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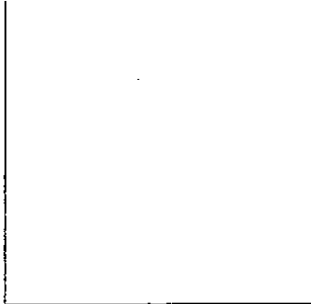
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Cook County Recorder 91.00



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RESTRICTIVE COVENANT

WHEREAS, Sparrer Sausage Company ("Owner"), holds legal title to certain parcels of real property ("Abutting Property") which are located at 4311 to 4323 West Ogden Avenue and 2345 to 2359 South Kolin Avenue, in the County of Cook, State of Illinois, and which are currently used in part for the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products 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.

WHEREAS, on September 1, 1999, the City Council of the City of Chicago approved an ordinance (C.J. pp. 10676, 10678-82), a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of the east-west and northeasterly-southwesterly 16 foot public alley lying between the east line of South Kolin Avenue and the west line of the north-south 16 foot public alley in the block bounded by West Ogden Avenue, the northwesterly right-of-way line of the Burlington Northern Santa Fe Railroad

BOX 333

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(formerly the C. B.&O. Railroad), South Kolin Avenue and South Kildare 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 Owner intends to use the Subject Premises for construction of an employee/visitor parking garage, the renovation of its corporate headquarters and other uses which are reasonably necessary therefore:

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 or otherwise related to the uses and purposes of the abutting

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property, 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.

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 substantial 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 4325 West Ogden Avenue, Chicago, Illinois 60623. 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 substantial 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 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 30th day of DECEMBER, 1999.

SPARRER SAUSAGE COMPANY

By: [Signature]
Its: PRESIDENT/CEO

ATTEST:

[Signature]
Its: Vice President

ACCEPTED:

[Signature]
Acting Commissioner of Transportation

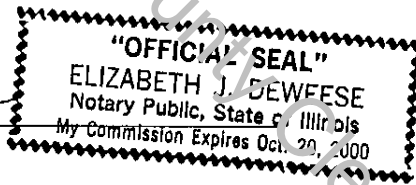
APPROVED AS TO FORM AND LEGALITY:

Assistant Corporation Counsel
STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that BRIAN GRAVES, personally known to me to
be the PRESIDENT/CEO of Sparrer Sausage Company, 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
PRESIDENT/CEO he/she signed and delivered the said instrument,
aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 30th day of DECEMBER, 1999.

Elizabeth Jean Dewese
Notary Public



My commission expires OCTOBER 20, 2000.

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

Notary Public's Office

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EXHIBIT A - VACATION ORDINANCE

Property of Cook County Clerk's Office

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

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 7. 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 Amalgamated Trust and Savings Bank, as trustee, Trust Number 4207, George and Eleanor Drobout, husband and wife, Bernice Drobout and G & G Pallet Corporation 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 6 of this ordinance approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps and a plat duly executed and acknowledged by the appropriate owner, providing for the dedication of the property described in Section 2 hereof.

SECTION 8. This ordinance shall take effect and be in force from and after its passage.

[Drawing referred to in this ordinance printed on page 10677 of this Journal.]

VACATION OF PUBLIC ALLEY AND PORTIONS OF PUBLIC ALLEY IN BLOCK BOUNDED BY SOUTH KOLIN AVENUE, WEST OGDEN AVENUE, BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT-OF-WAY AND SOUTH KILDARE AVENUE.

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

(Continued on page 10678)

(Continued from page 10676)

CHICAGO, August 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 the east/west and northeasterly/southwesterly 16 foot public alleys lying between the east line of South Kolin Avenue and the west line of the north/south 16 foot public alley in the block bounded by West Ogden Avenue and the northwesterly right-of-way line of the Burlington Northern Santa Fe Railroad (formerly the C. B. & Q. Railroad) South Kolin Avenue and South Kildare Avenue. This ordinance was referred to the committee on July 21, 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, Haithcock, Tillman, Preckwinkle, Hairston, Lyle, Beavers, Dixon, Beale, Pope, Balcer, Frias, Olivo, Burke, Thomas, Coleman, Peterson, Murphy, Rugai, Troutman, DeVille, Munoz, Zalewski, Chandler, Solis, Ocasio, Burnett, E. Smith, Carothers, Wojcik, Suarez, Matlak, Mel Austin, Colom, Banks, Giles, Allen, Laurino, O'Connor, Doherty, Natarus; Daley, Hansen, Levar, Shiller, Schulter, M. Smith, Moore, Stone -- 50.

Nays -- None.

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

The following is said ordinance as passed:

9/1/99

9/1/99

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;

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

WHEREAS, The properties at 4311 to 4323 West Ogden Avenue and 2345 to 2359 South Kolin Avenue are owned by Sparrer Sausage Company, Inc.; and

WHEREAS, The Sparrer Sausage Company, Inc. employs eighty-nine (89) individuals in the manufacture of sausage products and other meat products; and

WHEREAS, The Sparrer Sausage Company, Inc. proposes to use the portion of the alley to be vacated herein for plant expansion and other such uses which are reasonably necessary therefore; 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 public alley and part of public alley described in the following ordinance; now, therefore,

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

1999.

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is lost.

SECTION 1. All of the east/west 16 foot public alley together with that part of the northeasterly/southwesterly 16 foot public alley lying southeasterly of the southeasterly line of Lots 88, 89 and 90, lying southeasterly and south of the south and southeasterly lines of Lot 91, lying south of the south line of Lot 92, lying north and northwesterly of the north and northwesterly line of Lot 61, lying west and westerly of the northerly extension of the east line of Lot 61 and lying east of a line drawn from the northwest corner of Lot 61 to the southwest corner of Lot 92 in A. G. Wiese's Subdivision being a subdivision of Lot 4 in the County Clerk's Subdivision of that part of the northeast quarter of Section 27, Township 39 north, Range 13, East of the Third Principal Meridian, lying north of the Chicago, Burlington and Quincy Railroad, in Cook County, Illinois, said public alley and part of public alley herein vacated being further described as the east/west and northeasterly/southwesterly 16 foot public alleys lying between the east line of South Kolin Avenue and the west line of the north/south 16 foot public alley in the block bounded by West Ogden Avenue, the northwesterly right-of-way line of the Burlington Northern Santa Fe Railroad (formerly the C. B. & Q. Railroad), South Kolin Avenue and South Kildare 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 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 for the benefit of Commonwealth Edison Company, 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 electric energy under, over, and along the public alley and part of public alley as herein vacated with the right of ingress and egress.

The City of Chicago hereby reserves for the benefit of Prime Cable of Chicago, 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 telephonic and associated services under, over, and along the public alley and part of public alley as herein vacated, with the right of ingress and egress.

SECTION 3. 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 Sparrer Sausage Company, Inc. 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 entrance to the

alley hereby vacated similar to the sidewalk and curb in South Kolin Avenue between West Ogden Avenue and the northwesterly right-of-way line of the Burlington Northern Santa Fe Railroad (formerly the C. B. & Q. Railroad). The precise amount of the sum so deposited shall be ascertained by the Commissioner of Transportation after such investigation as is requisite.

SECTION 4. 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 and for those structures and 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 5. 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 Sparrer Sausage Company, 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 4 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

SECTION 6. This ordinance shall take effect and be in force from and after its passage.

[Drawing referred to in this ordinance printed
on page 10682 of this Journal.]

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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
 - t. Software and Related Products
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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STREET ADDRESS: VACATED ALLEY BETWEEN W 24TH & W DGDEN
CITY:
TAX NUMBER:

00136181

COUNTY: COOK

LEGAL DESCRIPTION:

ALL OF THE EAST WEST 16 FOOT PUBLIC ALLEY TOGETHER WITH THAT PART OF THE NORTHEASTERLY SOUTHWESTERLY 16 FOOT PUBLIC ALLEY LYING SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF LOTS 88, 89 AND 90, LYING SOUTHEASTERLY AND SOUTH OF THE SOUTH AND SOUTHEASTERLY LINE OF LOT 91, LYING SOUTH OF THE SOUTH LINE OF LOT 92, LYING NORTH AND NORTHWESTERLY OF THE NORTH AND NORTHWESTERLY LINE OF LOT 61, LYING WEST AND WESTERLY OF THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 61 AND LYING EAST OF A LINE DRAWN FROM THE NORTHWEST CORNER OF LOT 61 TO THE SOUTHWEST CORNER OF LOT 92 IN A.G. WIESE'S SUBDIVISION BEING A SUBDIVISION OF LOT 4 IN THE COUNTY CLERK'S SUBDIVISION OF THAT PART OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD, IN COOK COUNTY, ILLINOIC.

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