



RESTRICTIVE COVENANT

WHEREAS, the American National Bank of Chicago, as Trustee, Trust No. 122569-05 ("Owner") (beneficiary: 400 North Ashland Partnership—whose partners own Consolidated Chemical Works, Ltd. and PortionPac Chemical Corp.) ("Owner"), holds legal title to certain parcels of real property ("Abutting Property") which are located at 400 to 432 North Marshfield Avenue, 401 to 421 North Marshfield Avenue, 1625 West Hubbard Street, 1600 to 1618 West Kinzie Street and 1624 to 1632 West Kenzie Street, 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 September 29, 1999, the City Council of the City of Chicago approved an ordinance (C.J. pp. 12570-75), a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of North Marshfield Avenue lying between the south line of West Hubbard Street and the north line of West Kinzie

Street hereinafter referred to as "Subject Premises"), the Subject Premises being more

F	45	A
P		P
T		V
I	h	B

RETURN TO {

HENRY A. WALLER  
MANDEL, LIPTON & STEVENSON LIMITED  
120 NORTH LaSALLE ST., SUITE 2900  
CHICAGO, ILLINOIS 60602

RECORDING FEE \$ 45  
DATE 2/18/00 COPIES 1  
OK

# UNOFFICIAL COPY

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

00123771

# UNOFFICIAL COPY

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, care of Warren B. Weisberg at 400 North Ashland Avenue, Chicago, Illinois 60622, with copy to Henry Waller at 120 North LaSalle Street, Suite 2900, Chicago, Illinois, 60602 or at such other address as parties may hereinafter designate by written notice to the other. 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

00123771


# UNOFFICIAL COPY

Violation and a Notice of Reversion. Upon the recording of the aforementioned 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 has caused this Covenant to be duly executed and attested to this 14 day of January, 2000.

AMERICAN NATIONAL BANK OF CHICAGO, AS TRUSTEE, TRUST NO. 122569-05

By:  ANITA M. LUTKUS  
ASST. V.P.

Its: \_\_\_\_\_

ATTEST:

Attestation not required by American National Bank and Trust Company of Chicago Bylaws

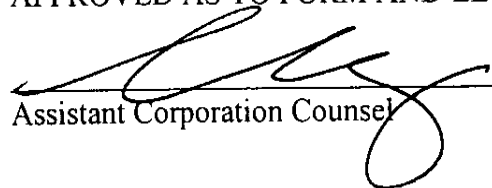
Its: \_\_\_\_\_

This instrument is executed by the undersigned Land Trustee, not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. No personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the Trustee on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the Trustee in this instrument.

ACCEPTED:

  
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

  
Assistant Corporation Counsel

00123771

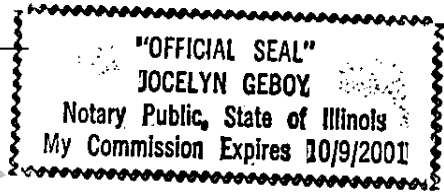
# UNOFFICIAL COPY

STATE OF ILLINOIS )  
 )  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO  
HEREBY CERTIFY that ANITA M. LUTKUS, personally known to me to  
ASST. V.P.  
be the \_\_\_\_\_ of American National Bank and Trust Company of  
Chicago, a national banking association, who is 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 ANITA M. LUTKUS he/she signed and  
ASST. V.P.  
delivered the said instrument, as Trustee as aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this \_\_\_\_\_ day of JAN 14 2000, 2000.

Joelyn Geboy  
Notary Public



My commission expires \_\_\_\_\_.

Prepared by and when recorded, return to:  
Andrea Yao  
Assistant Corporation Counsel  
30 North LaSalle Street  
Room 1610, City Hall  
Chicago, Illinois 60602  
312/744-1826

00123771

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## EXHIBIT A - VACATION ORDINANCE

Property of Cook County Clerk's Office

00123771

No. P.I.N. applicable - document  
affects newly vacated public way

# UNOFFICIAL COPY

12570

JOURNAL--CITY COUNCIL--CHICAGO

9/29/99

9

## VACATION OF PORTION OF NORTH MARSHFIELD AVENUE.

The Committee on Transportation and Public Way submitted the following report:

CHICAGO, September 27, 1999.

*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 that portion of North Marshfield Avenue lying between the south line of West Hubbard Street and the north line of West Kinzie Street. This ordinance was referred to the committee on June 9, 1999.

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:

*Yeas* -- Aldermen Granato, Tillman, Preckwinkle, Hairston, Lyle, Beavers, Dixon, Beale, Pope, Balcer, Frias, Olivo, Burke, Thomas, Coleman, Peterson, Murphy, Rugai, DeVille, Munoz, Zalewski, Chandler, Solis, Ocasio, Burnett, E. Smith, Carothers, Wojcik, Suarez, Matlak, Mell, Austin, Colom, Banks, Giles, Allen, Laurino, O'Connor, Doherty, Natarus, Daley, Hansen, Levar, Shiller, Schulter, M. Smith, Moore, Stone -- 48.

*Nays* -- None.

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

00123771

# UNOFFICIAL COPY

REPORTS OF COMMITTEES

12571

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 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 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

WHEREAS, The properties of 400 to 432 North Marshfield Avenue, 401 to 421 North Marshfield Avenue, 1625 West Hubbard Street, 1600 to 1618 West Kinzie Street and 1624 to 1632 West Kinzie Street are owned by the American National Bank of Chicago, as Trustee, Trust Number 122569-05; and

WHEREAS, The American National Bank of Chicago, as Trustee, Trust Number 122569-05 (beneficiary: 400 North Ashland Partnership -- whose partners own Consolidated Chemical Works, Ltd. and PortionPac Chemical Corp.) employs forty-three (43) individuals in the production, packaging and distribution of cleaning solvents; and

WHEREAS, Consolidated Chemical Works, Ltd. and PortionPac Chemical Corp. proposes to use the portion of the street to be vacated for building expansion, truck staging, increased security and other such uses which are reasonably necessary therefore; and

00123771



# UNOFFICIAL COPY

12572

JOURNAL--CITY COUNCIL--CHICAGO

9/29/99

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 parts of public street 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 North Marshfield Avenue conveyed as sublots by deed, from Helen Shepard Gage to the City of Chicago, said deed recorded January 20, 1898 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 2640194, said land, now known as North Marshfield Avenue and being described in said deed as "Sublots 8½ and 8¾ in Lot 5 in Block 32 in the Canal Trustees' Subdivision Section 7-39-14", said Sublots 8½ and 8¾, also described and Lots 8½ and 8¾ in Block 5 in J. W. Cochran's Subdivision of Lot 32 in Canal Trustees' Subdivision of Section 7, Township 39 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois, which lies south of the north line of Lots 8½ and 8¾ in Block 5 said north line also being the line drawn from the northeast corner of Lot 1 in Block 4 to the northwest corner Lot 8 in Block 5 lying north of the south line of Lots 8½ and 8¾, said south line also being the line drawn from the southeast corner of Lot 1 in Block 4 to the southwest corner of Lot 8 in Block 5 all in J. W. Cochran's Subdivision of Lot 32 aforesaid,

Also

all that part of North Marshfield Avenue lying east of the east line of Lots 14 to 18, both inclusive, in Block 4, lying east of the east line of Lot 18½ in Block 4, lying west of the west line of Lots 9 to 13, both inclusive, in Block 5, lying west of the west line of Lot 26 in Block 5, lying south of the line drawn from the northeast corner of Lot 14 in Block 4 to the northwest corner of Lot 9 in Block 5 said line also being the south line of Lots 8½ and 8¾ in Block 5 and lying north of a line drawn from the southeast corner of Lot 18½ in Block 4 to the southwest corner of Lot 26 in Block 5 all in J. W. Cochran's Subdivision of Lot 32, aforesaid; said parts of public street herein vacated being further described as North Marshfield Avenue lying between the south line of West Hubbard Street and the north line of West Kinzie Street 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 are hereby vacated and closed, inasmuch as the same are no longer required for public use and the public interest will be subserved by such vacations.

SECTION 2. The City of Chicago hereby reserves those parts of public street

00123771

# UNOFFICIAL COPY

as herein vacated, as a right-of-way for and existing water main and appurtenances thereto, and for the installation of any additional water mains or other municipally-owned service facilities now located or which in the future may be located in those parts of public street as herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. It is further provided that no buildings or other structures shall be erected on the said right-of-way herein reserved or other use made of said area, which in the judgment of the municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal or reconstruction of said facilities, or the construction of additional municipally-owned service facilities.

The vacations herein provided for are made upon the express condition that The American National Bank of Chicago, as Trustee, Trust Number 122569-05, shall agree to accept and maintain as private sewers all existing sewers and appurtenances thereto which are located in those parts of public street as herein vacated.

SECTION 3. The City of Chicago hereby reserves for the benefit of Commonwealth Edison Company, Ameritech Illinois and Prime Cable of Chicago, Inc., their successors or assigns, an easement to operate, maintain, construct, replace and renew overhead poles, wires and associated equipment and underground conduit, cables and associated equipment for the transmission and distribution of electrical energy, telephonic, telecommunications and associated services under, over and along those parts of public street as herein vacated, with the right of ingress and egress.

SECTION 4. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, The American National Bank of Chicago, as Trustee, Trust Number 122569-05 shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrances to North Marshfield Avenue hereby vacated, similar to the sidewalk and curb along the south side of West Hubbard Street and along the north side of West Kinzie Street. The precise amount of the sum so deposited shall be ascertained by the Commissioner of Transportation after such investigation as is requisite.

SECTION 5. 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

00123771

29/99  
9/29/99  
on and  
use and  
parts of  
lots by  
corded  
Illinois  
shfield  
ot 5 in  
ots 8 1/4  
hran's  
hip 39  
Illinois,  
th line  
to the  
1/2 and  
of Lot  
hran's  
14 to  
ock 4.  
west  
n the  
Block  
lying  
to the  
of Lot  
cribed  
Street  
words  
reater  
ereby  
ic use  
street

# UNOFFICIAL COPY

12574

JOURNAL--CITY COUNCIL--CHICAGO

9/29/99

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 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 the 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 6. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, The American National Bank of Chicago, as Trustee, Trust Number 122569-05, 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 5 of this ordinance, approved by the Corporation Counsel and an attached drawing approved by the Superintendent of Maps.

SECTION 7. This ordinance shall take effect and be in force from and after its passage.

[Drawing referred to in this ordinance printed  
on page 12575 of this Journal.]

VACATION AND DEDICATION OF PORTIONS OF PUBLIC  
ALLEYS IN BLOCK BOUNDED BY EAST HURON,  
STREET NORTH STATE STREET, EAST SUPERIOR  
STREET AND NORTH WABASH AVENUE.

The Committee on Transportation and Public Way submitted the following report:

(Continued on page 12576)

00123771

# UNOFFICIAL COPY

REPORTS OF COMMITTEES

12575

Ordinance associated with this drawing printed on  
pages 12572 through 12574 of this Journal.

"A"

J. W. Cochran's Sub. of Lot 32, of Canal Trustee's  
Sub. of Sec. 7-39-14.

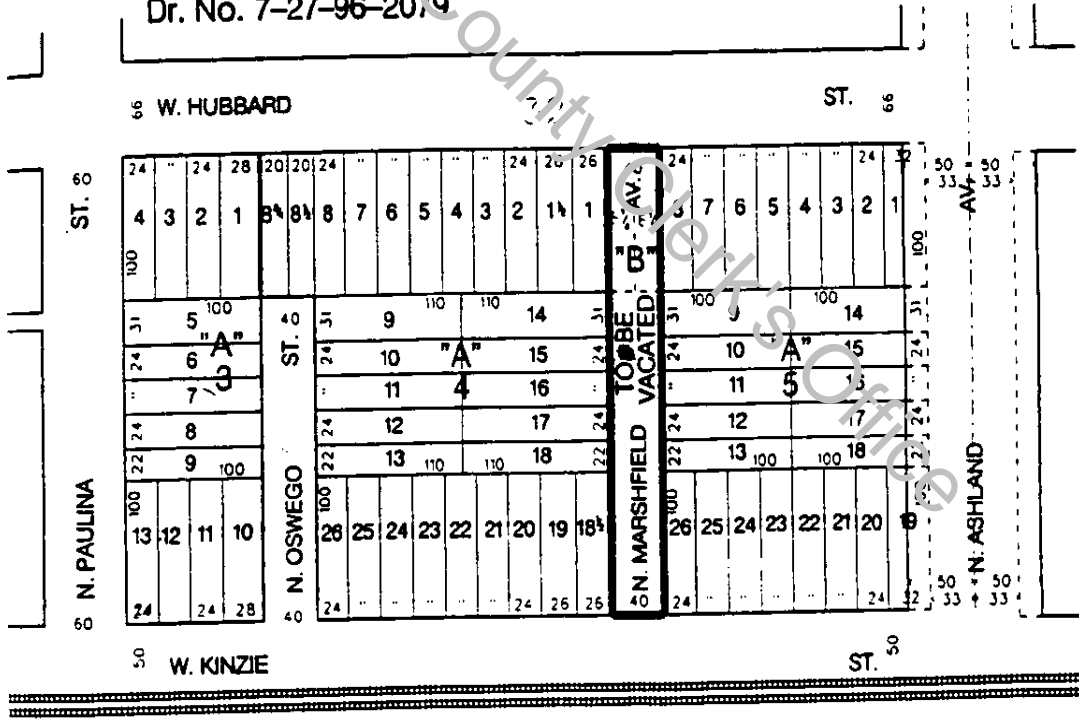
"B"

Opened by Deed.  
Rec. Jan. 20, 1898

Doc. No. 2640194

Note: This street is being Vacated under the INDUSTRIAL  
STREETS & ALLEY VACATION PROGRAM.

Dr. No. 7-27-96-2079



00123771

17-07-240-012  
↓  
018  
019  
034

17-07-241-001  
↓  
006  
007  
019  
020

# UNOFFICIAL COPY

## 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.