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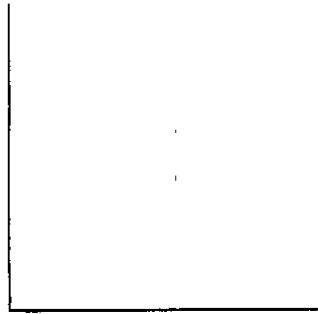
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Cook County Recorder 47.50



0010899590



RESTRICTIVE COVENANT

WHEREAS, the A & A Midwest Rebuilders Suppliers, Inc., ("Owner"), holds legal title to certain parcels of real property ("Abutting Property") which are located at 4079 South Wells Street and 4110 South Wentworth Avenue, located in the County of Cook, State of Illinois, and which are currently used for the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and other similar uses and facilities; and

WHEREAS, on May 2, 2001, the City Council of the City of Chicago approved an ordinance (C.J. pp. 58470-74), a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of the north 11.5 feet, more or less, of the remaining north-south 14 foot public alley in the area bounded by South Wells Street, South Wentworth Avenue, the north line of West Root Street as widened, and a line 141.5 feet, more or less, north of the north line of West Root Street, as widened, measured along

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the west line of South Wentworth Avenue (hereinafter referred to as "Subject Premises"), the Subject Premises being more particularly described in Exhibit A which is attached and incorporated; and

WHEREAS, the vacation provided in the Ordinance is conditioned upon the execution and recording by the Owner of a restrictive covenant running with the land that provides that the Subject Premises shall be used only for manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are **reasonably necessary** to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and other similar uses and facilities;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE PASSAGE AND APPROVAL OF THE VACATION ORDINANCE AND THE VESTING OF TITLE IN THE OWNER, WITHOUT THE REQUIREMENT THAT THE OWNER PAY COMPENSATION TO THE CITY, THE OWNER DOES HEREBY AGREE WITH AND COVENANT TO THE CITY OF CHICAGO AS FOLLOWS:

1. **USE.** The Owner hereby covenants to the City of Chicago that the above-described Subject Premises shall not be used for any use or purpose other than those which are set forth in Exhibit B, which is attached and incorporated, and for those uses and purposes which are accessory to such activities, including, but not limited to, the location of necessary and appropriate offices and facilities, storage, employee and customer parking and other similar uses and facilities. The consideration for such covenant, which is deemed and agreed to be valuable and sufficient, is the vacation by the City of Chicago of the Subject Premises for the benefit of

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Owner without the requirement that the Owner pay compensation to the City.

2. COVENANT TO RUN WITH THE LAND AND TERM THEREOF. The

burdens of the covenant herein contained shall run with the Subject Premises. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and assigns. The covenant shall be binding on the Owner, its successors and assigns, and shall be enforceable by the City, its successors and assigns. The covenant may be released or abandoned only upon approval of the City Council of the City of Chicago which may condition its approval upon the payment of such additional compensation by the Owner or any persons claiming under the Owner, which said City Council of the City of Chicago deems to be equal to the benefits accruing because of the release or abandonment of the covenant.

3. VIOLATION OF RESTRICTIONS.

(a) Reversion. In the event that the Owner causes or permits a violation of a restriction contained herein, the City of Chicago may serve the Owner with a written notice entitled NOTICE OF VIOLATION setting forth the violations. Such notice shall be sent to Owner at A & A Midwest Rebuilders Suppliers, Inc., 4050 South Wentworth Avenue, Chicago, Illinois 60609. Within thirty (30) days of receipt of said Notice of Violation, Owner shall cause the correction of or cure the violations set forth therein. In the event that Owner shall fail or refuse to cause the correction of or cure such violations within the period of thirty (30) days, the City of Chicago may then record with the Cook County Recorder of Deeds a copy of the Notice of Violation, proof of service of the Notice of Violation and a Notice of Reversion. Upon the recording of the aforementioned

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documents by the City of Chicago, the Subject Premises shall be deemed to be conveyed by Owner to the City of Chicago. In the event that the City does not exercise its right of reversion as stated in this Section 3(a) within twenty (20) years from the date of execution and recording of this Covenant, then the provisions of this Section 3(a) shall be deemed null and void.

(b) Enforcement. In addition to the foregoing, this Covenant shall be enforceable by all remedies available in law or in equity, including injunctive relief.

IN WITNESS WHEREOF, the Owner have caused this Covenant to be duly executed and attested to this 26th day of September, 2001.

A & A MIDWEST REBUILDERS SUPPLIERS, INC.

By: [Signature]

Its: President

ATTEST [Signature]

Its: SEC

ACCEPTED: [Signature]
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:
[Signature]
Assistant Corporation Counsel

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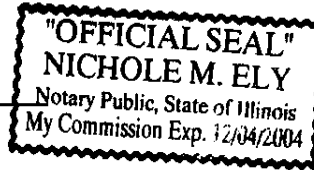
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STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that William Stolberg, personally known to me to
be the same person whose name is subscribed to the foregoing instrument, appeared before me
this day in person and acknowledged that as such President he/she signed and
delivered the said instrument, as President as aforesaid, for the uses and
purposes therein set forth.

GIVEN under my hand and notarial seal this _____ day of _____, 2001.

Nichole M. Ely
Notary Public



My commission expires 12.4.04.

Prepared by and when recorded, return to:
Mary T. Meccia
Assistant Corporation Counsel
30 North LaSalle Street
Room 1610, City Hall
Chicago, Illinois 60602
312/742-3932

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EXHIBIT A - VACATION ORDINANCE

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EXHIBIT "A"

58470

JOURNAL--CITY COUNCIL--CHICAGO

5/2/2001

VACATION OF PORTION OF SPECIFIED PUBLIC ALLEY
IN AREA BOUNDED BY SOUTH WELLS STREET,
SOUTH WENTWORTH AVENUE AND
WEST ROOT STREET.

The Committee on Transportation and Public Way submitted the following report

CHICAGO, April 26, 2001.

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body Pass an ordinance for the vacation of the north 11.5 feet, more or less, of the remaining north/south 14 foot public alley in the area bounded by South Wells Street, South Wentworth Avenue, the north line of West Root Street, as widened, and a line 141.5 feet, more or less, north of the north line of West Root Street, as widened, measured along the west line of South Wentworth Avenue. This ordinance was referred to the committee on March 28, 2001.

This recommendation was concurred in unanimously by a viva voce vote of the members of the committee, with no dissenting vote.

Respectfully submitted,

(Signed) THOMAS R. ALLEN,
Chairman.

On motion of Alderman Allen, the said proposed ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

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5/2/2001

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Yeas -- Aldermen Granato, Haithcock, Tillman, Preckwinkle, Hairston, Lyle, Beavers, Beale, Pope, Balcer, Frias, Olivo, Burke, T. Thomas, Coleman, L. Thomas, Murphy, Rugai, Troutman, DeVille, Munoz, Zalewski, Chandler, Solis, Ocasio, Burnett, E. Smith, Carothers, Wojcik, Suarez, Matlak, Mell, Austin, Colom, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Natarus, Daley, Hansen, Levar, Shiller, Schalter, M. Smith, Moore, Stone -- 49.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

WHEREAS, The City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City has experienced a significant loss of industry and jobs in recent years, accompanied by a corresponding erosion of its tax base, due in part to industrial firms' inability to acquire additional property needed for their continued viability and growth; and

WHEREAS, Many industrial firms adjoin streets and alleys that are no longer required for public use and might more productively be used for plant expansion and modernization, employee parking, improved security, truck loading areas or other industrial uses; and

WHEREAS, The City would benefit from the vacation of these streets and alleys by reducing City expenditures on maintenance, repair and replacement; by reducing fly-dumping, vandalism and other criminal activity; and by expanding the City's property tax base; and

WHEREAS, The City can strengthen established industrial areas and expand the City's job base by encouraging the growth and modernization of existing industrial facilities through the vacation of public streets and alleys for reduced compensation; and

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JOURNAL--CITY COUNCIL--CHICAGO

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WHEREAS, The properties at 4079 South Wells Street and at 4110 South Wentworth Avenue are owned by A & A Midwest Rebuilders Suppliers, Inc.; and

WHEREAS, A & A Midwest Rebuilders Suppliers, Inc. employs forty (40) individuals in the processing of used automotive and truck engines and transmissions; and

WHEREAS, A & A Midwest Rebuilders Suppliers, Inc. proposes to use the portion of the alley to be vacated herein for building expansion and other such uses which are reasonably necessary therefor; and

WHEREAS, The City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of part of the public alley described in the following ordinance; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. All that part of the north/south 14 foot public alley lying west of the west line of Lot 2, lying east of the east line of Lot 15, lying north of a line drawn from the southwest corner of Lot 2 to the southeast corner of Lot 15 and lying south of the south line of the vacated north/south 14 foot alley, vacated by ordinance approved by the City Council of the City of Chicago, June 7, 2000 and recorded October 20, 2000 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 00826030, said south line being described in the above recorded ordinance as "a line 11.5 feet north of and parallel with the south line of Lots 2 and 15 in Block 6 Hubbard, Crocker and Stone's Subdivision aforesaid and the south line of Lots 2 and 15 extended in Block 6 in Hubbard, Crocker and Stone's Subdivision aforesaid", all in Block 6 in Hubbard, Crocker and Stone's Subdivision of the 10 acres north and adjoining the south three-eighths and east and adjoining the west 22½ acres of the north five-eighths of the northeast quarter of Section 4, Township 38 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois, said part of public alley herein vacated being further described as the north 11.5 feet, more or less, of the remaining north/south 14 foot public alley in the area bounded by South Wells Street, South Wentworth Avenue, the north line of West Root Street, as widened, and a line 141.5 feet, more or less, north of the north line of West Root Street, as widened, measured along the west line of South Wentworth Avenue as shaded and indicated by the words "To Be Vacated" on the drawing hereto attached, which drawing for greater certainty, is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is

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REPORTS OF COMMITTEES

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no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The Commissioner of Transportation is hereby authorized to accept, subject to the approval of the Corporation Counsel as to form and legality, and on behalf of the City of Chicago, the benefits of a covenant or similar instrument restricting the use of the public way vacated by this ordinance to the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and similar other uses and facilities. Such covenant shall be enforceable in law or in equity and shall be deemed to provide for reconveyance of the property to the city upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released or abandoned by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the release or abandonment.

SECTION 3. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, A & A Midwest Rebuilders Suppliers, Inc. shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with a restrictive covenant complying with Section 2 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

SECTION 4. This ordinance shall take effect and be in force from and after its passage.

[Drawing referred to in this ordinance printed on page 58474 of this Journal.]

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5/2/2001

Ordinance associated with this drawing printed on pages 58472 through 58473 of this Journal.

"A"

W.F. Day's Subdivision of part of N.E. 1/4 of Section 4-38-14.

"B"

Hubbard, Crocker and Stone's Subdivision of 10 Acres N. and adj. the S. 3/8 and E. and adj. the W. 22 1/2 Acres of the N. 5/8 of N.E. 1/4 of Section 4-38-14.

"C"

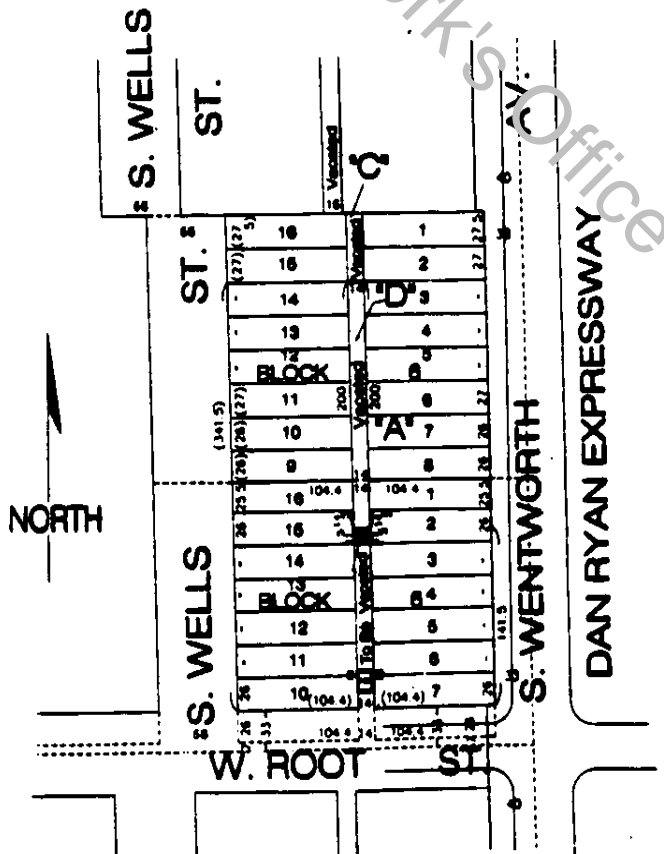
Vacated by Ordinance Passed January 12, 1995.
Rec. March 22, 1995 Doc. # 95-189331

"D"

Vacated by Ordinance Passed June 7, 2000.
Rec. October 20, 2000 Doc. # 00-826030

Note: This Alley is being vacated under
The Industrial Street and Alley Vacation Program

Dr. No. 4-3-01-2519



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EXHIBIT B - PERMITTED USES

1. **Manufacturing, production, processing, assembly, fabricating, cleaning, servicing and repair of materials, goods or products, including but not limited to the following:**
 - a. **Food and Kindred Products**
 - b. **Tobacco Products**
 - c. **Apparel and Other Textile Products**
 - d. **Lumber and Wood Products**
 - e. **Furniture and Fixtures**
 - f. **Paper and Allied Products**
 - g. **Printed and Published Products**
 - h. **Chemicals and Allied Products**
 - i. **Petroleum and Coal Products**
 - j. **Rubber and Miscellaneous Plastics**
 - k. **Leather and Leather Products**
 - l. **Stone, Clay and Glass Products**
 - m. **Primary Metals**
 - n. **Fabricated Metal Products**
 - o. **Industrial Machinery and Equipment**
 - p. **Electronic and Electric Equipment**
 - q. **Transportation Equipment**
 - r. **Instruments and Related Products**
 - s. **Scrap Metals**
2. **Transportation and wholesale trade, as distinguished from retail trade, of the materials, goods or products listed above.**
3. **Research and development of prototypes and processes related to the activities listed above.**

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Agreement in Lien of Escrow Industrial Street Vacation Program

Re: Vacation of the north 11.5 feet, more or less, of the remaining north-south 14 foot public alley in the area bounded by South Wells Street, South Wentworth Avenue, the north line of West Root Street, as widened, and a line 141.5 feet, more or less, north of the north line of West Root Street, as widened, measured along the west line of South Wentworth Avenue. With respect to the above referenced vacation, **A & A MIDWEST REBUILDERS SUPPLIERS, INC.** ("Applicant"), through its duly authorized agent who has executed this Agreement below, hereby acknowledges receipt of the fully executed and accepted original of the Restrictive Covenant document, a copy of which is attached. In lieu of the requirement of entering into and paying the cost of an escrow agreement, the Applicant agrees as follows:

1. To record such original document with the Cook County Recorder of Deeds; and
2. To provide and pay for an endorsement to a policy of title insurance issued by a title insurance company acceptable to the City which policy shall name the City as an additional insured in an amount not less than TEN THOUSAND DOLLARS (\$10,000.00) and shall insure that the Restrictive Covenant is a valid obligation running with the land subject only to encumbrances acceptable to the City; and
3. To deliver to the City evidence of compliance with this Agreement within thirty (30) days of date executed below.

In the event the Applicant fails or refuses to comply with this Agreement, the Applicant hereby agrees to cause the Subject Premises (as defined in the Restrictive Covenant) to be rededicated to the City of Chicago for public use.

AGREED:
A & A MIDWEST REBUILDERS SUPPLIERS, INC.

By: William Stolberg
Its: President

Date: 9-21-01

ATTEST:

Its: [Signature]

The City of Chicago

By: [Signature]

Date: 9-25-01

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