

MODEL DEVELOPMENT
3619 Washington St.
LANSING IL 60438

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DECLARATION OF RESTRICTION ON LAND USE MAR 10 1993

Anna N. Unton
AUDITOR LAKE COUNTY

THIS DECLARATION is made this 10th day of MARCH, 1993 by
EDWARD C. MOSER (herein referred to as the "Grantor").

WHEREAS, Grantor is the title holder of certain property located in Lake County, Known as Boundary Oaks Subdivision located in part of the SW1/4 of the SE1/4 of Section 8, Township 34 North, Range 9 West, and which is referred to herein as the "Property."

WHEREAS, the Property contains areas which have been identified as "Wetlands" by the Department of the Army, Corps of Engineers ("Corps"), as defined in regulations promulgated pursuant to Section 404 of the Clean Water Act (33 CFR 328.3(b)), and as shown on the Site Plan and attached hereto as Exhibit "A," and

WHEREAS, Grantor desires to construct a road and driveway, but any such construction can not be completed without certain improvements being constructed in portions of the Wetlands on the Property. The improvements include discharge of fill material into approximately 0.15 acres of wetland and

WHEREAS, Grantor has agreed to create approximately 0.15 acres of wetland in mitigation for said wetland losses and

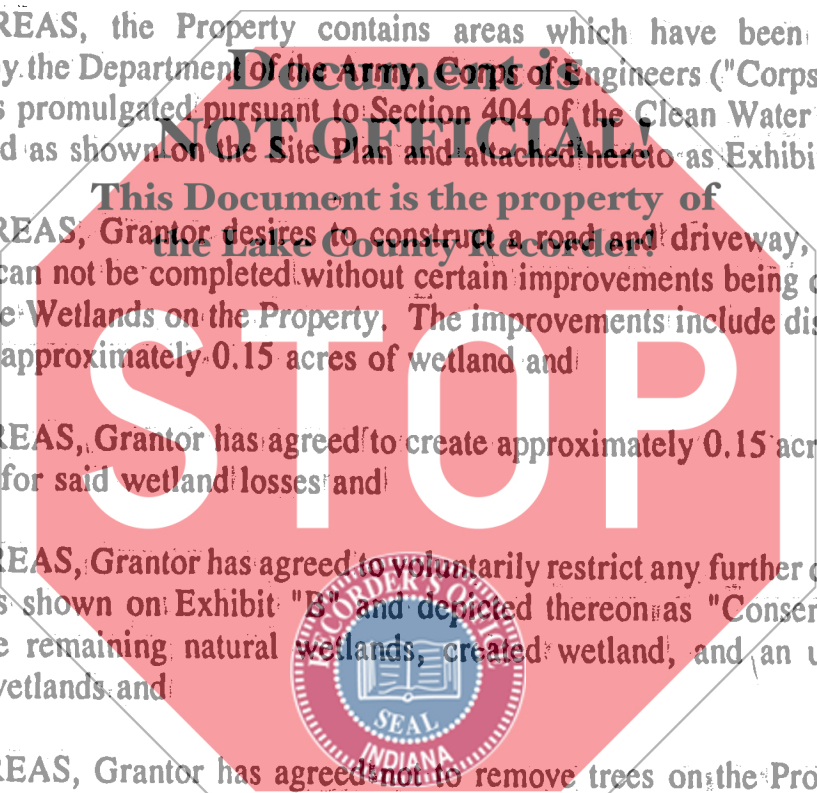
WHEREAS, Grantor has agreed to voluntarily restrict any further discharge into these areas as shown on Exhibit "B" and depicted thereon as "Conservation Area" which include remaining natural wetlands, created wetland, and an upland buffer around said wetlands and

WHEREAS, Grantor has agreed not to remove trees on the Property greater than 2 feet in diameter at 33 inches above the ground except as necessary for the actual construction of roads, driveways, houses and attendant structures or as necessary for public safety and

WHEREAS, Grantor has agreed to minimize damages to the Conservation Area in exchange for and as a condition of authorization of the discharges by the Department of the Army, Corps of Engineers in permit number 92-145-142-0 dated MAR. 2ND 1993

NOW, THEREFORE, Grantor hereby declares and covenants that no filling, dredging, or other altering, modification, or development of the vegetation, soils and hydrology of the Conservation Area and that they will ensure, to the best of their

*Legal Desc: The West 20 acres of the SW1/4, SE1/4, Section 8, Twp. 34N, R-9 West of the 2nd P.M., except the W 5 acres of the S1/2, SW1/4, SE1/4 of said Section 8 and also except Lots 1 and 2 in Hanover Oaks Unit #1, containing 13.649 acres more or less.



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LAKE COUNTY
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ability that the vegetation, soils, and hydrology of the Conservation Area shall remain in a natural, unaltered condition.

The restriction and covenant created herein shall be perpetual, and shall be binding upon the Grantor and its legal representatives, heirs and assigns. The Corps and its successors and designees, shall have the right to enforce any of the provisions contained herein against the Grantor, its legal representatives, heirs and assigns.

IN WITNESS WHEREOF, the undersigned, being the Grantor herein, has executed this instrument on the day set forth above.

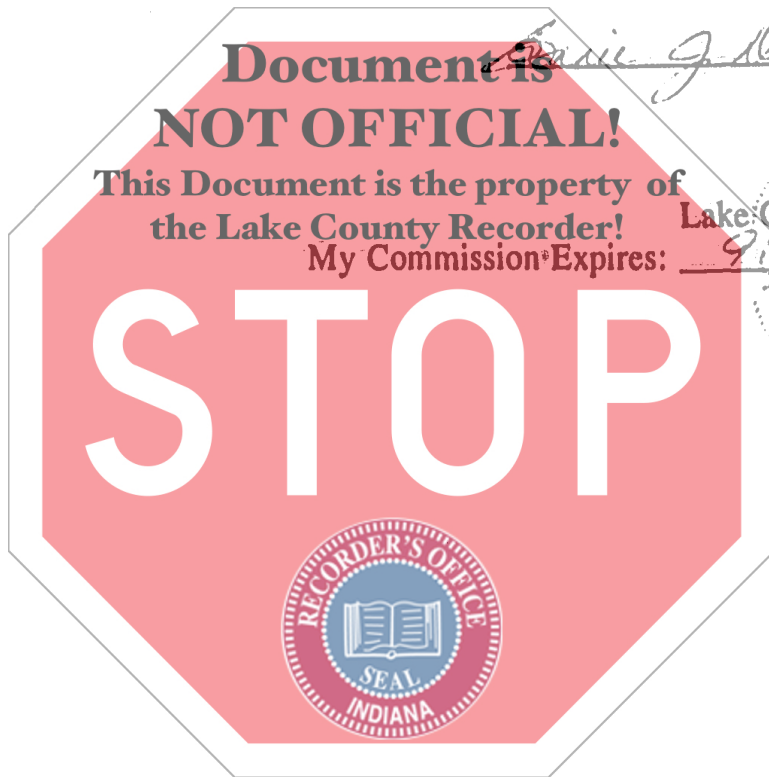
GRANTOR:



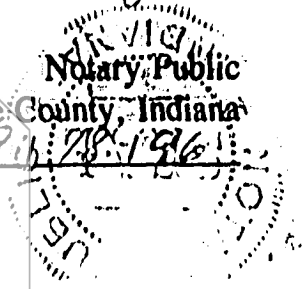
WITNESSES:

STATE OF INDIANA)
) ss.
COUNTY OF LAKE)

On this 10th day of March, 1993, before me, a notary public in and for said county, personally appeared Edward C. Messer and made oath that he/she executed the within Declaration of Restriction on Land Use in accordance with Lake County policy.



Marie J. Roberts



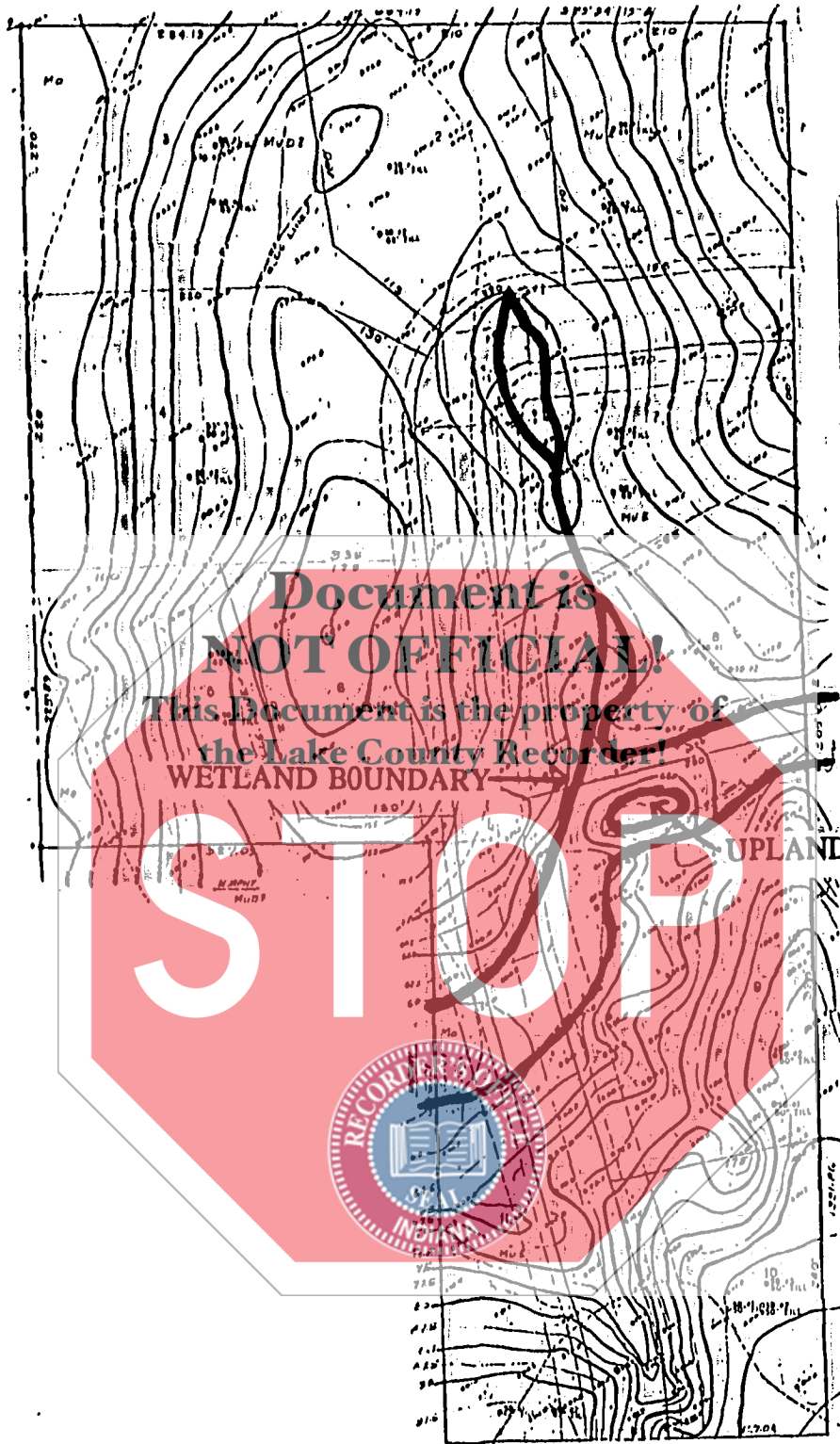


EXHIBIT "A" - WETLAND BOUNDARY
SCALE: 1"=150'



J.F. New & Associates, Inc.

708 Roosevelt Road
P.O. Box 243
Waukesha, WI 53190
Phone: 219-588-3400
FAX: 219-588-3448

Environmental Permitting • Delineations • Design
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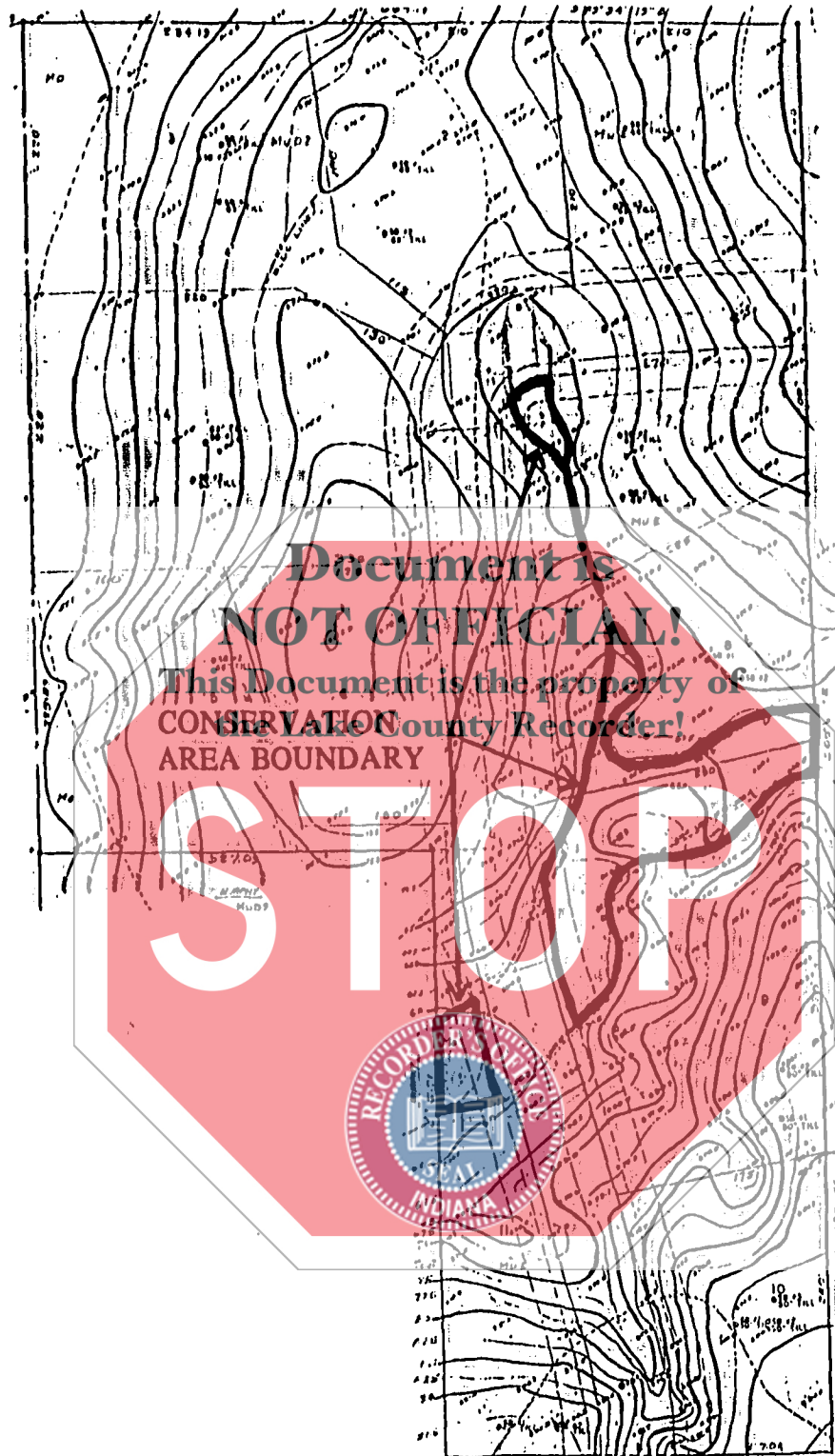


EXHIBIT "B" - CONSERVATION AREA BOUNDARY
SCALE: 1" = 150'



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