

**BERINGER COMMONS SUBDIVISION  
NO. 4**

**CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS**

**OWNERS CERTIFICATE AND DEDICATION**

**WITH**

**RESTRICTIVE COVENANTS**

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**PART 1 OWNER'S CERTIFICATE**

STATE OF ILLINOIS            )  
  )ss.  
COUNTY OF CHAMPAIGN)

**BERINGER COMMONS NO. 4  
OWNER'S CERTIFICATE AND DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, EAST URBANA DEVELOPMENT CORPORATION, an Illinois Corporation, being the owner of the following described real estate:

PART OF THE SE 1/4 OF SECTION 10, T. 19N., R. 9E. OF THE 3RD P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 IN EDGEWOOD SUBDIVISION, AS RECORDED JULY 17, 1950 IN BOOK I OF PLATS, AT PAGE 49 AS DOCUMENT NO. 461212 IN THE RECORDER'S OFFICE OF CHAMPAIGN COUNTY, ILLINOIS; THENCE N. 00°59'01" W., ALONG THE WEST LINE OF THE SE 1/4 OF SECTION 10, T. 19N., R. 9E. OF THE 3RD P.M., AND THE EAST LINE OF SAID LOT 1, 2.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF U.S. ROUTE 150 (F.A. ROUTE 808 - S.B.I.ROUTE 10) AND THE SOUTHWEST CORNER OF BERINGER COMMONS SUBDIVISION NO. 1 AS RECORDED OCTOBER 29, 1991 IN BOOK BB OF PLATS, AT PAGE 143 AS DOCUMENT NO. 91R23131 IN THE RECORDER'S OFFICE OF CHAMPAIGN COUNTY, ILLINOIS; THENCE S. 86°32'42" E., ALONG THE SOUTH LINE OF SAID BERINGER COMMONS SUBDIVISION NO. 1 AND SAID NORTH RIGHT-OF-WAY LINE, 267.73 FEET; THENCE S. 82°41'24" E., ALONG SAID SOUTH LINE OF BERINGER COMMONS SUBDIVISION NO. 1 AND SAID NORTH RIGHT-OF-WAY LINE, 300.00 FEET; THENCE S. 86°56'54" E., ALONG SAID SOUTH LINE OF BERINGER COMMONS SUBDIVISION NO. 1 AND THE SOUTH LINE OF BERINGER COMMONS

SUBDIVISION NO. 2B AS RECORDED DECEMBER 27, 1994 IN BOOK CC OF PLATS, AT PAGE 63 AS DOCUMENT NO. 94R32428 IN THE RECORDER'S OFFICE OF CHAMPAIGN COUNTY, ILLINOIS, AND SAID NORTH RIGHT-OF-WAY LINE, 395.70 FEET; THENCE S. 88°51'34" E., ALONG SAID SOUTH LINE OF BERINGER COMMONS SUBDIVISION NO. 2B AND SAID NORTH RIGHT-OF-WAY LINE, 261.00 FEET TO THE SOUTHEAST CORNER OF SAID BERINGER COMMONS SUBDIVISION NO. 2B, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BERINGER COMMONS SUBDIVISION NO.3 AS RECORDED JUNE 19, 1998 AS DOCUMENT NO. 98R18228 IN THE RECORDER'S OFFICE OF CHAMPAIGN COUNTY, ILLINOIS; THENCE S. 88°51'34" E., ALONG THE SOUTH LINE OF SAID BERINGER COMMONS SUBDIVISION NO. 3 AND SAID NORTH RIGHT-OF-WAY LINE, 133.46 FEET; THENCE S. 87°28'25" E., ALONG THE SOUTH LINE OF SAID BERINGER COMMONS SUBDIVISION NO. 3 AND SAID NORTH RIGHT-OF-WAY LINE, 300.37 FEET; THENCE N. 89°05'28" E., ALONG THE SOUTH LINE OF SAID BERINGER COMMONS SUBDIVISION NO. 3 AND SAID NORTH RIGHT-OF-WAY LINE, 223.78 FEET TO THE SOUTHEAST CORNER OF SAID BERINGER COMMONS SUBDIVISION NO. 3 AND THE TRUE POINT OF BEGINNING;

THENCE N.01°08'26"E., ALONG THE EAST LINE OF SAID BERINGER COMMONS SUBDIVISION NO. 3, 188.05 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF RUTHERFORD DRIVE; THENCE N.16°51'59"W., ALONG SAID EAST LINE, 60.00 FEET TO A POINT ON CURVE ON THE NORTH RIGHT-OF-WAY LINE OF SAID RUTHERFORD DRIVE; THENCE WESTERLY ALONG SAID EAST LINE AND SAID NORTH RIGHT-OF-WAY LINE, A CURVE TO THE RIGHT, CONVEX TO THE SOUTH WITH A RADIUS OF 220.00 FEET AND AN INITIAL TANGENT BEARING S.73°08'01"W., A DISTANCE OF 69.14 FEET; THENCE N.01°08'26"E., ALONG SAID EAST LINE OF BERINGER COMMONS SUBDIVISION NO. 3, 135.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE N.88°51'34"W., ALONG THE NORTH LINE OF SAID BERINGER COMMONS SUBDIVISION NO. 3, 445.20 TO A POINT ON THE EAST LINE OF THE AFORESAID BERINGER COMMONS SUBDIVISION NO. 2B; THENCE N.01°08'26"E., ALONG SAID EAST LINE, 39.19 FEET; THENCE N.12°42'27"W., ALONG SAID EAST LINE, 88.45 FEET; THENCE N.36°28'56"E., ALONG SAID EAST LINE, 57.11 FEET; THENCE N.64°16'09"E., ALONG SAID EAST LINE, 119.26 FEET; THENCE

N.25°43'51"W., ALONG SAID EAST LINE, 140.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ARTESSIA CROSSING; THENCE N.64°16'09"E., ALONG SAID EAST LINE AND SAID SOUTH RIGHT-OF-WAY LINE 22.39 FEET; THENCE N.25°43'51"W., ALONG SAID EAST LINE, 220.00 FEET; THENCE S.64°16'09"W., ALONG SAID EAST LINE, 138.38 FEET; THENCE N.36°14'21"W., ALONG SAID EAST LINE, 64.60 FEET; THENCE N.30°53'28"W., ALONG SAID EAST LINE, 80.77 FEET; THENCE N.25°05'46"W., ALONG SAID EAST LINE, 76.74 FEET; THENCE N.19°35'54"W., ALONG SAID EAST LINE, 72.70 FEET; THENCE N.14°14'57"W., ALONG SAID EAST LINE, 72.70 FEET; THENCE N.08°45'05"W., ALONG SAID EAST LINE, 76.74 FEET; THENCE N.03°25'57"W., ALONG SAID EAST LINE, 67.84 FEET; THENCE N.06°43'23"E., ALONG SAID EAST LINE, 50.38 FEET TO THE NORTHEAST CORNER THEREOF; THENCE N.75°37'02"W., ALONG THE NORTH LINE OF SAID BERINGER COMMONS SUBDIVISION NO. 2, 185.00 FEET TO A POINT ON CURVE, THE EAST RIGHT-OF-WAY LINE OF BERINGER CIRCLE; THENCE NORTHERLY ALONG SAID NORTH LINE AND SAID EAST RIGHT-OF-WAY LINE, A CURVE TO THE RIGHT, CONVEX TO THE WEST WITH A RADIUS OF 374.00 FEET AND AN INITIAL TANGENT BEARING N.14°22'58"E., A DISTANCE OF 34.11 FEET; THENCE N.70°23'29"W., ALONG SAID NORTH LINE, 72.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID BERINGER CIRCLE; THENCE N.71°40'34"W., ALONG SAID NORTH LINE 113.24 FEET; THENCE N.10°05'50"E., ALONG SAID NORTH LINE 38.58 FEET; THENCE N.16°25'19"E., 142.93 FEET; THENCE N.04°48'27"E., 60.00 FEET; THENCE S.85°11'33"E., 34.04 FEET; THENCE N.04°48'27"E., 147.07 FEET; THENCE S.81°18'07"E., 157.11 FEET; THENCE N.85°27'43"E., 323.33 FEET; THENCE S.71°09'59"E., 122.62 FEET; THENCE S.61°33'04"E., 60.00 FEET TO A POINT ON CURVE; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT, CONVEX TO THE WEST WITH A RADIUS OF 370.00 FEET AND AN INITIAL TANGENT BEARING N.28°26'56"E., A DISTANCE OF 53.79 FEET; THENCE S.58°14'19"E., 105.73 FEET; THENCE S.49°24'56"E., 99.30 FEET; THENCE S.41°38'54"E., 101.97 FEET; THENCE S.34°01'22"E., 87.11 FEET; THENCE S.20°02'08"E., 89.87 FEET; THENCE S.28°56'03"E., 77.65 FEET; THENCE S.46°55'14"E., 43.40 FEET; THENCE S.74°36'42"E., 54.69 FEET; THENCE N.89°03'26"E., 231.43 FEET; THENCE N.47°49'24"E., 30.03 FEET; THENCE S.44°44'21"E., 27.42 FEET; THENCE N.89°03'26"E., 161.72 FEET; THENCE N.00°56'34"W.,

17.62 FEET; THENCE N.89°03'26"E., 226.64 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF HIGH CROSS ROAD (TOWNSHIP ROAD 1600E); THENCE S.03°34'13"E., ALONG SAID WEST RIGHT-OF-WAY LINE, 76.36 FEET; THENCE S.27°30'28"E., ALONG SAID WEST RIGHT-OF-WAY LINE, 55.90 FEET; THENCE N.89°03'26"E., 25.00 FEET TO A POINT ON THE EAST LINE OF THE AFORESAID SE 1/4 OF SECTION 10; THENCE S.00°56'34"E., ALONG SAID EAST LINE, 187.34 FEET TO A POINT ON THE NORTH LINE OF AN ILLINOIS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ACQUISITION FOR FEDERAL AID ROUTE 05 (HIGH CROSS ROAD); THENCE S.89°03'13"W., ALONG SAID NORTH LINE, 40.14 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID HIGH CROSS ROAD; THENCE S.00°18'26"W., ALONG SAID WEST RIGHT-OF-WAY LINE, 446.73 FEET; THENCE S.06°50'41"W., ALONG SAID WEST RIGHT-OF-WAY LINE, 307.07 FEET; THENCE S. 11°11'36"W., ALONG SAID WEST RIGHT-OF-WAY LINE, 321.92 TO A POINT ON THE AFORESAID NORTH RIGHT-OF-WAY LINE OF LINE OF U.S. ROUTE 150 (F.A. ROUTE 808 - S.B.I.ROUTE 10); THENCE S. 48°24'52"W., ALONG SAID NORTH RIGHT-OF-WAY LINE, 79.48 FEET; THENCE S. 89°39'50"W., ALONG SAID NORTH RIGHT-OF-WAY LINE, 79.67 FEET; THENCE S. 83°57'12"W., ALONG SAID NORTH RIGHT-OF-WAY LINE, 201.00 FEET; THENCE S. 89°05'28"W., ALONG SAID NORTH RIGHT-OF-WAY LINE, 276.24 FEET TO THE POINT OF BEGINNING, CONTAINING 48.616 ACRES MORE OR LESS , ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, shown in the annexed plat and described in the Surveyor's Certificate has caused the said described real estate to be surveyed, platted and subdivided by Thomas B. Jordan, Illinois Land Surveyor No. 2014, Champaign, Illinois, in the manner shown on said plat; as a subdivision to be perpetually known as BERINGER COMMONS NO. 4, a subdivision of part of the SE 1/4 Sec. 10, T. 19 N., R. 9 E. of the 3rd P.M., City of Urbana, Champaign County, Illinois, and does hereby grant and dedicate to the people of the City of Urbana, County of Champaign, Illinois, for the use of the public forever, the avenues, drives, streets, roads and alleys, hereinafter referred to as streets, shown on said plat and located in the County of Champaign and City of Urbana, Illinois, each of which said streets

shall be perpetually known by the respective names designated on said plat.

It is hereby provided that all conveyances of property hereinafter made by the present or future owners of any of the land described in the foregoing Surveyor's Certificate shall, by adopting the description of said platted land as BERINGER COMMONS SUBDIVISION NO. 4, a subdivision of part of the SE 1/4, Sec. 10, T. 19 N., R. 9 E. of the 3rd P.M., City of Urbana and Urbana Township, Champaign County, Illinois, to be taken and understood as incorporating in all such conveyances, without repeating the same, the following restrictions as being applicable to each tract of land described in said Surveyor's Certificate, to-wit:

## **PART 2      DEFINITIONS**

For the purpose of this declaration, certain words and terms are hereby defined.

2.1    **Accessory Building**: Separate building or buildings or portions of the main building located on the same building site and which are incidental to the main building or to the main use of the premises.

2.2    **Building Area**: That portion of a building site within which the construction and maintenance of main buildings is permitted.

2.3    **Dwelling Structure**: The main building on any building site or the building structure located on one or more platted lots and containing one or more dwelling units.

2.4    **Dwelling Unit**: A dwelling unit is to be designed, used and occupied exclusively for a residence and is to be occupied exclusively by a single family.

2.5    **Building Site**: A building site shall be the collective number of lots required to construct a structure with a specific number of dwelling units equal to or less than the collective number of lots. It is expected that the number of dwelling units will be equal to the number of lots for a structure with common lot line dwelling units, however, the number of lots may exceed the

number of units within a structure.

2.6 Ground Floor Area: That portion of a dwelling which is built over a basement or foundations but not over any other portion of the building.

2.7 Commons Easement: The area designated on the plat which purpose is for the common use and enjoyment of the owners, and their guests.

2.8 Checklist: A document included herein as Appendix A which sets forth certain items to which an owner or builder must be aware in order to construct building improvements on a particular lot and adhere to in order to occupy a dwelling unit on a particular lot.

2.9 Single Family: A group of occupants with not more than two (2) unrelated adults.

### **PART 3 COVENANTS**

#### **APPLICATION**

The Covenants below, in their entirety, shall apply to the following single family lots in the subdivision. Lots 401 - 451 and 454. These Convenants shall not apply to lots 452,453,455 and 456.

#### **COVENANTS**

3.1 Allowable Structure: No structure shall be erected, altered, placed or permitted to remain on any building site other than one single family detached dwelling unit, a private garage for at least two (2) but not more than three (3) cars per dwelling unit, and other accessory buildings incidental to residential use of the premises.

3.2 Architectural Committee: The Beringer Commons Architectural Committee shall initially be composed of the following three (3) persons:

Ivan Richardson, 1606 Willow View Rd., Urbana, IL  
Brad Richardson, 1606 Willow View Rd., Urbana, IL



Any action taken by the members of the committee shall be considered to be the action of the committee. The committee may designate a representative to act for it and may delegate its powers and duties to its representatives. In the event of the death, resignation, refusal to act or inability to act of any member of the committee, the remaining members of the committee may designate a successor. The record owners of a seventy-five per cent (75%) of the lots in this section of Beringer Commons and various sections of Beringer Commons, presently platted or to be platted at a later date, shall have the power at any time, by a duly signed, acknowledged and recorded instrument, to change the membership of the committee, to withdraw any powers and duties from the committee or to restore to it such powers and duties as may have been previously withdrawn.

(a) Approval by Committee: No construction work shall be commenced upon any structure unless the plans and specifications therefore have been submitted to and approved, in writing, by the Architectural Committee as complying with the terms and provisions of these restrictive covenants. The plans and specifications shall comply with Section 3.8 and shall show complete construction plans, elevations and details, including the nature, kind, shape, height, roof pitch, material and color scheme of the structure and shall include a site plan showing the lot lines, required yards, landscaping, and the proposed location of all structures, including patios, decks, entry walks and required yard lights. The plans shall include a grading plan of the building site and entire lot.

(b) Powers and Duties of Committee: The Architectural Committee shall have the following powers and duties:

(1) To examine and approve or disapprove any plans and specifications submitted to it by a lot owner.

(2) To waive up to 25% of any area or yard requirement contained in these restrictive covenants, unless said waiver request is a conflict with the zoning ordinance of the City of Urbana.

(3) To determine whether a fence, wall, hedge or shrub planting unreasonably obstructs the view of approaching street traffic and lake views of adjoining lots.

(4) To inspect any construction work in progress upon any lot in the subdivision for the purpose of ascertaining whether the applicable provisions of these restrictive covenants are being fully complied with.

(c) Failure of Committee to Act: In the event a matter requiring action by the committee is submitted to the Committee in writing and the Committee fails to give written notice of its action taken thereon to the lot owner within 30 days thereafter, then the Committee shall be conclusively presumed to have approved the matter so submitted to it.

3.3 Minimum Size: No one story dwelling unit shall occupy a ground floor area of less than 1800 square feet. No dwelling unit having more than one story shall occupy a ground floor area of less than 1200 square feet and a total floor area of less than 2200 square feet. In computing the floor area of a dwelling unit for the purpose of applying this restriction, one-fourth (1/4) of the area of enclosed porches shall be considered to be a part of the dwelling unit. All area requirements listed herein shall be exclusive of garage areas.

3.4 Building Location: No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building set back lines shown on the recorded plat. In any event, no building shall be located on any lot nearer than twenty-five (25) feet to any side street line. No main or accessory building shall be located closer to the side lot lines than a distance of five (5) feet, except that a two (2) foot side yard shall be required for permitted accessory

buildings located sixty-five (65) feet or more back from the minimum building set back line. No dwelling unit shall be located on any interior lot nearer than ten (10) feet to the rear lot line or as shown on the recorded plat. For the purposes of this covenant, eaves, steps and open porches shall not be construed to permit any portions of a building on a lot to encroach upon another lot. Where a building site consists of more than one (1) lot, such as an attached common lot line building structure site, the above provisions shall be applicable to the boundary lines of the building site rather than platted lot lines.

3.5 Dwelling per Building Site: Only one (1) dwelling structure shall be constructed per building site:

3.6 Easements: Owner hereby dedicates the tracts shown on the plat for use by utilities perpetually to the public, for utility purposes including but not limited to water, sanitary sewer, storm sewer and drainage, gas, telephone electricity, cable television or any other use that the public entity in whose jurisdiction the easements lies shall deem to be a utility, and also to lot owner for repair and maintenance of private service sewers owned by lot owners. Such public entity shall have the right to authorize persons to construct, occupy, maintain, use, repair and reconstruct utilities within said easement and to maintain or authorize the utility to maintain said easement free from buildings, fences, structure and obstructions of any kind whatsoever. No person shall obstruct said easement unless the public entity with authority to do so authorizes said obstruction of any kind whatsoever. No person shall obstruct said easement unless the public entity with authority to do so authorizes said obstruction in writing. Vegetation, unless otherwise prohibited by law, shall not be considered an obstruction of the easement nor shall post office boxes or other small structures required by law to be placed within the easement; however, the property owner shall bear the cost of repair or replacement of any such items damaged or destroyed as the result of use of the easement for utility

purposes. The cost of removing unauthorized obstructions shall be borne by the property owner of the property on which the obstruction is located.

3.7 Percentage of Lot Coverage: All buildings on a building site, including accessory buildings, shall not cover more of the building site than allowed by the City of Urbana Zoning Ordinance.

3.8 Permissible Building:

Order of Construction - All buildings erected on any building site shall be constructed of new materials of good quality suitably adopted for use in the construction of residences. No old building or buildings shall be placed on or moved to said premises. Accessory buildings shall not be erected, constructed or maintained prior to the erection or construction of the dwelling. The provisions herein shall not apply to temporary buildings and structures erected by builders in connection with the construction of any dwelling or accessory building and which are promptly removed upon completion of such dwelling or accessory building.

Building Characteristics - Individual dwelling units should be designed to achieve a balance proportion and scale in the overall massing, as well as with individual features or component parts, such as patios, decks, porches, garages, entry porticos, accessory structures. Roof pitches should be not less than four in twelve. Flat roofs or mansard roofs shall not be allowed.

Simple use of exterior materials and finishes is desired with contrived or ostentatious features or configurations not allowed. Siding shall be wood horizontal lap siding with a maximum 6" exposure. Vinyl and aluminum or other manufactured materials will not be allowed. Chimneys of fireplaces where exposed in the exterior shall be masonry or stucco. Wood materials will not be allowed. Colors and textures of exterior surfaces should be of a natural appearance selected from a range of natural and muted earth tones and blends. Achromatic colors of white and black shall not

be allowed except as accents or trim.

Site development - Grading of each building site and setting of finish floor elevations of associated structures shall be completed such that water drainage around and away from completed structures does not encroach on adjacent properties.

The front yard of each lot including adjacent street parkway shall be sodded by the owner of the lot after substantial completion of any principal structure thereon, and as soon as weather reasonably permits. On corner lots, yard and parkways adjacent to both streets shall be sodded. The remaining lot area shall be sodded or seeded as soon as weather reasonably permits. Lots which drain directly into the lake shall either be sodded or seeded in the fall construction season with erosion control measures which are approved by the Architectural Committee.

Complete landscape development of each lot shall be required within a reasonable time period following construction, but not to exceed one year. Planting plans showing species and exact locations of proposed plantings shall be submitted and approved by the Architectural Committee prior to installation.

Additionally, no plantings or landscaping exceeding the height of four feet at maturity shall be permitted in the rear yard setback area (as such setback is prescribed by the City of Urbana or the Final Plat) of a platted lot containing perimeter areas adjacent to and adjoining any lake or future lake unless specific approval therefore is given by the Architectural Committee as provided by the covenants and restrictions for Beringer Commons Subdivision No. 4 as amended. This provision shall apply to lots adjacent to outlot 400A, to lots adjacent to outlot 400B and to lots 404-414. It is the intention that lake views of adjoining properties shall not be blocked or screened by plantings or landscaping.

No development shall occur by any lot owner which extends beyond the platted lot

lines of each lot owner's lot.

No owner of a platted lot containing perimeter areas adjacent to and adjoining any lake shall be permitted to develop more than thirty (30) lineal feet of such perimeter lot area parallel with said lake. No improvements shall extend into the lake, i.e. beyond the horizontal limits as defined by the permanent pool elevation of said lake. This use limit shall specifically apply to lots adjacent to outlot 400A, to lots adjacent to outlot 400B and to lots 404-414 BERINGER COMMONS SUBDIVISION NO. 4.

Fences - Fences may be allowed on each individual lot except as otherwise restricted by provisions hereinafter, however, the design for any fence to be erected shall first be submitted to the Architectural Committee for approval. Height limitations shall be in accordance with the zoning ordinance of the City of Urbana.

Fences shall be designed and constructed of materials which are similar to and/or blend with those used on the building structure. This may include ornamental metal (iron, steel, etc.), brick or wood. Chain link or other wire or steel mesh material shall not be allowed.

Fences shall not be constructed on a designated "commons area easement" or other public area, unless constructed by the developers or the AB Homeowner's Association, and approved by the Architectural Committee. Fences constructed by the individual homeowner or their contractor shall be the responsibility of the individual homeowner to maintain.

To preserve the quality and attractiveness of the common property along the perimeter of lakes at Beringer Commons Subdivision No. 4, no perimeter fences shall be permitted on lots adjacent to outlot 400A, on lots adjacent to outlot 400B and on lots 404-414. Fences which are required by law for protection of private swimming pools, fences which are designed and constructed for localized privacy for patios, etc. will be allowed if approved by the Architectural

Committee. It is the intention of this covenant that lake views of adjoining properties shall not be blocked or screened by fences.

3.9 Non-Occupancy and Diligence During Construction: The work of construction of any building or structure shall be prosecuted diligently and continuously from the time of commencement until the exterior construction is fully completed and the interior construction is substantially completed. No such building or structure shall be occupied during the course of original exterior construction or until made to comply with the restrictions and conditions set forth herein. No excavation except as is necessary for the construction of improvements shall be permitted.

3.10 Temporary Structures and Satellite Dish: No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as residence either temporarily or permanently. No television satellite dishes or communications dishes in excess of 24 inches in diameter shall be allowed on any lot in the subdivision.

3.11 Signs: No signs of any kind shall be displayed to the public view on any lot except one professional sign of not more than one (1) square foot and/or one sign of not more than five (5) square feet advertising the property for sale or rent.

3.12 Oil and Mining Operation: No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

No person, firm or corporation shall strip, excavate or otherwise remove soil for sale or for use other than on the premises from which the same shall be taken, except in connection with

the construction or alteration of a building on such premises and excavation of grading incidental thereto.

3.13 Livestock and Poultry: No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that no more than two dogs, cats or other common household pets may be kept provided that they are not kept, bred, or maintained for commercial purposes.

3.14 Garbage and Refuse Disposal: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

3.15 Storage: No building material of any kind or character shall be placed or stored upon a building site until the owner is ready to commence improvements and then such materials shall be placed within the property lines of the building site upon which improvements are to be erected and shall not be placed in the street right-of-way.

3.16 Street Sight Line Obstruction: No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 30 feet from the intersection of the street property lines, or in the case of a rounded property corner from the intersection of the street property lines extended. Further, none of the above described obstructions shall be placed or permitted to remain in the triangular area formed by a street property line, either edge of any driveway, and a line connection a point thirty (30) feet outward from the edge of the driveway ten (10) feet from the street property line. In any case, said placements shall conform to Section 20-83 of the City of Urbana Code of Ordinances governing visibility triangles.



3.17 Off-Street Parking: All property owners in Beringer Commons Subdivision No. 4 shall provide facilities for off-street parking for the number of automobiles in use by the owner or resident on the property or persons regularly employed on the property, but a minimum of two off street parking spaces shall be provided.

All property owners or residents in Beringer Commons Subdivision No. 4 owning or possessing any type of recreational vehicle, boat, boat trailer, or like vehicle, shall provide facilities for off-street parking for such vehicle in addition to the off-street parking provided for number of automobiles in use by the owner or resident.

3.18 Nuisances: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

3.19 Yard Lights: The owners of every lot shall erect and maintain in good operating condition one yard light located in the front yard.

The Owners of every lot shall also erect and maintain in good operating condition one yard light located in the rear yard. This additional rear yard light shall be located at a point designated on the lot by the Architectural Committee for the purpose of illuminating rear yard. No hedge, fence or any other type of obstruction shall be between said rear yard light and the rear property line.

All lights shall be equipped with a photo-electric cell that illuminates the light during hours of darkness. All property owners in Beringer Commons Subdivision No. 4 shall be required to maintain said yard lights in proper working order.

The Architectural Committee shall review all proposed exterior lighting systems for location, type, design and illumination levels. Approval shall be obtained from the Architectural

Committee prior to construction.

3.20 Beringer Commons Homeowner's Association: Each owner of a lot in this addition shall as a condition precedent to ownership, covenant and agree to pay yearly charges to Beringer Commons Homeowners Association in accordance with its Articles of Incorporation, By-Laws and the declaration of covenants and restrictions contained herein, and each said owner does hereby agree to pay such assessments by accepting conveyance by deed to any lot in said Subdivision.

3.21 Access to Illinois Route 150 and High Cross Road: No access shall be permitted to Illinois Route 150, except as depicted on said plat. The provisions of this paragraph shall not be amended without the express written consent of the City of Urbana, Illinois.

3.22 Pre-Annexation Agreement: The owner has entered into a Pre-Annexation Agreement with the City of Urbana, Illinois, the terms of which are hereby incorporated herein by reference.

3.23 Vacant Lots: All vacant lots shall be maintained at all times free of weeds, high grass and debris.

3.24 Dedication: Owner hereby dedicates the tracts including sub-surface, surface and airspace under, on and over such tracts, shown on the plat as streets, roads, avenues, drives, boulevards, highways, crosswalks, and alleys (collectively "right-of-way"), respectively to the public, for public use perpetually, with the right to use, construct, maintain, repair, operate and occupy said right-of-way for vehicular, pedestrian and other transportation purposes and right-of-way purposes, and utility purposes, including but not limited to water, sanitary sewer, storm sewer and drainage, electricity, gas, telephone, cable television and any other use the public entity in whose jurisdiction the right-of-way lies shall deem to be necessary or useful to the public. The public entity with jurisdiction on behalf of the public shall have the right to maintain said right-of-way free from

buildings, fences, structures or any obstructions of any kind whatsoever. No person shall obstruct the said right-of-way unless the public entity with authority to do so otherwise authorizes specified by law, shall not be considered an obstruction of right-of-way nor shall post office boxes or other small structures required by law to be placed in the right-of-way. The cost of removing unauthorized obstructions shall be borne by the property owner of the property on which the obstruction is located. The streets, avenues, drives, roads, highways and boulevards shall bear the respective names as shown on the plat subject to the right of the public entity with appropriate authority to change said name as provided by law.

3.25 Drainage Plans: The Owner, its agents, successors, or assigns, retains the right to approve all drainage plans for development of each lot in accordance with the master plan heretofore formulated by the Owner.

3.26 Waiver: The failure of the Architectural Committee, any building site owner or the present owner of the said Subdivision to enforce any of the restrictions, conditions, covenants, reservations, liens or charges to which said property, or any part thereof, is subject, shall in no event be deemed a waiver of the right to do so thereafter or to enforce any other restriction, condition, covenant, reservation, lien or charge.

3.27 Waiver of Restrictions: These restrictive covenants may be waived or amended, in whole or in part, as to any one or more lots, by an instrument signed, acknowledged and recorded by not less than two-thirds of the lot owners of this section of Beringer Commons and various sections of Beringer Commons presently platted or to be platted at a later date.

3.28 Enforcement: Enforcement shall be by the proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages.

3.29 Construction: If it shall at any time be held that any of the restrictions, conditions, covenants, reservations, liens or charges herewith provided or any part thereof is invalid or for any reason become unenforceable, no other restrictions, conditions, covenants, reservations, liens or charges of any part thereof shall be thereby affected or impaired.

3.30 Perpetuation: The foregoing covenants, limitations and restrictions are to run with the land and are binding on all parties and persons claiming under them.

EAST URBANA DEVELOPMENT CORP.,  
an Illinois Corporation

Attest:

Secretary

BY:

President

Prepared By: John A. Dabrowski  
Daily & Associates, Engineers, Inc..  
1610 Broadmoor Drive  
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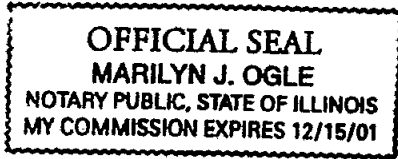
STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF CHAMPAIGN            )

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that Ivan Richardson, personally known to me to be the President of East Urbana Development Corporation, an Illinois Corporation, and Don Flessner, personally known to me to be the Secretary of East Urbana Development Corporation, an Illinois Corporation, and personally known to me to be the same persons whose names are subscribed on the foregoing instrument, appeared before me this day in person and severly acknowledged that as such officers, they signed the said instrument as such officers of said corporation and caused the corporation seal of said corporation to be affixed thereof, pursuant to authority, given by the Board of Directors of said corporation, 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 Notarial Seal this 27 day of November, 2001.

Marilyn J. Ogle  
Notary Public

My Commission Expires: 12-15-01



## APPENDIX A BUYER/BUILDER REVIEW CHECKLIST

### A) Site/Work

- 1) Rough grade elevation shown on the subdivision construction plans by Daily & Associates shall be reviewed by the buyer/builder.
- 2) Surface drainage patterns shown on the construction plans shall be maintained by the buyer/builder both during construction of the unit and after completion of unit.
- 3) Erosion control shall be practiced by the builder during construction and by the buyer upon occupancy of the unit.
- 4) Excess dirt from foundation or basement excavation shall be removed from the project site when the building framing is completed.
- 5) The buyer/builder shall not allow site construction to encroach on adjacent landscape and commons easements whatsoever.
- 6) The subdivision construction plans prepared by Daily and Associates shall be reviewed by the buyer/builder to determine areas where compacted embankment has been placed to achieve the rough elevation shown on the plans.
- 7) The buyer shall ascertain any needs or requirements for footings or foundation drains for building improvements to be made.

### B) Drives and Walks

- 1) Driveway locations as shown on the construction plans shall be used unless an alternate location is specifically agreed to by the developer.
- 2) Deficiencies in sidewalks are to be noted to the developer before building construction begins. Sidewalk repair after beginning of construction shall be by the buyer/builder.
- 3) Location of barrier type curbs and mountable type curbs shall be noted by the buyer/builder.

### C) Sewers

- 1) Location of the project storm sewers shall be noted by the buyer/builder and location

of sump pump discharge locations (both horizontal and vertical) shall be approved by the developer prior to installation.

- 2) Location of the project sanitary sewers shall be noted by the buyer/builder. Location awareness shall include the horizontal and vertical location of the sanitary sewer service connection and the material type of the service connection.

D) Plats & Covenants

- 1) The buyer/builder shall be completely aware of the building setback locations shown on the recorded final plat of the subdivision and shall note all deviations from the City of Urbana Zoning Ordinance in the district in which the lot is located.
- 2) The buyer/builder shall visit the site prior to taking possession of the lot, note all improvements on lots which have already had improvements constructed on them and be aware of the effects and interpretations of the adjoining improvements on the lot to which he has an interest.
- 3) The covenants and restrictions which are recorded with the final plat will be made available to the buyer/builder and interpretations shall be made by the buyer/builder prior to accepting the deed to the lot.
- 4) The buyer/builder shall be aware of all lots, densities and land uses shown on the approved preliminary plan of the subdivision.

E) Architectural Review

- 1) Construction drawings (floor plans, four elevations, basement or footing/foundation plan, sections/details, etc.).
- 2) Plans for home construction shall be submitted and approved prior to beginning construction. Subdivision shall include the following:
  - a) front and rear yard light locations (when required by covenants)
  - b) grading plan
  - c) finish floor elevation relative to front yard property line
  - d) setbacks, utility easements
  - e) house location on lot
  - f) site development (patios, decks, accessory buildings, etc.)

- 3) Landscape plan
- 4) Fence design (if included)
- 5) Exterior materials and colors
  - a) roof
  - b) walls (siding, brick, etc.)
  - c) trim- windows, shutters, molding, etc.