



## **PROTECTIVE COVENANTS**

**Mayor Laurie Barra**

**Council Member Fred Massaglia  
Council Member Thomas Blanchard  
Council Member John Abel  
Council Member John McCabe  
Council Member Chad Schmidgall  
Council Member Cody Hendricks**

**City Manager Joe Wuellner**

*Administered and enforced by the Riverway Business Park Review Committee appointed  
June 28, 2004 by the Pekin City Council.*

**Members of that Committee are:**

**Joseph Wuellner  
Leigh Ann Matthews  
Dennis Kief  
Donald Hild  
Jerald Hall  
Sergio Becerra  
Paul Desjardins**

**November 14, 2011**

**I. PROPERTY SUBJECT TO THESE PROTECTIVE COVENANTS**

The City of Pekin, an Illinois Municipal Corporation, owner of the following described real estate, commonly known as the Riverway Business Park:

Being part of the West, Section 10, T24N, R5W, of the 3<sup>rd</sup> P.M., Tazewell County, Illinois further described as follows:

Commencing at a RR spike being the SW corner NW<sup>1</sup>/<sub>4</sub> of said Section 10; thence S89°59'17"E along the South line of the NW<sup>1</sup>/<sub>4</sub> of said Section 10, 59.07 feet to an iron rod being on the Easterly right-of-way line of IL Route 29, and being the Point of Beginning (P.O.B.); thence N00°39'44"E along said Easterly right-of-way line, IL Route 29, 1211.11 feet to an iron rod; thence N00°39'43"E along said Easterly right-of-way line, IL Route 29, 196.36 feet to an iron rod; thence N06°16'33"E along said Easterly right-of-way line, IL Route 29, 84.29 feet to an iron rod; thence along a curve to the right having a radius of 1085.92 feet, and being along said Easterly right-of-way line, IL Route 29, an arc distance of 160.82 feet, and a chord bearing of N09°20'07"E, and a chord length of 160.67 feet to an iron rod; thence N12°12'55"E along said Easterly right-of-way line, IL Route 29, 630.47 feet to an iron rod; thence N12°50'26"E, along said Easterly right-of-way line, IL Rt 29, 206.99 feet to an iron rod; thence S89°01'42"E, 363.69 feet to a found concrete monument; thence S00°02'43"W, 454.24 feet to an iron rod; thence South 89°01'42" East, 655.60 feet to an iron rod; thence North 00°01'27" East, 681.90 feet to a found iron rod, being on the Southerly right-of-way line of Koch Street and being on the North line of said NW<sup>1</sup>/<sub>4</sub> Section 10; thence South 89°01'42" East along said Southerly right-of-way line of Koch street, and said North line of NW<sup>1</sup>/<sub>4</sub> Section 10, 30.00 feet to a found iron rod; thence South 89°01'42" East along said Southerly right-of-way line of Koch Street, and said North line of NW<sup>1</sup>/<sub>4</sub> Section 10, 70.00 feet; thence S00°01'27"W, 25 feet; thence N89°01'42", 25 feet; thence S00°01'27"W, 1313.01 feet, thence N89°51'57"E, 827.47 feet, thence S43°33'13"E, 614.05 to an iron rod, thence South 00°02'18" West along the West right-of-way line of the IL Central Gulf Railroad, 1946.33 feet to an iron rod; thence South 89°40'48" West, 2583.59 feet to an iron rod being on said Easterly right-of-way, IL Route 29; thence North 00°16'12" East along said Easterly right-of-way, IL Route 29, 360.92 feet to an iron rod; thence North 00°39'40" East along said Easterly right-of-way, IL Route 29, 36.12 feet to an iron rod; thence North 00°39'44" East along said Easterly right-of-way IL Route 29, 668.24 feet to an iron rod, being the said Point of Beginning (P.O.B.), containing 164.26 acres more or less and subject to all existing easements and rights-of-way.

PIN# 10-10-10-300-006

Being a part also by the inclusion of the 2<sup>nd</sup> and 3<sup>rd</sup> Additions, Parts of the Southeast Quarter and the Northeast Quarter, Section 10 in Township 24 North Range 5 West of the Third Principal Meridian, in Tazewell County, Illinois, being more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 10, thence S 89° 40' 28" W a distance of 50.00 feet to the Westerly Right-of-Way of South 5<sup>th</sup> Street to the Point of Beginning of the Tract to be described; thence S 89° 40' 28" W a distance of

2,533.71' to the easterly property line of the Illinois Central Railroad; thence N 00°03'14" E a distance of 2,635.15 feet to the Southerly Right-of-Way of Hanna Drive; thence N 00°03'14" E a distance of 50.00 feet; thence N 00°02'59" E a distance of 41.00 feet to the Northerly Right-of-Way of Hanna Drive; thence N 00°02'59" E a distance of 2,609.43 feet to the Southerly Right-of-Way of Koch Street; thence S 89°44'30" E a distance of 100.00 feet along the Southerly Right-of-Way of Koch Street, thence S 00°02'59" W a distance of 1220.01 feet; thence S 89°44'30" E a distance of 1,993.74 feet; thence S 00°14'24" E a distance of 1,265.47 feet; thence S 89°44'30" E a distance of 460.02 feet to the Westerly Right-of-Way of S. 5<sup>th</sup> Street; thence S 00°14'24" E a distance of 113.53 feet to the Northerly Right-of-Way of Hanna Drive; thence S 00°14'24" E a distance of 41.00 feet; thence S 00°04'08" E a distance of 50.00 feet to the Southerly Right-of-Way of Hanna Drive; thence S 00°04'08" E a distance of 2,619.48 feet to the Point of Beginning; Containing 230.743 Acres, more or less, Lying and Being in the County of Tazewell and the State of Illinois.  
PIN# 10-10-10-200-001 and PIN# 10-10-10-400-001

Exceptions to City of Pekin Ownership as noted above:

**Excalibur Seasoning:**

Tract I

Lot "A" of Block 3 of Riverway Business Park, a subdivision of part of the West half of Section 10, Township 24 North, Range 5 West of the Third PM, more particularly described as follows:

Commencing at the Northwest corner of said Block 3; thence S00°01'27" W along the Easterly right-of-way line of Riverway Drive, a distance of 70 feet to the Point of Beginning of the tract to be described; thence continuing S00°01'27" W along the Easterly right-of-way line of Riverway Drive, a distance of 30.10 feet; thence in a Southeasterly direction along the Easterly right-of-way line of Riverway Drive, on a curve to the left, having a radius of 680.00 feet, for an Arc length of 178.89 feet, said curve having a chord bearing of S07°30'45"E, for a distance of 178.38 feet; thence N89°51'57" E, a distance of 302.60 feet; thence N00°01'27" E, a distance of 207.00 feet; thence S89°51'57"W, a distance of 326.00 feet to the Point of Beginning, as shown on tract survey recorded in Plat Book "KK" page 65, situated in Tazewell County, Illinois  
PIN# 10-10-10-100-016

Tract II

A part of Block 3 of a re-subdivision of Riverway Business Park, a subdivision of the West half of Section 10, Township 24 North, Range 5 West of the third principal meridian, as shown on Plat recorded in Plat Book "OO", pages 143, 144, 145, and 146, being more particularly described as follows:

Commencing at the Northwest corner of said Block 3, being the Point of Beginning; thence S00°01'27" West, along the Easterly right-of-way line of Riverway Drive, a distance of 70.00 feet; thence N89°51'97" East, a distance of 326.00 feet; thence S00°01'27" West, a distance of 207.00 feet; thence N89°51'57" East, a distance of 420.87 feet; thence N00°01'27" East, a distance of 277.00 feet; thence S89°51'57" West, a distance of 746.87 feet to the Point of Beginning, situated in Tazewell County, Illinois.  
PIN# 10-10-10-100-038

**Hanna Steel:**

Tract I

A part of the subdivision known as "Riverway Business Park" being a part of the W ½ of Section 10, T24N, R5W of the 3<sup>rd</sup> PM, in Tazewell County, Illinois, being further approximately described as follows:

Beginning at an iron pin on the South Line of the NW ¼ of Section 10, said pin being on the easterly right-of-way of Illinois Route 29 and being S89°59'17" E, 59.07 feet from a railroad spike at the SW corner of the NW ¼ of Section 10; thence due East along the South line of the NW ¼ of Section 10 approximately 2,585 feet, to the West right-of-way of the Illinois Central Gulf Railroad; thence S00°02'18" W, 50 feet along the West right-of-way line to the Point of Beginning; thence S00°02'18" W, 1000+/-feet along said West right-of-way line to an iron pin; thence S89°40'48" W, 1680+/-feet; thence N 00°02'18" E, 1010+/-feet to a line 50+/-feet South of the south line of the NW ¼ of Section 10; thence 1680+/-feet due East to the said Point of Beginning containing 38.76 acres, more or less.

Tract II

A part of the subdivision known as "Riverway Business Park" being a part of the W ½ of Section 10, T24N, R5W of the 3<sup>rd</sup> PM, in Tazewell County, Illinois, being further described as follows:

Beginning at an iron pin on the South line of the NW ¼ of Section 10, said pin being on the Easterly right-of-way of Illinois Route 29 and being S89°59'17" E, 59.07 feet from the railroad spike at the SW corner of the NW ¼ of Section 10; thence S00°39'44" W, 50 feet to the Point of Beginning; thence due East along a line 50.00 feet South and parallel to the South line of the NW ¼ of Section 10, 894.39 feet; thence S00°02'18" W, 999.49 feet; thence S89°40'48" W, 894.36 feet to the Easterly right-of-way of Illinois Route 29; thence N00°16'12" E, 360.92 feet along the said right-of-way; thence N00°39'44" E, 668.24 along the said right-of-way to the said Point of Beginning containing 20.52 acres, more or less.  
PIN# 10-10-10-300-007

**NTS Communications:**

Part of Block 1 of the re-subdivision of Riverway Business Park, a subdivision of the West Half of Section 10, Township 24 North, Range 5 West of the Third Principal Meridian as shown on plat recorded in the Plat Book "OO", Pages 143 and 144 being further described as follows:

Commencing at the northeast corner of said Block 1, said point being on the west right-of-way line of Riverway Drive, thence N89°01'42" W 655.60 feet along the north line of Block 1; thence S00°02'43" W 288.60 feet to the Point of Beginning; thence continuing S00°02'43" W a distance of 529.04 feet to a point on a circular curve on the north right-of-way line of Enterprise Drive concave to the Northwest having a radius of 665.00 feet and its center located N22°55'01" W from said point; thence westerly along the arc of said curved north right-of-way line for a distance of 277.26 feet; thence N89°01'42" W a distance of 20.52 feet along said north right-of-way line to a point on a circular curve concave to the Northeast having a radius of 15.00 feet and its center located N00°58'18" E from said point; thence running Northwesterly along the arc of said curved north right-of-way line for a distance of 23.48 feet; thence N00°39'44" E a distance 35.33 feet along the east right-of-way line of the IL Rte 29 Frontage Road to the beginning of a circular curve concave to the Southwest having a radius of 346.00 feet and its center located N89°20'16" W from said point; thence running Northwesterly along the arc of said curved East right-of-way line for a distance of 248.56 feet to a point on a circular curve concave to the

Northeast having a radius of 254.00 feet and its center located N49°30'07"E; thence running Northeasterly along the arc of said curved East right-of-way line for a distance of 233.69 feet; thence N12°12'55"E a distance of 85.46 feet along said East right-of-way line; thence S89°57'17"E a distance of 425.38 feet to the Point of Beginning, Containing 5.00 acres, more or less.

PIN# 10-10-10-100-032

**Gallatin River Communications:**

Part of Block 2, Part of Lot 1A of Block 2 and Part of a frontage road vacation, all in the resubdivision of Riverway Business Park, a subdivision of Part of the West ½ of Section 10, T24N, R5W, of the Third Principal Meridian being more particularly described as follows: Commencing at the northwest corner of Lot 2 of said Riverway Business Park as the Point of Beginning of the tract described; thence S00°01'27"W along the west line of said Lot 2, a distance of 105.27 feet to the southwest corner of said Lot 2, thence S89°01'42"E along the south line of said Lot 2, a distance of 100.00 feet to the southeast corner of said Lot 2; thence S00°01'27"W along the west line of Lot 1 of said resubdivision of Riverway Business Park and the west line of Lot 1 extended, a distance of 340.00 feet; thence N89°58'33"W, a distance of 645.58 feet; thence in a northeasterly direction on a curve to the right having a radius of 300.00 feet, far on arc distance of 153.99 feet; thence in a northeasterly direction on a curve to the left having a radius of 300.00 feet, for an arc distance of 130.65 feet; thence N009°39'44"E, a distance of 152.45 feet to a point on the southerly ROW line of Enterprise Drive extended; thence S89°01'42"E along the southerly ROW line of Enterprise Drive extended and the southerly ROW line of Enterprise Drive, a distance of 99.60 feet; thence along the southerly ROW line of Enterprise Drive, on a curve to the left having a radius of 735.00 feet, for an arc distance of 303.07 feet to the point of beginning containing 4.883 acres, situate, lying and being in the County of Tazewell and the State of Illinois.

PIN# 10-10-10-100-018 and PIN# 10-10-10-100-030

**PAL Health Technologies:**

Being part of Block 2 of Riverway Business Park subdivision, being part of the West half of Section 10, Township 24 North, Range 5 West of the 3<sup>rd</sup> PM, Tazewell County, Illinois, further described as follows:

Commencing at an iron rod being the Northeast corner of said Block 2, thence S00°01'27" West along the Westerly right-of-way line of Riverway Drive, 15.82 feet to an iron rod; thence along a curve to the left having a radius of 750.00 feet and a chord bearing of S17°58'37" East, a chord distance of 463.55 feet an arc distance of 471.27 feet and being along said Westerly right-of-way line of Riverway Drive to an iron rod; thence along a curve to the right having a radius of 1020.00 feet and a chord bearing of S35°50'02" seconds East, a chord distance of 5.14 feet and arc distance of 5.14 feet and being along said Westerly right-of-way line of Riverway Drive, to an iron rod, being the Point of Beginning; thence continuing along a curve to the right having a radius of 1020.00 feet and a chord bearing of S21°41'40" East, a chord distance of 493.35 feet an arc distance of 498.29 feet and being along said Westerly right-of-way line of Riverway drive to an iron rod; thence N89°57'42" West, 962.96 feet to an iron rod; thence N00°01'27" seconds East, 682.73 feet to an iron rod; thence S89°01'42" seconds East, 100.00 feet to an iron rod; thence S00°seconds West, 211.73 feet to an iron rod; thence S89°01'42" East, 680.51 feet to the said Point of Beginning lot 1A containing 10.00+ acres more or less and subject to all existing easements and right-of-way.

PIN# 10-10-10-100-017

**ElecSys:**

Part of Block 1 of the Re-subdivision of Riverway Business Park, a subdivision of the West Half of Section 10, Township 24 North, Range 5 West of the Third Principal Meridian.

Commencing at the Northeast corner of said Block 1, said point being the West right of way line of Riverway Drive, thence S 00° 01' 28" W, 338.79 feet along the said West right of way line to the Northeast corner of Lot 1, said Point of Beginning: thence continuing S 00° 01' 28" W, 302.79 feet to a point on a curve to the right having a radius of 15 feet and its center located N 89° 58' 32" W from said point; thence Southwesterly along said curve 23.81 feet to a point on the North right of way line of Enterprise Drive; thence N 89° 01' 42" W, 157.42 feet and its center located S 00° 58' 18" W from said point; thence Southwesterly along said curve North right of way 101.54 feet; thence Southwesterly along said curve North right of way 269.92 feet; thence Southwesterly along said North right of way and the curve thereof 155.62 feet; thence N 00° 02' 43" E 478.85 feet; thence S 89° 01' 42" E 655.73 feet; to the Point of Beginning, containing 5.4 acres, more or less.

PIN# 10-10-10-100-026 and PIN# 10-10-10-100-027

**Amerhart:**

A part of Block 3 of Riverway Park Subdivision, a subdivision of the West half of Section 10, Township 24 North, Range 5 West of the Third Principal Meridian, being more particularly described as follows:

Commencing at the Northwest corner of said Block 3; thence S00°01'27" W along the Easterly right-of-way line of Heilman Street, a distance of 70.00 feet; thence continuing S00°01'27"W along the Easterly right-of-way line of Riverway Drive, a distance of 30.10 feet; thence in a Southeasterly direction along the Easterly right-of-way line of Riverway Drive, on a curve to the left having a radius of 680.00 feet, for an arc length of 178.89 feet, said curve having a chord bearing of S07°30'45"E, for a distance of 178.38 feet to the Point of Beginning of the tract to be described, thence in a Southeasterly direction along the Easterly right-of-way line of Riverway Drive, on a curve to the left having a radius of 680.00 feet, for an arc length of 249.15 feet; thence in a Southeasterly direction along the Easterly right-of-way line of Riverway Drive, on a curve to the right having a radius of 1090.00 feet, for an arc length of 303.22 feet; thence S89°59'17" E for a distance of 622.74 feet; thence S00°02'18" W for a distance of 563.12 feet; thence S 89°59'17"E a distance of 358.51 feet; thence N00°02'18"E for a distance of 884.69 feet; thence N43°33'13"W for a distance of 614.32 feet; thence S89°51'57"W for a distance of 86.55 feet; thence S00°01'27"W for a distance of 276.22 feet; thence S89°51'57"W for a distance of 720.15 feet to the Point of Beginning, containing 18.19 acres, more or less, situate, lying and being in the County of Tazewell and the State of Illinois.

PIN# 10-10-10-100-039

**Winpak:**

Part of Block 2 and part of Lot 1A of Block 2 of a Resubdivision of Riverway Business Park recorded as Document Number 9800686 and part of a Frontage Road Vacation recorded as Document Number 200000018266, all being a part of the West Half of Section 10, Township 24 North, Range 5 West of the Third Principal Meridian in Tazewell County, Illinois, being further described as follows:

All of Block 2 and a part of the vacated Frontage Road south of Lot 3 except Lots 1, 2 and 3 of Block 2, being further described as follows:

Beginning at the southeast corner of Lot 1 of said Block 2, said point being on the east line of Block 2 the curved west right-of-way line of Riverway Drive, said curve being to the right and having a radius of 1020.00 feet and its center located South 54 Degrees 18 Minutes 38 Seconds West from said point; thence southeasterly along the arc of said curved west right-of-way and east Block line a distance of 636.04 feet; thence South 0 Degrees 02 Minutes 18 Seconds West along said west right-of-way and east Block line a distance of 173.80 feet to a point on a curve to the right, said curve having a radius of 15.00 feet and its center located North 89 Degrees 57 Minutes 42 Seconds West from said point; thence southwesterly along the arc of said curved west right-of-way line and east Block line a distance of 23.56 feet to a point on the north right-of-way line of Hanna Drive and the south line of Block 2; thence North 89 Degrees 59 Minutes 17 Seconds West along said north right-of-way and south Block line a distance of 1445.56 feet to a point on the west line of the vacated Frontage Road; thence North 0 Degrees 39 Minutes 44 Seconds East along said west line of vacated Frontage Road a distance of 50.00 feet to a point on a curve to the left, said curve having a radius of 300.00 feet and its center located North 89 Degrees 20 Minutes 16 Seconds West from said point; thence northwesterly along the arc of said curved west line of the vacated frontage Road a distance of 151.61 feet to a point on a reverse curve to the right, said curve having a radius of 300.00 feet and its center located North 61 Degrees 42 Minutes 26 Seconds East from said point; thence northwesterly along the arc of said curved west line of the vacated Frontage Road a distance of 151.61 feet; thence North 0 Degrees 39 Minutes 44 Seconds East along said west line of the vacated Frontage Road a distance of 246.48 feet to a point on a curve to the right, said curve having a radius of 300.00 feet and its center located South 89 Degrees 20 Minutes 16 Seconds East from said point; thence northeasterly along the arc of said curved west line of the vacated Frontage Road a distance of 102.17 feet to a point at the southwest corner of Lot 3 of Block 2; thence South 89 Degrees 58 Minutes 33 Seconds East along the south line of said Lot 3 a distance of 638.48 feet to a point at the southeast corner of Lot 3; thence North 0 Degrees 01 Minutes 27 Seconds East along the east line of said Lot 3 a distance of 108.27 feet to a point at the southwest corner of Lot 1 of Block 2; thence South 89 Degrees 01 Minutes 42 Seconds East along said south line of Lot 1 a distance of 680.51 feet to the Point of Beginning, Containing 25.02 acres, more or less.

PIN# 10-10-10-300-029

**Johnson Mechanical:**

A part of the subdivision known as "Riverway Business Park" being a part of the W ½ of Section 10, T24N, R5W of the 3<sup>rd</sup> P.M., in Tazewell County, Illinois, being further approximately described as follows:

**Parcel #1:** Beginning at the Northwest corner of Lot B of Block 3, being the Point of Beginning, thence S 89°59'17" E a distance of 300.00', thence N 00°02'18" E a distance of 250.00', thence N 89°59'17" W a distance of 358.97', thence along the Easterly right-of-way of Riverway Drive to the said Point of Beginning containing 1.87 acres, more or less.

PIN# 10-10-10-100-040

**Parcel #2 (Option):** Beginning at the Northeast corner of Lot B of Block 3, being the Point of Beginning, thence N 00°02' 18" E a distance of 250.00', thence N 89°59' 17" W a distance of 263.60', thence S 00°02' 18" W a distance of 250.00', thence S 89°59' 17" E a distance of 263.60' to the said Point of Beginning containing 1.51 acres, more or less.

**PIN# 10-10-10-100-041**

2<sup>nd</sup> Addition – To be added as property is sold.

PIN# 10-10-10-200-005

3<sup>rd</sup> Addition - To be added as property is sold.

PIN# 10-10-10-400-001

## ***II. ADMINISTRATION AND REVIEW***

These Covenants shall be administered and enforced by the Riverway Business Park Review Committee, hereinafter referred to as the Review Committee.

- A. Structure:** The Review Committee shall consist of seven (7) members to be selected by the City of Pekin as follows: The chairperson of the review committee shall be selected by the Mayor of the City of Pekin with the consent of the City Council, such person shall serve a term of three years, and shall not be eligible to serve successive terms of office as chairperson. Six members of the Review Committee shall be appointed by the Mayor with the consent of the City Council. Two of these appointments shall serve an initial term of one year, the next two shall serve an initial term of two years, and the remaining two shall serve an initial term of three years, with their successors serving terms of three years. There shall be no limit on how many terms of office a member can serve on the committee. If, at any time, the City of Pekin is no longer the record owner of 25% or more of the land area of Riverway Business Park, the Review Committee member shall continue in office until replaced by the record owner of the majority of the land area of Riverway Business Park by duly recorded written instrument.
- B. Procedure:** The consent of the majority of the members of the Review Committee shall be required for all actions to be taken by the Review Committee. The Review Committee shall adopt reasonable rules of procedure.
- C. Authority:** The Review Committee shall be the final authority for these Covenants in all respects, except as provided in Section III.
- D. Variances:** Upon written application, the Review Committee, in its discretion, may grant variances from these Covenants. All variances must be in writing. No variance shall be granted that will affect the overall quality and consistency of the Riverway Business Park.

## ***III. APPEALS***

If the City of Pekin is the record owner of 25% or more of the land area of the original Riverway Business Park and the 2<sup>nd</sup> and 3<sup>rd</sup> Additions, any adverse decision of the Review Committee may be appealed to the City Council. An appeal must be in writing and must be filed with the City Clerk within 14 days of the decision appealed from. The City Council shall hear the appeal within 30 days of the date of filing the appeal and shall render a written decision within 7 days thereafter.

## ***IV. DEVELOPMENT PROCESS***

- A. Site Application:** The purchaser of any undeveloped parcel within the Riverway Business Park owned by the City of Pekin shall place an option to purchase the desired site with the City of Pekin, contingent upon the approval of the development plan. Development plan submittals shall consist of two (2) full sets of all drawings as outlined in Section IV-C of this document and an electronic copy on CD in an AutoCAD compatible format. The purchaser shall agree, in writing, to begin improvements on the site according to the approved development plan within 180 days of approval of the plan and demonstrate, in writing, his intentions to complete all

improvements specified in the approved development plan in a reasonable amount of time as agreed to by the purchaser and the city.

**B. Development Plan Review:** The purchaser of any undeveloped parcel or the owner or the purchaser of any developed parcel who wishes to engage in any construction, exterior remodeling, demolition or alteration of the improvements to the parcel shall submit five (5) copies of a development plan in six (6) segments to the Review Committee. The Review Committee shall approve or deny, in writing, the development plan within 30 days of receipt by the Review Committee of all the information specified below, unless additional information is requested by the Review Committee, in which case, the approval or denial shall be within 30 days of receipt of the additional information. The Review Committee shall give the reason for its denial of the development plan.

**C. Development Plan:** The six (6) segments of the development plan are as follows:

1. Site Plan: Shall include the following components:
  - a. Scale: not less than 1" = 50', if site is three (3) acres or less; or, not less than 1" = 100' if site is more than three (3) acres.
  - b. Date, north point and scale.
  - c. Boundaries of site, legal description, total acreage, surrounding ownership within 300' of site.
  - d. Vicinity map.
  - e. Location and size of existing and proposed utility lines and easements.
  - f. Existing natural features.
  - g. Location of all buildings and their projected height, outdoor storage areas, landscape areas and open areas, in addition to all existing structures within 300' of any site boundary.
  - h. Location of all existing and proposed roads (ROW width and pavement of proposed streets, public and private), parking, driveways, sidewalks and site lighting (note height, type and color of the fixtures).
  - i. Indicate existing and proposed topography with a 2' contour interval and provide a description of the method of drainage and erosion control.
  - j. All setback distances.
  - k. Proposed building/site use.
  - l. Location, height and material of fencing or walls and trash enclosures.
  - m. Vehicular and pedestrian circulation and access plans.

- n. Location, dimension and type of all parking spaces.
  - o. Proposed development schedule and, if project is to be phased, include general timing of phases and development intent of future phases.
  - p. Data relative to percent of building coverage, floor to area ratio, percent of open space, number of parking spaces, and percent of pavement coverage. If project is to be phased, provide data anticipated for each phase and totals for the entire project.
  - p. If the activity related to the building/site use causes the presence of any hazardous materials or wastes, the anticipated generation, use containment and/or disposal of such substances shall be on the plan.
  - q. The names and addresses of the person or persons responsible for the preparation of the site plan.
  - r. Signature block for approving authorities.
2. Landscape Plan: Shall include the following components:
- a. Same scale criteria as site plan.
  - b. Location, size, species of trees and shrubs.
  - c. Turf mixture.
  - d. Maintenance of treated areas.
  - e. Grading of all treated areas (2' contour interval).
  - f. Planting specifications and details.
3. Signage Plan: Shall include the following components:
- a. Size and location of each sign.
  - b. Materials and colors for each sign.
  - c. Construction or installation procedures.
  - d. Lighting for each sign.
  - e. One (1) elevation of each sign showing graphics, pictures and layout.
4. Architectural Plans: Shall include the following components:
- a. Building elevations.

- b. Ground floor plans with finished elevations.
  - c. Building materials and colors.
  - d. Typical wall sections.
  - e. Illustration of architectural screening for mechanical equipment.
  - f. Roof plan.
  - g. Seal of the registered Illinois architect responsible for the preparation of the architectural plans.
5. Site Engineering Plan: Shall include the following components:
- a. Scale: not less than 1" = 100'.
  - b. Existing and proposed grading (based on USGS datum) using 2' contour intervals and spot elevations with swale system noted. Indicate location and elevation of USGS benchmark or one (1) referenced to USGS elevation inlet (channels and other drainage appurtenances).
  - c. Storm water drainage report giving detention calculations and design and erosion control methodology.
  - d. Placement and dimensions of all sidewalks and pavement including curb and gutter.
  - e. Road and parking lot sections.
  - f. Fire hydrant locations.
  - g. Connection to existing utility systems.
  - h. Sanitary sewer discharge.
  - i. Seal of the professional Illinois engineer responsible for the preparation of the engineering plan.
6. Construction Plan: Shall include the following components:
- a. Scale: not less than 1" = 100'.
  - b. Name, address and phone number of General Contractor.
  - c. Phases and timing of construction including temporary utility hookups.
  - d. Location and screening of construction trailer.

- e. Location and screening of equipment, materials storage areas and trash dumpsters.
- f. Location, height, materials and elevation view of temporary fencing.
- g. Methods of erosion control during construction.
- h. Stockpile locations of excess dirt, concrete, and asphalt.
- i. Location, size and materials of temporary construction signs.
- j. Location of portable toilet facilities.
- k. Clean out area for concrete mixers.

**D. Revisions to Approved Development Plan:** No changes shall be made on any part of the development plan after final approval without written approval of the Review Committee. Proposed changes shall be submitted in writing and delineated in red on the appropriate plans.

**E. Development:** No site preparation, construction, demolition or alterations shall commence until final approval of the development plan. All site preparation, construction, demolition and alterations shall conform to the approved development plan.

**F. Permits:** The development plan review process is not a substitute for any governmental permitting or approval procedures. Permits will be pulled by the respective contractors physically performing the work (i.e. all electrical permits will be pulled by the licensed electrical contractor).

**V. *PERMITTED / PROHIBITED USES***

**A. Permitted Uses:** Uses permitted in Riverway Business Park shall be determined for each development at the City's discretion. The City shall take the following factors, among others, into consideration:

1. Uses related to manufacturing, wholesaling, distribution, administrative, professional, corporate or back office and similar activities, in addition to retail and service businesses used that serve the convenience needs of the other occupants of the Park shall receive the most consideration.
2. Compatibility to other uses in the Park.
3. Compatibility to the Riverway Business Park Master Plan.
4. Nuisances associated with the activities related which the proposed use may create.
5. Economic factors such as, but not limited to: jobs created, property taxes generated and/or potential spin-off developments.

6. Space requirements and the availability of adequate space for the proposed use.
7. Ability of the user to adhere to these protective Covenants.
8. Whether the proposed use is a permitted use in the PUD zoning classification in the Code of the City of Pekin

**B. Prohibited Uses:** The following uses shall not be allowed in Riverway Business Park:

1. Residential uses of any type, except for motels.
2. Churches.
3. Trailer courts or campgrounds.
4. Junkyards, salvage yards, storage of inoperable vehicles or auto recycling facilities.
5. “Mini-warehouses” used for the storage of personal property or yards used for the storage of personal property such as, but not limited to, vehicles, boats and/or recreational vehicles.
6. Commercial petroleum storage yards, but this shall not prohibit manufacturing facilities or uses incidental thereto.
7. Commercial excavation of building or construction materials.
8. Distillation of bones.
9. Dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals or other refuse, but shall not preclude facilities which use recycled materials to produce a finished project.
10. Fat rendering.
11. Stockyards or slaughter of animals.
12. Cemeteries.
13. Jail or honor farms.
14. Labor or migrant worker camps.
15. Stand alone utility storage yards.
16. Any use that would create a nuisance or hazard beyond its property line or would violate any Federal/State EPA standards.
17. Social, civic or private clubhouses or grounds.

18. Sale of alcohol is prohibited in the 2<sup>nd</sup> Addition of Riverway Business Park only due to the Park.

## **VI. DESIGN STANDARDS**

### **A. Objectives:**

1. All buildings shall be designed to respect the physical and natural qualities of the site, adjacent buildings and the main entrance to Riverway Business Park.
2. The massing, proportions and colors of all buildings shall be designed to provide visual continuity. The scale and appearance of adjacent buildings and landscaping shall be coordinated so as to result in a consistent appearance.

**B. Building Height:** The maximum height of buildings shall not exceed 45', exclusive of acceptable projections (flag poles, mechanical structures, etc.). Building heights shall be related to the heights of adjacent buildings and off-site views.

**C. Building Setbacks:** No building or structure shall be erected within the following setbacks:

1. Front Setback: not less than 50' from R.O.W.
2. Rear Setback: not less than 25' from rear property line, or 50' from R.O.W.
3. Side Setback: not less than 25' from side property line, or 50' from R.O.W.

### **D. Lot Coverage:**

1. The maximum pavement coverage to total lot area shall not exceed 30%.
2. The maximum building/pavement coverage to total lot area shall not exceed 70%.
3. A minimum of 30% of the total lot area shall be open and treated with landscaping, as per Section VI – P of these Covenants.

### **E. Building Materials:**

1. The total number of exterior building materials shall not be more than one primary and two secondary materials. All selected materials for buildings shall not be less than masonry, pre-cast concrete or factory finish metal. All buildings shall meet the existing building codes and standards for the City of Pekin.
2. The glazing system shall use solar dark tinted or solar glass with black, dark brown or dark bronze anodized aluminum window frames for all buildings.
3. The proportion, shape and placement of the buildings' various openings should reinforce and be consistent with the overall design of the building.

4. No exposed wood for exterior surface usage on buildings is permitted.

**F. Building Colors:**

1. The total number of exterior building colors shall not be more than three (3); one dominant and two accents. The dominant color shall cover at least 85% of the building.
2. The dominant color of all buildings shall be light to medium earth tones (i.e., tan, beige, brown, bronze). Accent colors shall be earth tones, but darker varieties may be used for trim.

**G. Mechanical Systems:** All mechanical systems (rooftop and ground mounted) shall be screened with an architectural treatment that is consistent with the building materials and colors.

**H. Exterior Lighting:**

1. All free standing and building mounted lighting shall be similar in design style, form and color (high pressure sodium vapor) while reflecting the architectural style and character of the building and the overall design theme of Riverway Business Park. The color of all exposed light poles, standards and fixtures shall be black, medium or dark brown or medium or dark bronze.
2. Exterior lighting shall be provided for the following areas:
  - a. Private streets, roads and entrance drives.
  - b. Parking lots and service/loading areas.
  - c. Pedestrian Walkways, courts, building entrances and other similar areas.
3. All streets and entrance drives within Riverway Business Park shall be lighted by pole mounted fixtures providing an average light level of 2.0 foot candle light level. The maximum pole height shall be no greater than 30'. The same selected pole type and fixture shall be used for all private streets, roads and entrance drives.
4. Parking lots and service/loading areas shall be lighted with pole mounted fixtures to provide an average light level of 1.0 foot candles. The pole type and fixtures shall be the same as the types for private streets and entrance drives.
5. All lighting shall be installed as to reflect and shield light away from adjacent residential properties and public streets.

**I. Utilities:**

1. All utilities, public and private, shall be located underground. Other related equipment, such as, but not limited to, above ground vaults, shall be screened from ground level views with evergreen shrubs and/or fence or wall that is consistent with the architectural treatment of the main building. No chain link fence shall be used to screen above ground vaults.

2. Above ground vaults shall not be located where they will affect traffic circulation or visibility.

**J. Security Fencing:**

1. Security fencing shall not exceed a height of 12'.
2. No fencing shall be installed within the front yard setback.

**K. Entrance Drives:**

1. The entrance drive shall not pass through client parking areas.
2. All entrances to individual parcels shall be designed to reflect a positive corporate image while creating a sense of arrival to the complex through the creative use of landscaping, signage and lighting which is consistent with the overall development of the site.
3. Entrance drives or roads shall provide for two-way access with a minimum pavement width of 24'.
4. Curb parking is prohibited on all private entrance drives or roads, unless the pavement width is a minimum of 40'.

**L. Service / Loading Areas:**

1. Service/loading areas or truck docks shall be located on the rear or sides of a building that do not front streets, and shall be screened from off-site views with acceptable fencing, architectural or landscape treatment or a combination of all.
2. Service/loading areas or truck docks shall be separated from parking areas for automobiles.
3. Direct access for service/loading areas shall be from streets or entrance drives and not through parking lots.
4. Curb cuts for access to the service/loading areas shall not be less than 26'. The number of curb cuts shall be limited to the number necessary for adequate ingress and egress.
5. Area surface shall be paved with concrete or bituminous materials with drainage provisions consistent with the City of Pekin's Stormwater Drainage Ordinance, as well as other applicable Public Works ordinances.
6. A continuous concrete or bituminous curb at least 6" in height shall be located along the perimeter of the area.

**M. Off-Street Parking:**

1. Each building site shall maintain off-street parking facilities. No parking shall be allowed on any public street.
2. Off-street parking areas may be located anywhere on the building site with preference to the side or rear of buildings.
3. Any parking areas that are visible from off-site views may be screened by architectural walls, landscaped berms, landscaping treatment or a combination of all.
4. Off-street parking areas shall be carefully positioned and laid out so as to not impede traffic circulation (vehicular and pedestrian) or cause excessive walks to building entrances.
5. Creative off-street parking planning and schemes such as, but not limited to, sink parking, landscape islands and small (less than 100 parking spaces) “broken” lots shall be encouraged. Large (100 parking spaces or more), unbroken expanses of parking surface shall not be allowed.
6. Items such as, but not limited to, spacing requirements and handicapped access are outlined in the State of Illinois Accessibility Code as adopted by City of Pekin.
7. All off-street parking area surfaces shall be paved with concrete or bituminous materials and conform to the City of Pekin Public Works Department’s specifications and applicable ordinances.

**N. Signage:**

1. One (1) detached, free standing sign that does not exceed 8’ in height shall be allowed. The horizontal length of such sign shall not exceed 1.5 times the height of the sign. The detached sign shall be illuminated and located in a landscaped area adjacent to the main vehicular entrance of the site. All sign profiles, materials and colors shall be consistent with those of the building(s).
2. No detached sign shall have a total area of more than 75 square feet.
3. No signs shall be located within any required setback.
4. Wall signs shall be permitted for the main building. The maximum size of a sign shall be determined by location of the structure and structure frontage. In general, the maximum size for one sign shall be determined by the following: 2 square foot of sign per 1 lineal foot of building frontage or 120 square feet whichever is larger. No more than two (2) wall signs shall be permitted on any one building. A facility shall not have more sign coverage that exceeds the total of more than 3 square feet per 1 lineal foot of building frontage for buildings having frontage of 100 linear feet or larger. Buildings less than 100 lineal feet shall have a maximum of 120 square feet. All wall signs shall be parallel and attached to the building facade, not projecting more than 15” from the building wall.
5. All signs shall be restricted to the identification of the business, type of business or operation, products or services within each building or sit directional.

6. Directional signs' locations, materials and sizes shall be shown on the signage plan as submitted with the development plan.
  7. The following signs shall be prohibited:
    - a. Signs located on a building roof or projecting more than 4' from a vertical building surface, but not above the roofline of a building.
    - b. Signs painted on the wall of any building.
    - c. Signs using bare bulb type lighting.
    - d. Signs with intermittent lighting of flashing effects.
    - e. Rotating or revolving signs.
    - f. Reflecting signs that cause glare.
    - g. Billboards or banner type signs.
- O. Outdoor Storage:** All outdoor storage areas shall be carefully located and screened to limit off-site views. Outdoor storage areas shall not be located within required setbacks or open space requirements. Screening shall consist of acceptable fencing, architectural or landscape treatment or a combination of all.
- P. Landscaping:** All un-surfaced open areas shall be landscaped in accordance with a landscape plan which will compliment the building, site and Riverway Business Park overall. The landscaping treatments shall not be limited to grass alone.
- Q. Site Furnishings:** Trash, paper receptacles (not including dumpsters), benches and other similar accessories shall be made of materials consistent in design with the buildings and light poles. Trash dumpsters shall be located behind buildings and screened with acceptable fencing, architectural or landscape treatment or a combination of all.

## ***VII. MAINTENANCE***

All improvements, including all architectural features, site elements and landscaping shall be continually maintained in a state of good repair and condition. A representative of the Review Committee and the property owner shall jointly inspect the improvements on an annual basis, commencing one (1) year from the date of occupancy of the property by the owner and/or tenant. All broken and deteriorated building and site improvements shall be replaced or repaired within 90 days of written notification to the owner and/or tenant by the Review Committee.

**VIII. GENERAL PROVISIONS**

- A.** These covenants, restrictions and conditions are to run with the land and shall be binding on all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time, these covenants shall be automatically extended for successive periods of 10 years, unless modified in whole or in part by a written recorded instrument signed by the then record owners of three-quarters (3/4) of the land area of the Riverway Business Park.
- B.** The owner of any parcel in the Riverway Business Park may enforce these conditions, covenants and restrictions by court proceeding at law or in equity against any person or persons violating or attempting to violate them.
- C.** Invalidation of any one of the above provisions by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

CITY OF PEKIN,  
an Illinois Municipal Corporation,

By: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
City Clerk

(seal)