



00718173

CONFIRMATION OF RIGHTS TO USE ALLEY

This Confirmation of Rights to Use Alley is made this 7th day of June, 2000 by **MALIK M. BADER**, an adult resident of Cook County, Illinois (herein referred to as "Bader") and **THOMAS S. HARTNETT** and **KAREN HARTNETT**, husband & wife (herein referred to as "Hartnett") to and for the benefit of **CK INVESTMENTS, LLC**, an Illinois limited liability company ("CK Investments") and the other Benefited Parties identified herein.

WHEREAS THE FOLLOWING FACTS ARE TRUE:

1. Bader is the owner, in fee simple, of Lot 5 and the Southwesterly 0.08 feet of Lot 4 in Klatscher's Subdivision of Lots 23, 24, 25 and 26 in Block 12 in Pierce's Addition to Holstein, in the Southwest ¼ of Section 31, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois (the "Bader Parcel").
2. Hartnett is the owner, in fee simple, of Lot 4 (except the Northeasterly 0.13 feet of Lot 4 and the Southeasterly 0.08 feet of Lot 4) in Klatscher's Subdivision of Lots 23, 24, 25 and 26 in Block 12 in Pierce's Addition to Holstein, in the Southwest ¼ of Section 31, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois (the "Hartnett Parcel").
3. CK Investments has entered into a contract with Hartnett to purchase the property described on the attached Exhibit A (the "CK Parcel").
4. A survey of the CK Parcel indicates that an 8.00 foot private unpaved alley is located adjacent to the Northwestern boundary of the Bader Parcel, the Hartnett Parcel and the CK Parcel (the "Alley"). A portion of the Alley is depicted on the attached Exhibit B.
5. CK Investments desires to develop certain multi-family residential improvements (the "Improvements") on the CK Parcel and, in so doing, desires to insure that access will be available for pedestrian and vehicular traffic to any driveway, garage or parking area located on that portion of the CK Parcel which is adjacent

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to the Alley (the "CK Parking Area") from publicly dedicated roads and/or alleys in the vicinity of the CK Parcel.

6. CK Investments desires to secure the necessary access to the CK Parking Area for the CK Parcel over and across certain property located adjacent to and Northeast of the CK Parcel (the "CTA Parcel") which is currently owned and/or controlled by the Chicago Transit Authority, an Illinois municipal corporation (the "CTA"), which property is more specifically described in the attached Exhibit C.
7. CK Investments has been advised by representatives of the CTA that the CTA either cannot or will not grant CK Investments any permanent rights to access the CK Parcel over the CTA Parcel.
8. To the extent that access for vehicular traffic to the CK Parking Area on the CK Parcel is not, at any time, reasonably available, free of charge, to CK Investments or any future owners of all or any interest in the CK Parcel (collectively the "Benefited Parties"), the Benefited Parties will need to utilize those portions of the Alley adjacent to the Hartnett Parcel and the Bader Parcel to have access to the CK Parking Area from Winnebago Avenue.
9. Bader and Hartnett desire to confirm, on their own behalf and on behalf of their respective successors and assigns, that they will not object to or interfere with the use of the Alley for vehicular and pedestrian access to the CK Parking Area under these circumstances and agree to permit such use of the Alley in the manner contemplated herein.

NOW, THEREFORE, in consideration of the foregoing, Bader, Hartnett and CK Investments hereby agree as follows:

A. Incorporation of Recitals. The above and foregoing recitals, including all defined terms, are incorporated into and made a part of this Instrument as if more fully set forth herein.

B. Confirmation. If, at any time, the Benefited Parties are unable to have reasonable access, free of charge, for pedestrian and vehicular traffic to and from the CK Parking Area to publicly dedicated roads and/or alleys over and across the CTA Parcel, Bader and Hartnett each hereby confirm and agree that they will not object to or interfere with the use of the Alley by the Benefited Parties for vehicular and pedestrian access to the CK Parking Area from Winnebago Avenue.

C. Improvements. In the event that the Benefited Parties are unable to have access over the CTA Parcel in the manner described in Paragraph B, above, the Benefited Parties shall have the right, but no obligation, to pave any unpaved portion of the Alley or otherwise construct a driveway over and across the Alley (the "Improvements") to accommodate vehicular access for the Benefited Parties to and from the CK Parking Area to Winnebago Avenue. Any such Improvements constructed by the Benefited Parties shall be constructed at the Benefited Parties'

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sole cost and expense. At the time of any such construction, if any existing structures are located in the Alley, the Benefited Parties will be responsible for the removal of such existing structures, to the extent that such existing structures reasonably need to be removed to permit access over and across the Alley to the CK Parcel. In so doing, the Benefited Parties will consult with Bader and Hartnett concerning the construction and/or replacement of any fencing within the Alley, provided that such fencing does not impede free access for pedestrian and vehicular traffic from Winnebago Avenue over and across the Alley to the CK Parking Area. Likewise, to the extent that either Bader or Hartnett has existing fixtures or personal property located in the Alley, Bader and Hartnett will be afforded notice and a reasonable opportunity (not to exceed 15 days) to retrieve any such fixtures or personal property which the Benefited Parties have removed or disassembled in the Alley, failing which, the Benefited Parties will be entitled to dispose of such fixtures or personal property in their sole discretion with no liability to either Bader or Hartnett.

D. Appurtenance. The rights confirmed and set forth herein shall be appurtenant to and shall run with the Bader Parcel, the Hartnett Parcel and the CK Parcel and shall benefit the Benefited Parties and their respective heirs, successors and assigns.

E. Non-Use. The rights confirmed and afforded hereunder in favor of the Benefited Parties will not expire, lapse or otherwise terminate as a result of any failure of the Benefited Parties to use the Alley for the purposes and in the manner set forth in Paragraphs B and C, above. In addition, the Benefited Parties rights in, to and under this instrument will not expire or lapse or otherwise be terminated by any claim of title to any part of the Alley by adverse possession, prescription or otherwise, it being the intention of the parties hereto that the rights afforded the Benefited Parties hereunder shall run with title to the CK Parcel, the Hartnett Parcel and the Bader Parcel, in perpetuity.

Executed as of the date first above written.

[SIGNATURES ON NEXT PAGE]

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Malik M. Bader

“Bader”

Thomas S. Hartnett

Karen Hartnett

“Hartnett”

CK INVESTMENTS, LLC,
an Illinois limited liability company

By: 

Printed:

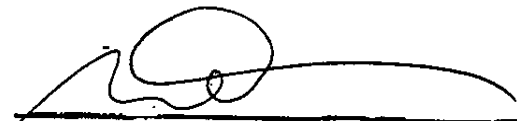
JAMES C. CARLINO

Title:

MANAGER

“CK Investments”

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Malik M. Bader

"Bader"



Thomas S. Hartnett



Karen Hartnett

"Hartnett"

CK INVESTMENTS, LLC,
an Illinois limited liability company

By: _____
 Printed: _____
 Title: _____

"CK Investments"

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STATE OF Ill)
COUNTY OF Cook)SS:

Before me, a Notary Public in and for said County and State, personally appeared Malik M. Bader, by me known, who acknowledged the execution of the foregoing "Confirmation of Rights to Use Alley" as his voluntary act and deed.

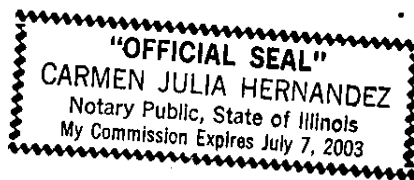
Witness my hand and Notarial Seal this 6 day of June, 2000.

Notary Public: Carmen Julia Hernandez

Printed: CARMEN JULIA HERNANDEZ

My Commission Expires: July 7, 2003

My County of Residence: Cook



Property
Cook County Clerk's Office

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STATE OF Illinois)
)SS:
COUNTY OF Cook)

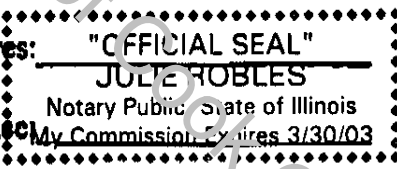
Before me, a Notary Public in and for said County and State, personally appeared Thomas S. Hartnett and Karen Hartnett, husband and wife, by me known, who acknowledged the execution of the foregoing "Confirmation of Rights to Use Alley" as their voluntary act and deed.

Witness my hand and Notarial Seal this 8 day of June, 2000.

Notary Public: Julie Robles

Printed: Julie Robles

My Commission Expires:



My County of Residence:

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STATE OF INDIANA)
)SS:
COUNTY OF MAZION)

Before me, a Notary Public in and for said County and State, personally appeared JAMES C. CARLINO, by me known and by me known to be the MANAGER of CK Investments, LLC, an Illinois limited liability company, who acknowledged the execution of the foregoing "Confirmation of Rights to Use Alley" for and on behalf of said limited liability company.

Witness my hand and Notarial Seal this 7th day of JUNE, 2000.



Notary Public: E. Dianne Henry

Printed: E. Dianne Henry
I am a resident of Boone County, Indiana

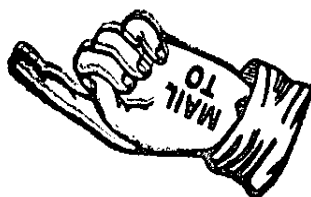
My Commission Expires: 08/06/00

My Commission Expires: _____

My County of Residence: _____

THIS INSTRUMENT WAS PREPARED BY AND AFTER RECORDING RETURN TO:

James C. Carlino, Attorney at Law
Bose McKinney & Evans, LLP
8888 Keystone Crossing
Suite 1500
Indianapolis, IN 46240



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EXHIBIT A

Legal Description of the CK Parcel

Lot 2 (except for the Northeasterly 6.60 feet), Lot 3 and the Northeasterly 0.13 feet of Lot 4 in Klatscher's Subdivision of Lots 23, 24, 25 and 26 in Block 12 in Pierce's Addition to Holstein, in the Southwest $\frac{1}{4}$ of Section 31, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

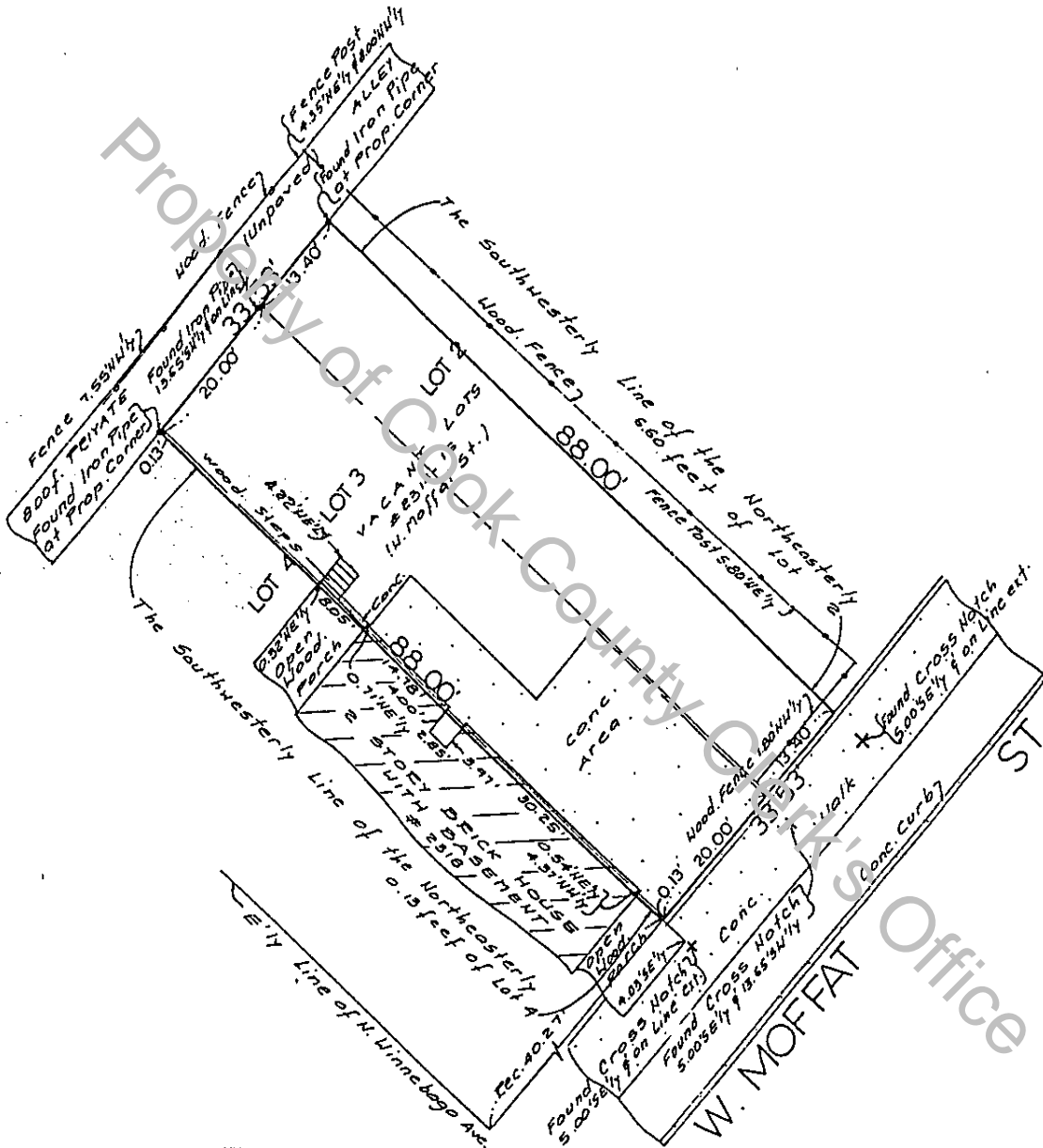
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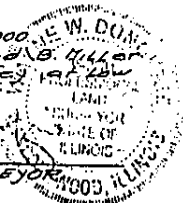
EXHIBIT B

Depiction of a Portion of the Alley



UPDATE: May 13, 2000.
ORDERED BY: Edward B. Miller
Attorney at Law

Edward B. Miller

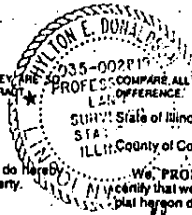


PROF. IL. LAND SURVEYOR
UPDATE: November 2, 1998.

() IN BOX MEANS THAT SURVEY HAS BEEN MADE FOR USE IN CONNECTION WITH A REAL ESTATE OR MORTGAGE LOAN TRANSACTION AND IS NOT TO BE USED FOR CONSTRUCTION.
DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING

Order No. 97-37407
Scale: 1 inch = 15 feet
Date May 17, 1997
Ordered by Thomas S. Hartnett

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SHOWN IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.
We, PROFESSIONALS ASSOCIATED SURVEY, INC., do hereby certify that we have located the building on the above property.



PROF. IL. LAND SURVEYOR

PROF. IL. LAND SURVEYOR

00718173

We, PROFESSIONALS ASSOCIATED SURVEY, INC., do hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey.

Milton E. Donahoe
PROF. IL. LAND SURVEYOR

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EXHIBIT C

Legal Description of the CTA Parcel

Lot 1 and Lot 2 (except for the Southwesterly 13.40 feet of Lot 2) in Klatscher's Subdivision of Lots 23, 24, 25 and 26 in Block 12 in Pierce's Addition to Holstein, in the Southwest $\frac{1}{4}$ of Section 31, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

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File S1594342I - Legal Addendum

LEGAL: PARCEL 1: THE NORTHEASTERLY 0.13 FEET OF LOT 4 AND LOT 3 (EXCEPT THE NORTHEASTERLY 0.25 FEET THEREOF) IN KLATSCHER'S SUBDIVISION OF LOTS 23, 24, 25 AND 26 IN BLOCK 12 IN PIERCE'S ADDITION TO HOLSTEIN IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: LOT 2 (EXCEPT THE NORTHERLY 6.60 FEET) AND THE NORTHEASTERLY 0.25 FEET OF LOT 3 IN KLATSCHER'S SUBDIVISION OF LOTS 23, 24, 25 AND 26 IN BLOCK 12, IN PIERCE'S ADDITION TO HOLSTEIN IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 2314-6 W MOFFAT
CHICAGO, IL 60622

PIN: 14-31-308-046-0000

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