

2001 R61885

STATE OF ILLINOIS
MADISON COUNTY
FILED FOR RECORD IN
THE RECORDERS OFFICE

11-20-2001 11:00:07 A

DANIEL R. DONOHOD
RECORDER

DOC. FEE: 18.00
PAGES: 4

4462 1654

18.00 ck # 1052

DECLARATION OF COVENANTS AND RESTRICTIONS
FOR CONSERVATION EASEMENTS

COMMONS "A" IN VICKSBURG COMMONS - PLAT 1
AS RECORDED IN PLAT CABINET 62 ON PAGE 166

AND ALSO

COMMONS "C" IN VICKSBURG COMMONS - PLAT 2
AS RECORDED IN PLAT CABINET 62 ON PAGE 187

IN THE OFFICE OF THE COUNTY RECORDER
FOR MADISON COUNTY, ILLINOIS.

OWNER

VICKSBURG DEVELOPMENT, INC.
514 EAST VANDALIA STREET
EDWARDSVILLE, ILLINOIS 62025

Ret:
PREPARED BY:
SHERRILL ASSOCIATES, INC.
20 EDWARDSVILLE PROFESSIONAL PARK
EDWARDSVILLE, ILLINOIS 62025

DECLARATION OF COVENANTS AND RESTRICTIONS
FOR CONSERVATION EASEMENTS

Vicksburg Development, Inc. is the owner in fee simple of certain real property, hereinafter called "Conservation Easements", lying in, being in, and situated in the City of Edwardsville, County of Madison, State of Illinois, and described as follows, to wit:

"Commons A, Conservation Easement" in Vicksburg Commons - Plat 1 as recorded in Plat Cabinet 62 on Page 166 in the Madison County, Illinois, Recorder's records,

and also, "Commons C, Conservation Easement" in Vicksburg Commons - Plat 2 as recorded in Plat Cabinet 62 on Page 187 in the Madison County, Illinois, Recorder's records,

subject to conditions, restrictions, agreements, or easements of record or existence.

This Declaration of Covenants and Restrictions is created in consideration of Vicksburg Development, Inc. being allowed to develop the area outside the "Conservation Easements" in accordance with the terms and conditions of the Zoning Ordinance and the Land Development Code of the City of Edwardsville.

Vicksburg Development, Inc. agrees to dedicate the realty described as the "Conservation Easements" for the perpetual use as a conservancy area in accordance with the terms and conditions of this document.

NOW THEREFORE, Vicksburg Development, Inc., for and in consideration of the facts herein recited and the mutual covenants, terms, conditions and restrictions herein contained, does hereby make the following covenants and creates the following restrictions on the "Conservation Easements", for the purposes set forth herein:

COVENANTS:

1. Vicksburg Development, Inc. shall not obstruct the view of the "Conservation Easements" in its existing or constructed condition.
2. Vicksburg Development, Inc. does hereby insure the right of the City of Edwardsville, in a reasonable manner and at reasonable times, to enforce by proceedings at law or in equity the covenants hereinafter set forth. The City of Edwardsville does not waive or forfeit the right to take action as may be necessary to insure compliance with the covenants and purposes of this declaration by any prior failure to act.
3. Vicksburg Development, Inc. does hereby agree to allow the City of Edwardsville the right to enter the "Conservation Easements" at all reasonable times for the purpose of inspecting the "Conservation Easements" to determine if Vicksburg Development, Inc., or its heirs or assigns, is complying with the covenants and purposes of the declaration.

4. Without the prior express written consent from the City of Edwardsville, Vicksburg Development, Inc. shall abide by the following covenants:
- a. There shall be no dredged or fill material placed on the "Conservation Easements" except as necessary for public safety or essential utility services. However, any public safety or essential utility services project must be approved by the City of Edwardsville, and effects upon the "Conservation Easements" must be avoided and minimized to the maximum extent possible.
 - b. There shall be no commercial, industrial, agricultural, residential or recreational developments, buildings, or structures including signs, billboards, other advertising material, or other structures built or placed on the "Conservation Easements" except as necessary for educational or interpretive purposes. However, any projects for educational or interpretive purposes must be approved by the City of Edwardsville, and effects upon the "Conservation Easements" must be avoided and minimized to the maximum extent possible.
 - c. There shall be no removal or destruction of trees and plants, mowing, draining, plowing, mining, removal of topsoil, sand, rock, gravel, minerals, or other material on the "Conservation Easements" or for required tree height restrictions to meet airport safety measures. Pursuant to the plan, any forest management plan must be approved by the City of Edwardsville.
 - d. There shall be no grazing or keeping of cattle, sheep, horses, or other livestock on the "Conservation Easements".
 - e. There shall be no operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles on the "Conservation Easements".

This Declaration of Covenants and Restrictions may be changed, modified or revoked only upon written approval of the City of Edwardsville. To be effective, such approval must be witnessed, authenticated, and recorded pursuant to the law of the State of Illinois.

Except as expressly limited herein, Vicksburg Development, Inc. reserves for itself, its heirs and assigns, all rights as owner of the "Conservation Easements", including the right to use the property for all purposes not inconsistent with this grant.

The terms and conditions of this Declaration of Covenants and Restrictions shall, as of the Date of Execution of this document, bind Vicksburg Development, Inc. to the extent of its legal and/or equitable interest in the "Conservation Easements", and; this Declaration, and the covenants and restrictions contained herein shall run with the land both as to benefit and to burden and shall be binding on Vicksburg Development, Inc. and its heirs, successors, and assigns forever.

