

STATE OF ILLINOIS, } ss No. 242498
Schuyler County }

FILED FOR RECORD the 6th day

of January A.D., 1992 at 9:40 o'clock

A.M. and recorded in book 65

of Records on page 11

James P. Palmer
Recorder *JP*

COVENANT

between

ILLINOIS HISTORIC PRESERVATION AGENCY

and

PHOENIX OPERA HOUSE COMMUNITY CENTER, INC.

THIS AGREEMENT, made and entered into this 25 day of Nov. 1991 by and between the Illinois Historic Preservation Agency, hereinafter called the Agency; and the Phoenix Opera House Community Center, Inc., hereinafter called the Opera House;

WHEREAS, the Illinois Historic Preservation Agency has transferred, awarded and paid to the Opera House, an Illinois Heritage Grant in the amount of Five Thousand Dollars (\$5,000.00) which sum was granted to the Agency by the United States Department of the Interior, National Park Service for the preservation of the Phoenix Opera House, located at 112 W. Lafayette, Rushville, Illinois.

WHEREAS, this grant is used exclusively for the purpose and scope of work relating to the historic preservation of the Phoenix Opera House, located at 112 W. Lafayette, Rushville, Illinois as specified in the application from the Opera House to the Illinois Historic Preservation Agency, as amended from time to time by the Agency and the Opera House;

WHEREAS, the historic preservation work accomplished under this grant is in accordance with the "Secretary of the Interior's Standards for Historic Preservation Projects" as evidenced in plans, specifications, detailed descriptions or other materials submitted to the Agency and in accordance with recommendations and standards set forth;

WHEREAS, a Covenant is required on a property receiving grant assistance whenever the owner and/or the project sponsor has accrued certain tangible benefits;

WHEREAS, the Opera House, and its successors in interest, agrees to comply with Title VI of the Civil Rights Act of 1964 [42 USC 2000 (d)] and Section 504 of the Rehabilitation Act of 1973 [29 USC Section 794]. These laws prohibit discrimination on the basis of race, religion, national origin, or handicap. In implementing open, public access, reasonable accommodation to qualified handicapped persons shall be made in consultation with Illinois Historic Preservation Agency.

WHEREAS, if the Phoenix Opera House located at 112 W. Lafayette, Rushville, Illinois, is made available through a rental arrangement to organizations other than the Opera House for various general public functions, the Opera House shall secure signed assurances from the renter stating that the renter shall not discriminate against individuals on the basis of race, creed, color, sex, age, handicap, or national origin while using the facility.

WHEREAS, the award to the Opera House does not preclude the Opera House or subsequent owners of the Phoenix Opera House located at 112 W. Lafayette, Rushville, Illinois, from applying for, and being considered without prejudice for state and federal funds as may be necessary to preserve fully the Phoenix Opera House located at 112 W. Lafayette, Rushville, Illinois, provided that subsequent project undertakings shall in no way duplicate work accomplished under this award;

NOW THEREFORE, in consideration of the mutual advantages resulting from the respective obligations assumed under this AGREEMENT:

The Opera House Agree(s):

1. To maintain financial and administrative records pertaining to this grant award for at least three (3) years following the completion of all project work conducted under this grant, or until all claims and audit findings involving the project have been resolved;
2. To comply with the requirements of the Illinois Historic Preservation Agency and assume the cost of continued maintenance and repair of the property so as to preserve the architectural, historical, or archaeological integrity of the property for the specified period of time in order to protect and enhance those qualities that made the property eligible for listing on the National Register of Historic Places.

3. The Opera House agrees that when the Property is not clearly visible from a public right-of-way or includes interior work assisted with Illinois Heritage grant funds, the Property will be open to the public no less than 12 days a year on an equitably spaced basis and at other times by appointment. Nothing in this agreement will prohibit the Opera House and owners from charging a reasonable nondiscriminatory admission fee, comparable to fees charged at similar facilities in the area. The Opera House further agrees that when the Property is not open to the public on a continuing basis, and when the improvements assisted with Illinois Heritage grant funds are not visible from the public way, notification will be published in newspapers of general circulation in the community area in which the Property is located giving dates and times when the Property will be open to the public. Documentation of such notice will be furnished annually to the State Historic Preservation Officer during the term of the agreement.

The Agency Agrees:

1. To report to the National Park Service when any part of this agreement and its Covenants as it relates to the federal administration of the Grant, are not satisfied so that appropriate legal action may be taken.

2. To make periodic inspections of the site and facilities;
3. To recommend normal and routine preventive care of those areas and facilities of the Phoenix Opera House located at 112 W. Lafayette, Rushville, Illinois, affected by this historic preservation grant; and the Illinois Historic Preservation Agency may proceed to enforce this provision through appropriate legal action.

THIS AGREEMENT SHALL BE IN FORCE from October 1, 1991 until September 30, 2001 and shall be recorded in the Office of the Recorder of Deeds of Schuyler County, Illinois, against the land whose legal description is as follows:

See attachment

recorded in the Recorder's Office of Schuyler County, in the State of Illinois, in Book No. 10 of Mortgages on page 673 hereof, as Instrument No. 226401, to the premises therein described, situated in the County of Schuyler and State of Illinois, as follows, to-wit:

That part of Lot Three (3) in Block Eleven (11) of the Original Plat of the town (now City) of Rushville, bounded and described as follows, to-wit: Beginning at the Northeast corner of said Lot and running thence West Twenty (20) feet, thence South One Hundred Twenty-eight (128) feet, thence East Twenty (20) feet to the East line of said lot and thence North One Hundred Twenty-eight (128) feet to the place of beginning, subject to all easements of record; Also that part of Lots Two (2) and Four (4) in Block Eleven (11) of the Original Plat of the Town (now City) of Rushville described as follows: Beginning at the Northwest corner of said Lot Two (2) thence South to the alley on the South side of said Lot Four (4) thence East along the South line of said Lot Four (4) thirty-five (35) feet and six and two-thirds inches, thence North on a line parallel with the west line of said Lot Two (2) to a point eighty (80) feet South of the North line of said Lot Two (2) thence East Eleven (11) feet, thence North eighty (80) feet to the North line of said Lot Two (2), thence West forty-six (46) feet and six and two-thirds inches to the place of beginning, subject to the rights reservations and stipulations set forth in Deed recorded in Book 122 of Deeds, at Page 155, except a parcel of land bounded and described as follows: Beginning at the Southwest corner of Lot Number Two (2) thence proceeding North along said property line for a distance of Fifty feet (50') thence East a distance of Thirty-five feet, Six and two-thirds inches (35' 6 2/3"), thence South a distance of One Hundred Two feet, Six inches (102'6") to an alley which borders on the South side of Lot Number Four (4), thence West a distance of Thirty-five feet, six and two-thirds inches (35' 6 2/3") along the south line of Lot Number Four (4) thence North a distance of Fifty-two feet, six inches (52'6") to the point of beginning, all situated in Block 11 of the Original Plat of Rushville, also a 15 foot easement for ingress and egress along the East side thereof as recorded in Book KK page 353 in the Office of the Recorder of Schuyler Co; and subject to an easement for right of way in favor of Central Illinois Public Service Co., recorded in Book GG Page 96 in the above office. Situated in the Southwest Quarter of Section 30, Township 2 North, Range 1 West, Fourth Principal Meridian, Schuyler County, Illinois.

This release is made, executed and delivered pursuant to authority given by the Board of Directors of said Corporation.

ACCORDINGLY, the parties have executed this agreement on the day and year first written above.

ILLINOIS HISTORIC PRESERVATION AGENCY

Witness:

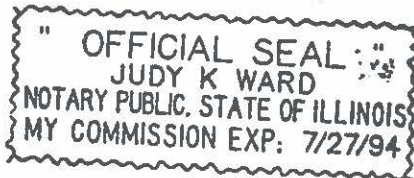
William L. Wheeler

William L. Wheeler
State Historic Preservation Officer

Witness:

Jane Boyd, President
for the Phoenix Opera House Community
Center, Inc.

Jane Boyd, President
Phoenix Opera House Community Center, Inc.



Judy K. Ward

COUNTY RECORDER'S SEAL



Prepared by:

Illinois Historic Preservation Agency
Grants Management Section
Old State Capitol
Springfield, IL 62701