

UNOFFICIAL COPY

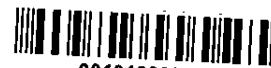
0010192807

1706/0098 21 001 Page 1 of 5

2001-03-12 13:32:00

Cook County Recorder

29.50



0010192807

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS (the "Declaration") is made and entered into as of this 7th day of March, 2001 by Amalgamated Bank of Chicago, as Trustee under a Trust Agreement dated July 31, 2000 and known as Trust No. 5883 ("Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of that certain real property legally described on Exhibit A attached hereto and made a part hereof ("Parcel 1"); and

WHEREAS, Declarant is also the owner of that certain real property legally described on Exhibit B attached hereto and made a part hereof ("Parcel 2"); and

WHEREAS, Declarant intends to construct on Parcel 1 a new Walgreens store and to locate on Parcel 2 a portion of the parking for such store that is required by the applicable zoning ordinances of Calumet City, Illinois (the "Zoning Ordinances"); and

WHEREAS, the Zoning Ordinances permit Declarant to locate on Parcel 2 a portion of the parking that is legally required with respect to the aforesaid store so long as Parcel 1 and Parcel 2 are owned by the same person or entity and such parking on Parcel 2 is maintained at all times during the life of the aforesaid store; and

WHEREAS, Declarant desires to impose restrictions upon Parcel 1 and Parcel 2 that satisfy the Zoning Ordinances.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby declares and imposes, as restrictions that are binding upon, and run with, Parcel 1 and Parcel 2, the following restrictions:

"Declarant agrees that (a) ownership of Parcel 1 and Parcel 2 shall at all times be held in the name of the same person or entity and (b) there shall at all times be located on Parcel 2, and be properly maintained, such number of parking spaces as is necessary, after taking into account the parking spaces located on


Parcel 1, to cause the improvements located on Parcel 1 to remain in compliance with the parking requirements of the Zoning Ordinances. The foregoing restrictions shall remain in full force and effect for so long as, in accordance with the Zoning Ordinances that are from time to time applicable to Parcel 1 (including, without limitation, any variances that may hereafter be adopted with respect to Parcel 1), the amount of parking that is located on Parcel 1 is less than the amount of parking that is required by such ordinances due to the square footage of the improvements located upon Parcel 1 and/or the use that is being made of Parcel 1."

This Declaration shall be binding upon, and shall inure to the benefit of, Declarant and its successors and assigns.

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee, while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee, are nevertheless, each and every one of them made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by said Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only the trust property held by said Trustee, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or responsibility is assumed by nor shall at any time be asserted or enforceable against Amalgamated Bank of Chicago on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either expressed or implied, all of such personal liability, if any, being expressly waived and released.

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

AMALGAMATED BANK OF CHICAGO,
as Trustee under a Trust Agreement dated
July 31, 2000 and known as Trust No. 5883
and not personally

By: 
Name: IRVING B. POLAKOW
Title: SENIOR VICE PRESIDENT

STATE OF ILLINOIS

County of COOK

SS.

The foregoing instrument was acknowledged before me this 8th day of March 2001 by IRVING B. POLAKOW SENIOR VICE PRESIDENT of Amalgamated Bank of Chicago, not personally but as Trustee under a Trust Agreement dated July 31, 2000 and known as Trust No. 5883, on behalf of such Trust.

Joan M. DiCisola

Notary Public for the State of Illinois

Commission Expires: 8-14-2002

Property of Cook County Clerk's Office

This document prepared by and after recording return to:

Thomas H. Page, Esq.
Barack Ferrazzano Kirschbaum Perlman
& Nagelberg
333 West Wacker Drive
Suite 2700
Chicago, IL 60606

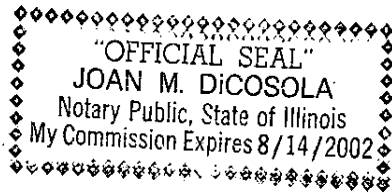


EXHIBIT A

LOTS 17 THROUGH 27 (EXCEPT THE EAST 5 FEET OF THE AFORESAID LOTS) IN BLOCK 1, IN FORD CALUMET TERRACE, A SUBDIVISION OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 12, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Property Address: 522 Torrence, Calumet City, Illinois

PIN: 29-12-407-025; 026; 027; 028; 029; 030; 031; 032; 033; 034; 035

Property of Cook County Clerk's Office

EXHIBIT B

LOTS 10 THROUGH 17, BOTH INCLUSIVE, IN BLOCK 5 IN FORD CALUMET CENTER, A SUBDIVISION OF THE WEST 1376.16 FEET OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

Property Address: Vacant Lots on Torrence Avenue, South of Wilson, Calumet City, Illinois

PIN: 30-07-308 007; 008; 009; 010; 011; 012; 013; 014

Property of Cook County Clerk's Office