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2000-08-02 12:41:34
Cook County Recorder 37.50

THIS INSTRUMENT PREPARED
BY AND AFTER RECORDING
RETURN TO:
Bernard I. Citron
Katriina S. McGuire
Schain, Burney, Ross & Citron, Ltd.
222 North LaSalle St., #1910
Chicago, Illinois 60601
(312) 332-0200



DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made this 9th day of June, 2000 by Daniel Drew (sometimes hereinafter referred to as "Owner" or "Declarant").

RECITALS:

WHEREAS, Declarant is the Owner and legal titleholder of a certain parcel of real estate in Chicago, Cook County, Illinois commonly known as 2420-2424 West Bloomingdale Avenue, Chicago, Illinois, and legally described on Exhibit "A", attached hereto and made a part hereof ("Premises"); and

WHEREAS, Declarant intends that the Premises be utilized as a residential development made up of two (2) single family homes and four (4) parking spaces ("Intended Use"); and

WHEREAS, the present zoning for the Premises is M1-1 Restricted Manufacturing District; and

WHEREAS, in order to accommodate Declarant's Intended Use, Declarant intends to effectuate a zoning change for the Premises to R4, General Residence District; and

WHEREAS, if the proposed zoning change to R4, General Residence District, is approved by the City of Chicago, it shall be subject to a restrictive covenant being recorded against the Premises restricting the Premises to the construction of a residential development and restricting the development so that it is built in substantial conformance with the site plan and elevations prepared by Fitzgerald Associates Architects, dated June 7, 2000, attached hereto as Exhibit B; and

WHEREAS, Declarant, in consideration of the City's consent to the R4 zoning change, shall encumber the Premises with a restrictive covenant setting forth the aforesaid restrictions, all as more specifically set forth below.

DECLARATIONS:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and for the purposes stated herein, Declarant declares as follows:

1. The recitals set forth hereinabove are fully incorporated herein by this reference.
2. All of the Premises are and shall be held, sold and conveyed subject to the covenants, conditions and restrictions herein stated, all of which shall run with the land and be binding upon all parties now or hereinafter having any right, title or interest in the Premises or in any part thereof and upon those claiming under them, with such limitations or exceptions as are herein expressed.
3. The Premises, or any portion thereof, shall be used solely for the purpose of the construction, development and subsequent sale of a residential development made up of two (2) single family homes and four (4) parking spaces and for no other purpose whatsoever.
4. The construction of the development shall substantially conform to the plans and elevations prepared by Fitzgerald Associates Architects, attached hereto as Exhibit B.
5. No building shall be erected on the Premises, nor shall construction begin on any building, unless the plans and specifications of any building proposed to be erected have been submitted to the City and written approval therefrom has been secured. Issuance of a building permit by the City for the Premises shall constitute the City's approval of the submitted plans and specifications.
6. Breach of any of the covenants or violation of any other portions of this Declaration shall not defeat or render invalid the lien of any mortgage or trust deed made in good faith and for value as to any portion of the Premises, but all provisions of this Declaration shall be binding and effective against any owner of any portion of the Premises whose title thereto is acquired by foreclosure, trustee sale or otherwise under such mortgage or trust deed, and shall remain effective as to each portion of the Premises so acquired.
7. Enforcement of the provisions of this Declaration shall be by any proceeding at law or in equity, brought by the Declarant, its successors or assigns, or the City, or the Office of the Alderman which has jurisdiction over the Premises, against any person or persons violating or attempting to violate any covenant, restriction or other provision hereof, either to restrain or prevent such violation or attempted violation or to recover damages, or both. Failure by the Declarant, its successors or assigns, or the City, or the Office of the Alderman, to promptly enforce any covenant, restriction or other provision of this Declaration shall in no event be a bar to enforcement thereafter and shall not waive any rights of the Declarant, its successors or assigns, the City, or the Office of the Alderman, to so enforce any covenant, restriction or other provision of this Declaration.

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8. In the event of any litigation arising out of this Declaration, the prevailing party shall be entitled to payment of court costs and reasonable attorneys' fees.

9. Invalidation of any covenant, restriction or other provision of this Declaration by judgment or court order shall in no way affect any of the other provisions of this Declaration and such other provisions shall remain in full force and effect.

10. All covenants, conditions and restrictions contained in this Declaration shall run with the land and shall be binding upon all parties and all persons owning any portions of the Premises and all persons claiming under them until the earlier of: (i) fifty (50) years from the date hereof; (ii) the zoning classification of the Premises changes from R4 General Residence District; or (iii) an instrument signed by a majority of the then owners of the Premises and a duly authorized representatives of the Office of the Alderman which has jurisdiction over the Premises is recorded against the Premises modifying, amending or terminating the covenants, conditions and restrictions contained herein.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

DECLARANT:

Daniel Drew

By: 

Name: Daniel Drew

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STATE OF ILLINOIS)
) SS.
 COUNTY OF COOK)

I, KAREN DIVENERE a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Daniel Drew, personally known to me to be the same person whose name is subscribed to the foregoing **DECLARATION OF RESTRICTIVE COVENANT**, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal, this day of 6/09, 2000.

Karen Diveneré
 Notary Public



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EXHIBIT "A"

LEGAL DESCRIPTION

LOTS 85, 86, 87, AND 88 IN COLEHOUR SUBDIVISION OF BLOCK 4 OF JOHNSTON'S SUBDIVISION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 13-36-416-033-0000
13-36-416-034-0000
13-36-416-035-0000
13-36-416-036-0000

COMMONLY KNOWN AS: 2420-2424 WEST BLOOMINGDALE AVENUE

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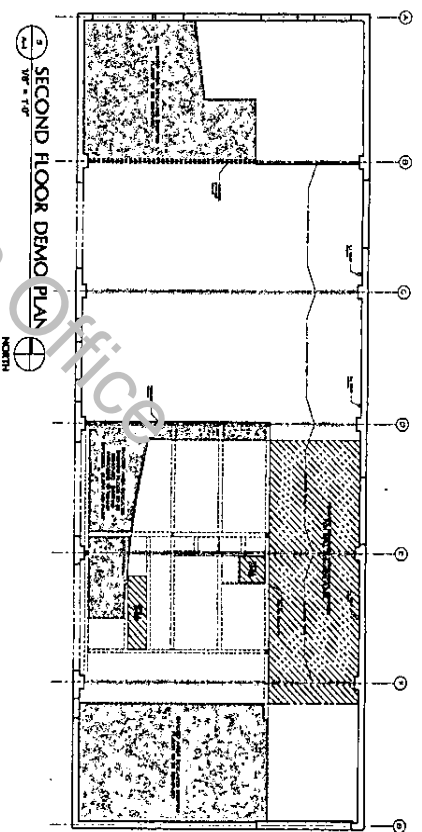
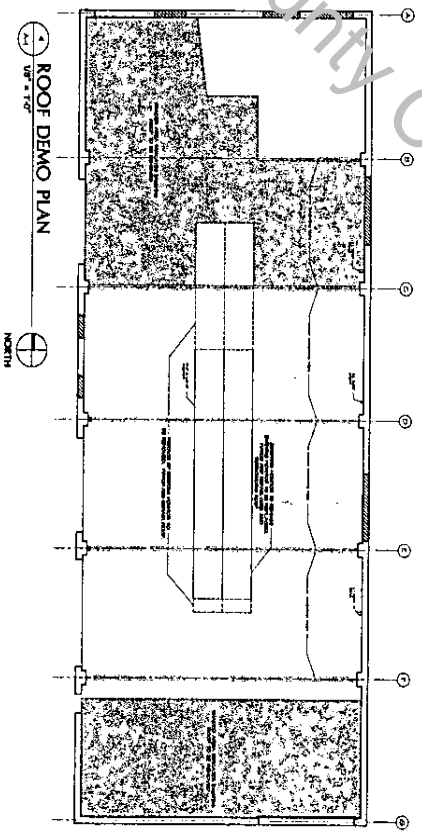
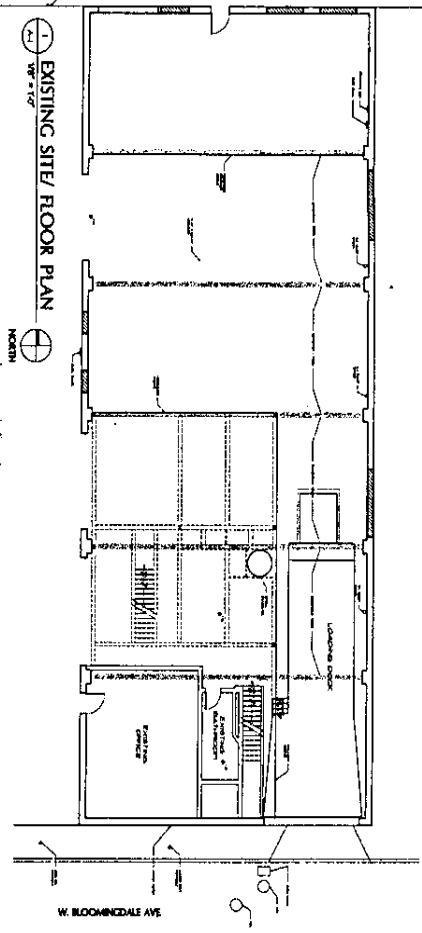
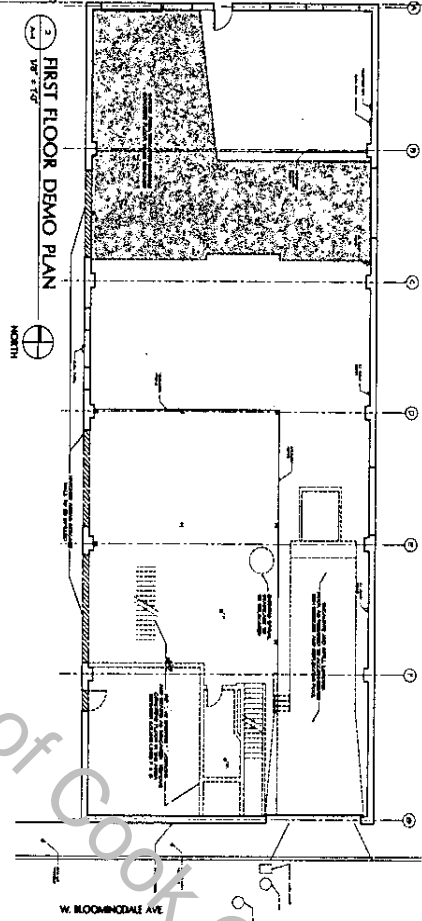
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EXHIBIT "B"

Site Plan and Elevations prepared by Fitzgerald Associates Architects, dated June 7, 2000

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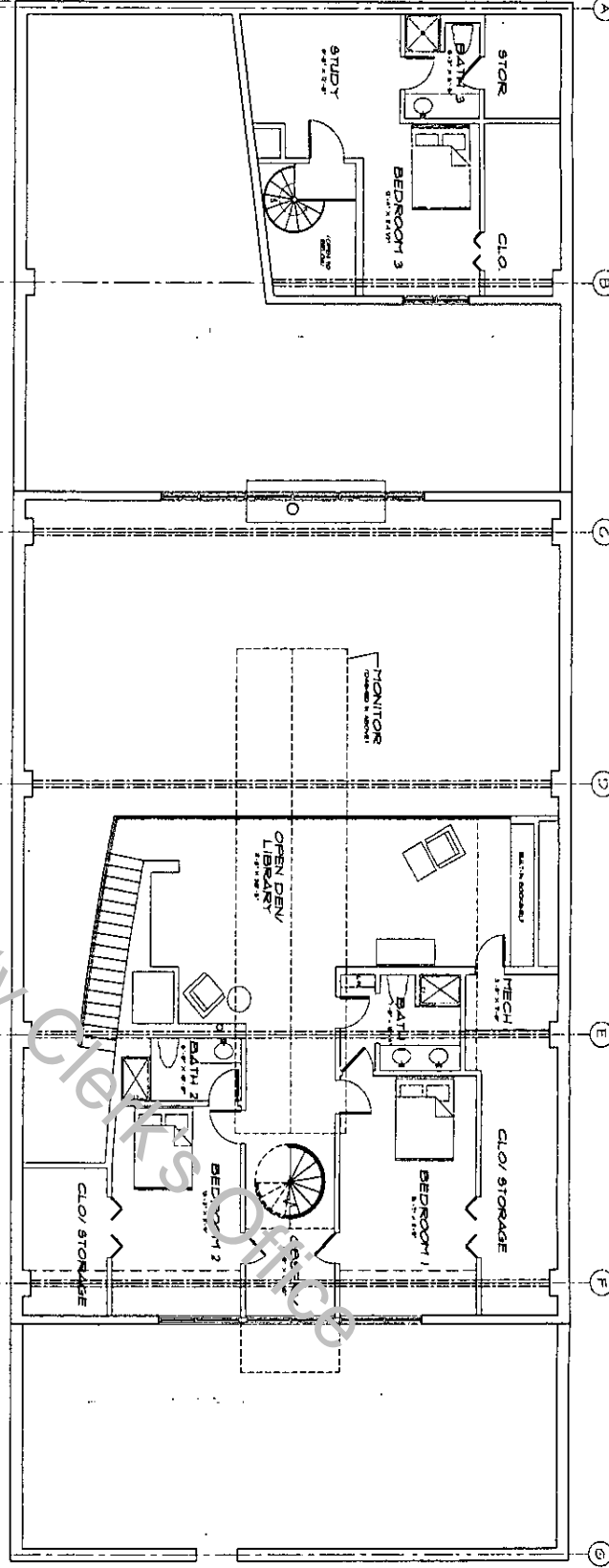
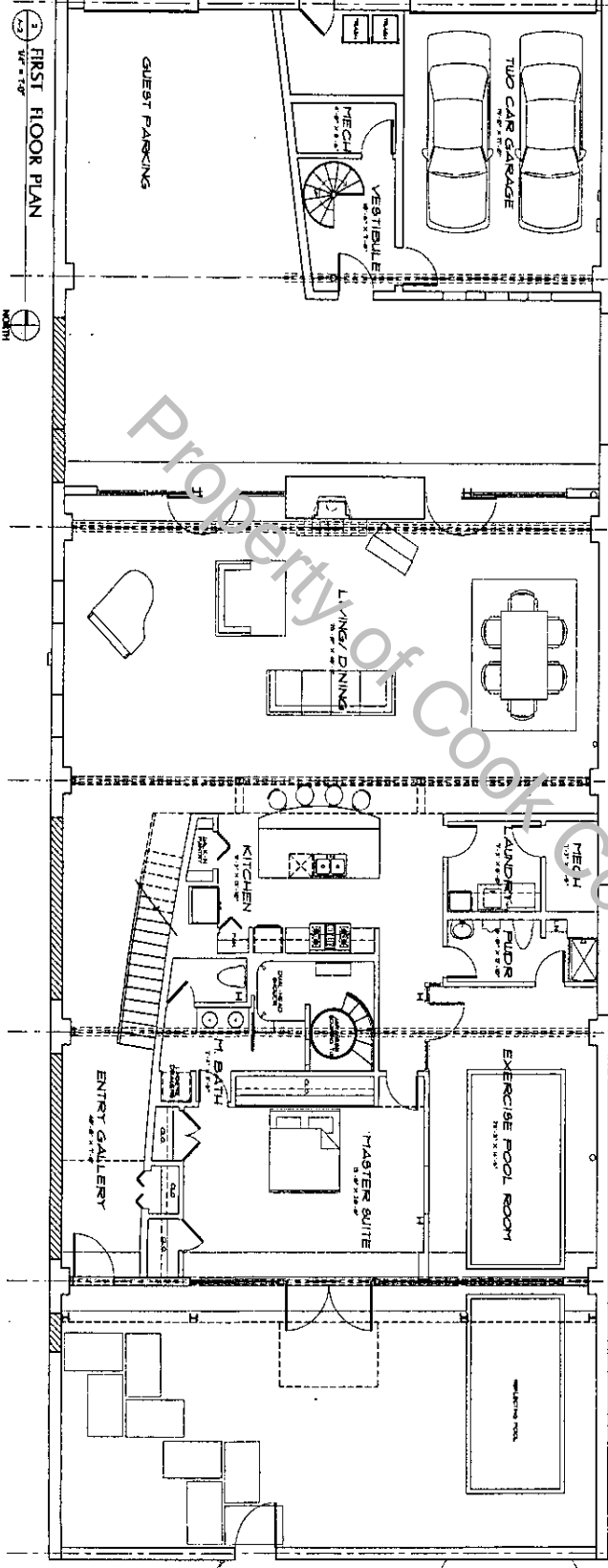
A-1

1	IN PROGRESS	08.07.00
2	PRELIMINARY NOT FOR CONSTRUCTION	
3	READY FOR CONSTRUCTION	
4	READY FOR PERMITS	
5	READY FOR NOTS	
6	DESCRIPTIONS/REVISIONS	04-11

CALEK-DREW RESIDENCE
2420 W. BLOOMINGDALE

PROFESSIONAL ARCHITECTS
0024

EXISTING 16'-0" ALLEY



W. BLOOMINGDALE AVE.

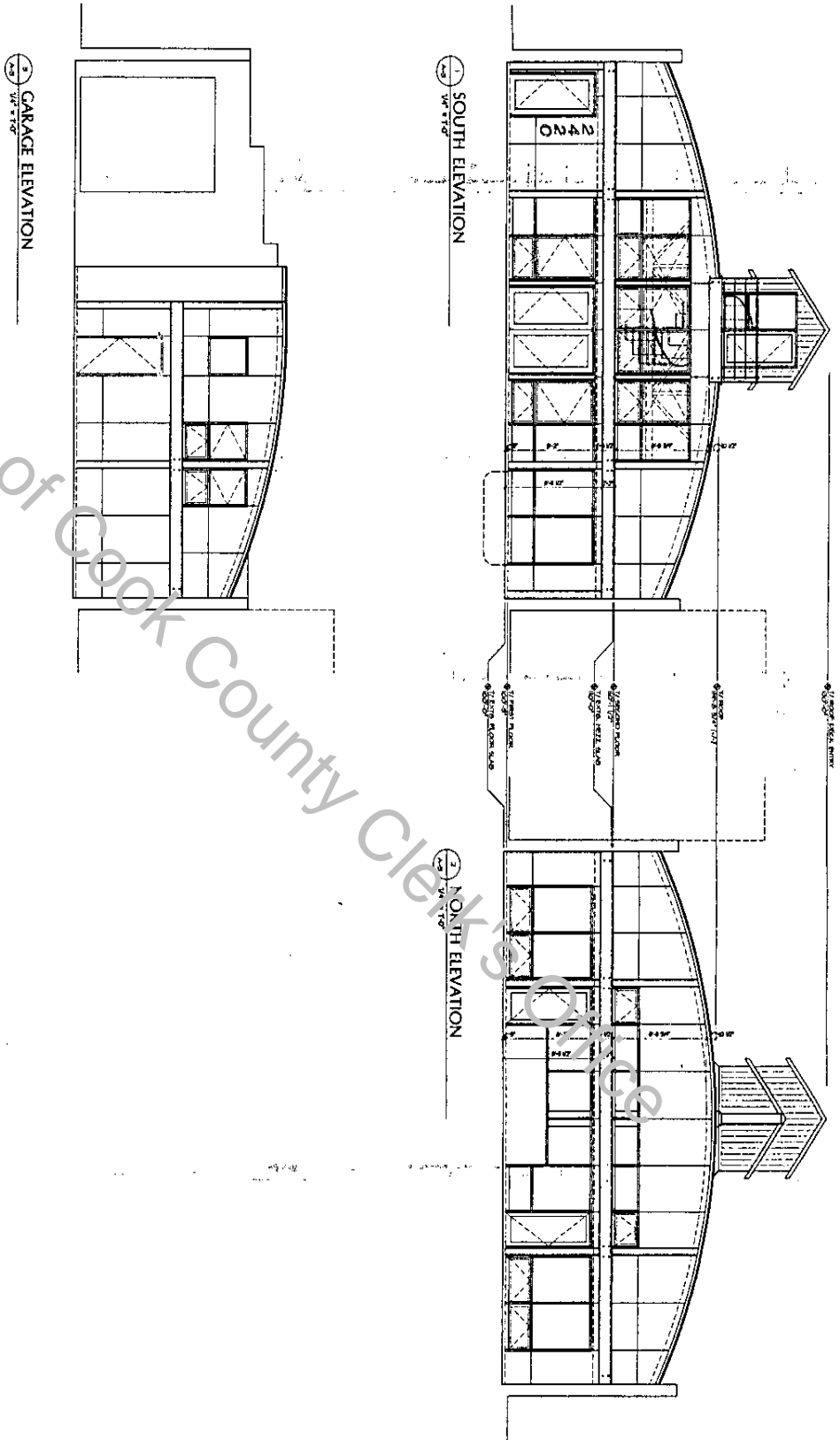
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	PRELIMINARY SET FOR CONSTRUCTION	
	REVISED FOR CONSTRUCTION	
	RECALL FOR PERMITS	
	REVISED FOR BID	
DESCRIPTION/REVISION	DATE	

CALEK-DREW RESIDENCE
 2420 W. BLOOMINGDALE

PITZGERALD ASSOCIATES ARCHITECTS
 1111 N. LAUREL ST. SUITE 100
 CHICAGO, IL 60610
 TEL: 312.467.1000
 FAX: 312.467.1001

0024

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A-3

■ IN PROGRESS	06.27.00
■ PRELIMINARY NOT FOR CONSTRUCTION	
■ PENDING FOR CONSTRUCTION	
■ ISSUED FOR PERMITS	
■ ISSUED FOR BIDD	
SECTION/TITLE/REVISIONS	DATE

CALEK-DREW RESIDENCE
2420 W. BLOOMINGDALE

FRYBERG AND ASSOCIATES ARCHITECTS
300 N. LAUREL STREET
CHICAGO, IL 60610
TEL: 312.467.1100
FAX: 312.467.1101
WWW.FRYBERGARCHITECTS.COM

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