

AGREEMENT AND COVENANT CONCERNING MAINTENANCE OF NEW PRIVATE STREET

In compliance with the requirement of Appendix A, Section 5-201E 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 within Trails Crossing Phase 3, a development, 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 coefficient 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(s) to which this covenant applies is described as follows:
Tuscany Ridge Court-noted as outlot "B" on the final plat for Trails Crossing Phase 3

The property accessing onto said private street(s) is described as:
Lots 17A, 17B, 18S, Outlot "A", 19A, 19B, 20S, 21A, 21B, 22A, and 22B of Phase 3

This Agreement and covenant was approved by the City Council of the City of Peoria on the _____ day of _____ 20__.

FIELDS CROSSING JORGENSEN LLC

Timothy J. Shea
Property Owner/Developer

CITY OF PEORIA

City Manager

Record this document against Parcel Identification No: 08-25-200-026