

R. Thomas Salunke
Secretary

ROAD MAINTENANCE AGREEMENT

THIS ROAD MAINTENANCE AGREEMENT is made and entered into this 4th day of May, 1992, between the CITY OF WASHINGTON, TAZEVELL COUNTY, ILLINOIS, an Illinois municipal corporation, organized and existing under and by virtue of the constitution of the laws of the State of Illinois, hereinafter referred to as "CITY", and WESTLAKE MANAGEMENT CO., an Illinois corporation, hereinafter referred to as "WESTLAKE".

R E C I T A L S

(A) That WESTLAKE is a private subdivision located within the city limits of the CITY.

(B) That the roadways contained in said WESTLAKE subdivision have not been dedicated to the CITY and with the exception of a dedication of a 59 x 250 foot right-of-way adjacent to U.S. Route 24, all streets therein are private.

(C) That on even date herewith WESTLAKE has agreed to dedicate to the CITY the right-of-way referred to above which will enable the CITY to arrange with the Illinois Department of Transportation for a fully improved intersection at U.S. Route 24 and Lakeshore Drive.

(D) That as portion of the consideration for the agreements entered into between WESTLAKE and the CITY on even date herewith, the CITY has agreed to perform certain maintenance, snow plowing and ice control on the streets of said WESTLAKE subdivision.

NOW, THEREFORE, for and in consideration of the covenants and agreements hereinafter contained, and the conveyance of the right-of-way to the CITY as heretofore set forth, IT IS AGREED as follows:

- (1) The CITY will perform maintenance work on

EXHIBIT "C"

Lakeshore Drive and Pine Ridge Road to include only the following:

(a) Snow plowing and ice control in accordance with the CITY'S snow removal plan, as amended and revised from time to time.

(b) Pothole repair upon request, but the CITY shall not be obligated for crack sealing, shoulder work or any other maintenance responsibilities.

(2) The CITY does not assume any responsibility for, or guarantee that, the private streets in WESTLAKE subdivision shall be maintained in a proper state of repair, or that ice accumulations will be controlled in any way, or that the streets will be kept free from snow.

(3) It shall be the sole responsibility of WESTLAKE to maintain insurance to cover any liability which may arise as a result of the conditions of its private streets, and shall hold the CITY harmless and indemnified for any liability it may acquire by reason of performing the services described herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

CITY OF WASHINGTON,
TAZEWELL COUNTY, ILLINOIS

By David R. Greenwood
Its Mayor

CITY

WESTLAKE MANAGEMENT CO.,
an Illinois corporation

By Douglas E. Young
Its President

ATTEST:

Carol K. Moss
City Clerk

ATTEST:

R. Thomas Salunka
Secretary