

ORDINANCE NO. 17,224

AN ORDINANCE AMENDING ORDINANCE NO. 15,393 FOR AN AGREEMENT AND COVENANT CONCERNING MAINTENANCE OF NEW PRIVATE STREET TO ALLOW SECONDARY ACCESS FROM TRAILCREEK DRIVE TO CRESTLINE DRIVE WITH A CONTROL ACCESS GATE FOR TRAILCREEK ESTATES CONDOMINIUM, A MULTI-FAMILY RESIDENTIAL DEVELOPMENT LOCATED WEST OF KNOXVILLE AVENUE, SOUTH OF PIONEER PARKWAY EAST OF THE ROCK ISLAND TRAIL AND NORTH OF VERSAILLE SUBDIVISION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

SECTION 1. That the Amendment to Agreement and Covenant Concerning New Private Street attached hereto as Attachment A is hereby approved subject to the following conditions:

- 1) Payment of applicable City permit fees
- 2) Pay for the removal of barricades placed at the end of Crestline Dr.

SECTION 2. This ordinance shall be in full force and effect on and after its passage according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS THIS

12 DAY OF May, 2015

APPROVED:



Mayor

ATTEST:



City Clerk

EXAMINED AND APPROVED:



Corporation Counsel

3. Conditions for Secondary Access

The conditions for secondary access to Crestline Drive shall be as follows.

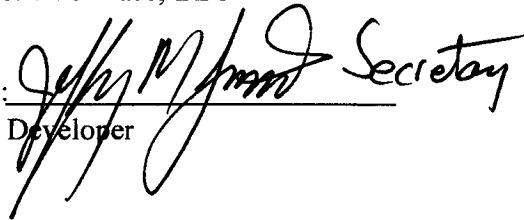
- (a) The location of the secondary access to Crestline Drive shall be as shown on the Amended Final Plan of Trailcreek Estates Condominium as approved by City Ordinance 16,162 and as illustrated on Exhibit B attached hereto.
- (b) All expenses for the construction of the secondary access shall be paid by Developer.
- (c) Construction of the pavement shall conform to the requirements set forth in the Private Street Agreement.
- (d) Access to and from Crestline Drive shall be controlled by an electronically operated gate arm allowing access only to residents within Trailcreek Estates Condominium and emergency vehicles. The design of the electronically operated gate arm shall be approved by the City of Peoria, Illinois Permit Engineer.
- (e) Developer and the successor condominium association shall assume responsibility for the maintenance of the electronic control arm and all expenses in connection with the maintenance of the pavement connecting the private streets to Crestline Drive including that portion of the pavement which is constructed within the public right-of-way.
- (f) Any and all permits required for the construction of the Secondary Access as determined by the City of Peoria, Illinois Permit Engineer including permits for construction within the public right-of-way and storm sewer work shall be obtained and paid for by Developer.

4. Binding Effect

This Amendment shall be and become part of the Private Street Agreement and shall be binding and a covenant running with the land as provided in the Private Street Agreement.

This Amendment is approved this 12 day of May, 2015.

Trailcreek Estates Partners, LLC, successor to
Knoxville Place, LLC

By:  Secretary
Developer

City of Peoria

By: 

**AMENDMENT TO AGREEMENT AND COVENANT CONCERNING
MAINTENANCE OF NEW PRIVATE STREET**

This Amendment to Agreement and Covenant Concerning Maintenance of New Private Street ("Amendment") is made by and between TRAILCREEK ESTATES PARTNERS, LLC successor to KNOXVILLE PLACE, LLC ("Developer") and THE CITY OF PEORIA, ILLINOIS ("City").

RECITALS

WHEREAS, Developer and City have previously entered into an Agreement and Covenant Concerning Maintenance of New Private Street dated November 13, 2002, a copy of which is attached hereto as Exhibit A and is hereinafter described as the "Private Street Agreement"; and

WHEREAS, the Private Street Agreement was entered into between the parties to facilitate the approval and development of Trailcreek Estates Condominium; and

WHEREAS, the City on July 10, 2007 by Ordinance Number 16,162 approved the amended Final Plan of Trailcreek Estates Condominium which provided for a secondary access to Crestline Drive from the private streets known as Walnutbend Drive and Applewood Lane; and

WHEREAS, Ordinance Number 16,162 provided that the Private Street Agreement be amended to accommodate secondary access to Crestline Drive; and

WHEREAS, the parties by this Amendment desire to amend the Private Street Agreement as provided in Ordinance Number 16,162.

NOW, THEREFORE, in consideration of the mutual promises and covenants provided herein the parties agree as follows.

1. Amendment

This Amendment shall amend and become part of the Private Street Agreement.

2. Secondary Access to Crestline Drive

Developer shall be allowed to connect the private streets described in the Private Street Agreement to public right-of-way known as Crestline Drive under the terms provided in this Amendment.

Prepared by: James R. Franklin; Austin Engineering Co., Inc.
Mail to:

**AGREEMENT AND COVENANT CONCERNING MAINTENANCE
OF NEW PRIVATE STREET**

In compliance with the requirement of Appendix A, Section 5-201B of the Code of Ordinances of the City of Peoria, that a maintenance agreement be submitted and approved by the City Council of the City of Peoria for final approval for a private street in a development, and in consideration of such approval of the private street(s) described hereinafter as Trailcreek Estates Condominium, the undersigned, his heirs, successors and assigns, and any subsequent owner or owners of the private street herein described or a portion thereof, or of the property accessing onto the described private street, hereby agree that all private streets hereinafter described shall be constructed of a bituminous surface, concrete, paving brick, cobblestone, or an equal and approved surface that will comply with a minimum structural co-efficient of two; construction plans shall be submitted for approval to the City Engineer or his successor.

All described private streets shall be open at all times for public use and the undersigned, his heirs, successors and assigns and any subsequent owner of the private street herein described or a portion thereof, or of the property accessing onto the private street(s) shall provide for the perpetual maintenance of said street or street(s) in compliance with the standards established by the City of Peoria and "standard specifications for subdivision development" as it may be amended from time to time.

In the event that said private street does not conform or is not maintained to the standards as set forth in "standard specifications for subdivision development" (as it may be amended from time to time), or that the condition of the street is such as to endanger vehicular or pedestrian traffic, the City of Peoria may close such private street until such time as the street conforms to such standards and/or is no longer in the condition which endangers vehicular or pedestrian traffic as the case may be.

This Agreement shall be a covenant running with the land binding upon the undersigned private street owner, his successors and assigns, and all subsequent owners of the property herein described and property herein accessing onto the private street described for the benefit and enforceable by the City of Peoria; and this Agreement and covenant shall be recorded in the Office of the Recorder of Deeds of Peoria County, Illinois and shall run in relation to the following described private street as well as the property accessing onto the described property.

The private street to which this covenant applies is described as follows:

Walnurbend Dr.
Applewood Lane.

The property accessing onto said private street is described as:

Trailcreek Condominium

This Agreement and covenant was approved by the City Council of the City of Peoria on the 13th day of NOVEMBER 2002.

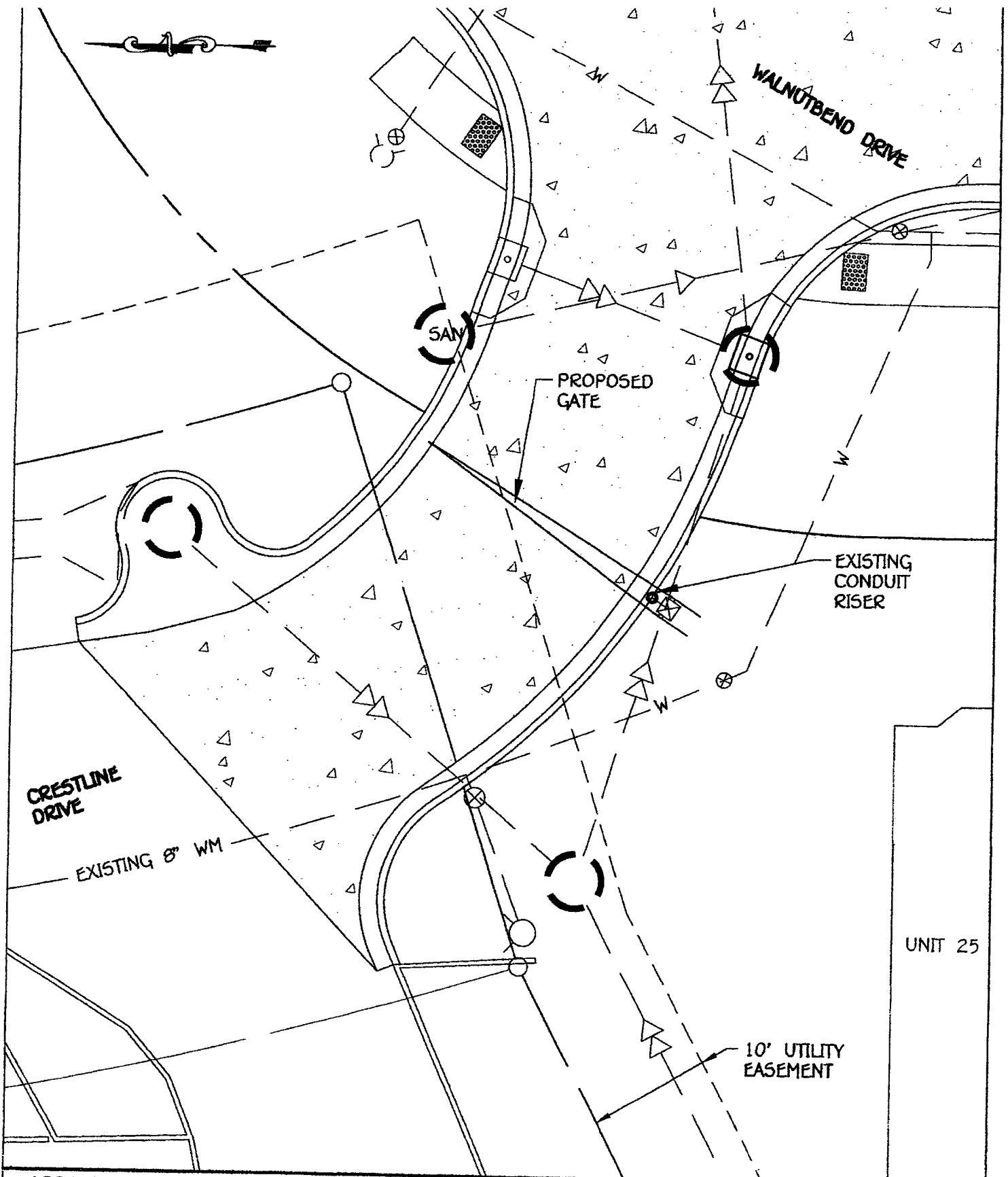
Knornity House LLC
By [Signature], Pres.
Property Owner/Developer

CITY OF PEORIA

By [Signature]
City Manager

Record this document against: _____

EXHIBIT A



**ACCESS GATE LOCATION W/CONDUIT LOCATION
TRAILCREEK ESTATES CONDOMINIUM**

DATE 10-03-14

SCALE 1"=10'

BOOK



AUSTIN ENGINEERING, CO., INC.
 Consulting Engineers / Surveyors
 8100 North University Street
 Peoria, Illinois 61615-1879
 License No. 184-001143

EXHIBIT B