

THIS INSTRUMENT
PREPARED BY AND AFTER
RECORDING RETURN TO:

Daniel D. Drew
Tribler Orpett & Crone, P.C.
30 North LaSalle Street, Suite
2200
Chicago, Illinois 60602
Telephone: (312) 201-6400



(SPACE ABOVE RESERVED FOR RECORDER'S USE ONLY)

RESTATEMENT OF DECLARATION OF RESTRICTIVE COVENANT

THIS RESTATEMENT OF DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made this 11th day of January, 2003 by Alice Eileen Calek and Daniel R. Drew, both residents of 2428 W. Bloomingdale, Chicago, Illinois 60647, (sometimes hereinafter referred to as "owner" or "Declarant"), and is intended to be effective as of the effective date of the prior declaration, described below.

RECITALS:

WHEREAS, Alice Eileen Calek is the Owner, an occupant and legal titleholder of a certain parcel of real estate in Chicago, Cook County, Illinois commonly known as 2420-2424 West Bloomingdale Avenue, Chicago, Illinois, and legally described on Exhibit "A", attached hereto and made a part hereof ("Premises"). Daniel R. Drew is her husband and an occupant of the Premises; and

WHEREAS, Declarant intends that the Premises be utilized as a residential development made up of two (2) single family homes and four (4) parking spaces ("Intended Use"); and

WHEREAS, the prior zoning for the Premises was M1-1- Restricted Manufacturing District; and

WHEREAS, in order to accommodate Declarant's Intended Use, Declarant intends to effectuate a zoning change for the Premises to R4, General Residence District; and

WHEREAS, the proposed zoning change to R4, General Residence District, is and was subject to a restrictive covenant being recorded against the Premises restricting the Premises to the construction of residential development and restricting the development so that it is built in substantial conformance with the site plan and elevations prepared by Fitzgerald Associates Architects, dated June 7, 2000, attached hereto as Exhibit B; and

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WHEREAS, Declarant, in consideration of the City's consent to the R4 zoning change, encumbered the Premises with restrictive covenant setting forth the aforesaid restrictions, all as more specified set forth below; and

WHEREAS, Daniel R. Drew previously executed a declaration recorded as document 00586645 by the Cook County Recorder and containing the same provisions as below, and now Alice Eileen Calek and Daniel R. Drew both execute and record this Declaration to restate the provisions, effective as of the prior date, and correct the chain of title.

DECLARATIONS:

NOW, THEREFORE, for good valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and for the purpose stated herein, Declarant declares as follows:

1. The recitals set forth hereinabove are fully incorporated herein by this reference.
2. All of the Premises are and shall be held, sold and conveyed subject to the covenants, conditions and restrictions herein stated, all of which shall run with the land and be binding upon all parties now or hereinafter having any right, title or interest in the Premises or in any part thereof, and upon those claiming under them, with such limitations or exceptions as are herein expressed.
3. The Premises, or any portion thereof, shall be used solely for the purpose of the construction, development and subsequent sale of a residential development made up of two (2) single family homes and four (4) parking spaces and for no other purpose whatsoever.
4. The construction of the development shall substantially conform to the plans and elevations prepared by Fitzgerald Associates Architects attached hereto as Exhibit B.
5. No building shall be erected on the Premises, nor shall construction begin on any building, unless the plans and specifications of any building proposed to be erected have been submitted to the City and written approval therefrom has been secured. Issuance of a building permit by the City for the Premises shall constitute the City's approval of the submitted plans and specifications.
6. Breach of any of the covenants or violations of any other portions of this Declaration shall not defeat or render invalid the lien of any mortgage or trust deed made in good faith and for value as to any portion of the Premises, but all provisions of this Declaration shall be binding and effective against any owner of any portion of the Premises whose title thereto is acquired by foreclosure, trustee sale or otherwise

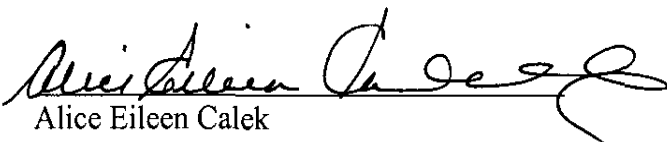
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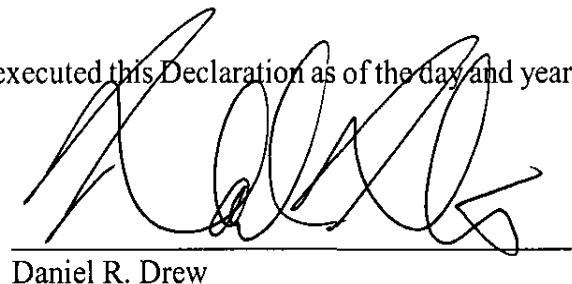
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under such mortgage or trust deed, and shall remain effective as to each portion of the Premises so acquired.

7. Enforcement of the provisions of this Declaration shall be by any proceeding at law or in equity, brought by Declarant, its successors or assigns, or the City, or the Office of the Alderman which has jurisdiction over the Premises, against any person or persons violating or attempting to violate any covenant, restriction or other provision hereof, either to restrain or prevent such violation or attempted violation or to recover damages, or both. Failure by the Declarant, its successors or assigns, or the City, or the Office of the Alderman, to promptly enforce any covenant, restriction or other provision of this Declaration shall in no event be a bar to enforcement thereafter and shall not waive any right of the Declarant, its successors or assigns, the City, or Office of the Alderman, to so enforce any covenant, restriction or other provision of this Declaration.
8. In the event of any litigation arising out of this Declaration, the prevailing party shall be entitled to payment of court costs and reasonable attorney's fees.
9. Invalidation of any covenant, restriction or other provision of this Declaration by judgment or court order shall in no way affect any of the other provisions of this Declaration and such other provisions shall remain in full force and effect.
10. All covenants, conditions and restrictions contained in this Declaration are effective as of the date of the prior Declaration, shall run with the land and shall be binding upon all parties and all persons owning any portion of the Premises and all persons claiming under then until the earlier of: (i) fifty (50) years from the date of recording of the prior Declaration; (ii) the zoning classification of the Premises changes from R4 General Residence District; or (iii) an instrument signed by a majority of the then owners of the Premises and a duly authorized representatives of the Office of the Alderman which has jurisdiction over the Premises is recorded against the Premises modifying, amending or terminating the covenants, conditions and restrictions contained herein.
11. If it is determined that for any reason the provisions hereof are ineffective or illegal, the prior declaration shall remain in full force and effect as of its original date as if executed by the parties hereto.

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


Alice Eileen Calek

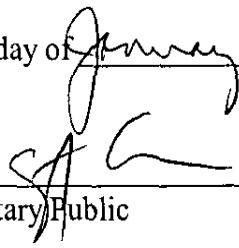

Daniel R. Drew

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STATE OF ILLINOIS)
)
COUNTY OF Cook) SS.

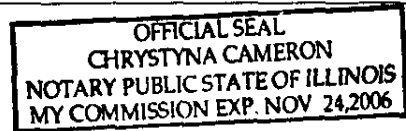
I, The undersigned, Notary Public in and for said County, in the State aforesaid, Do Hereby Certify that Alice Eileen Calek and Daniel R. Drew, personally known to me to be the same persons whose names are subscribed to the foregoing DECLARATION OF RESTRICTIVE COVENANT, appeared before me this day in person and acknowledged that they signed and delivered said instrument as their own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 17th day of January, 2003.



Notary Public

My Commission expires:



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Property of Cook County Clerk's Office

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EXHIBIT "A"

LEGAL DESCRIPTION

LOTS, 85, 86, 87, AND 88 IN COLEHOUR SUBDIVISION OF BLOCK 4 OF THE JOHNSTON'S SUBDIVISION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 13-36-416-033-0000
13-36-416-034-0000
13-36-416-035-0000
13-36-416-036-0000

COMMONLY KNOWN AS: 2420 - 2424 WEST BLOOMINGDALE AVENUE

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EXHIBIT "B"

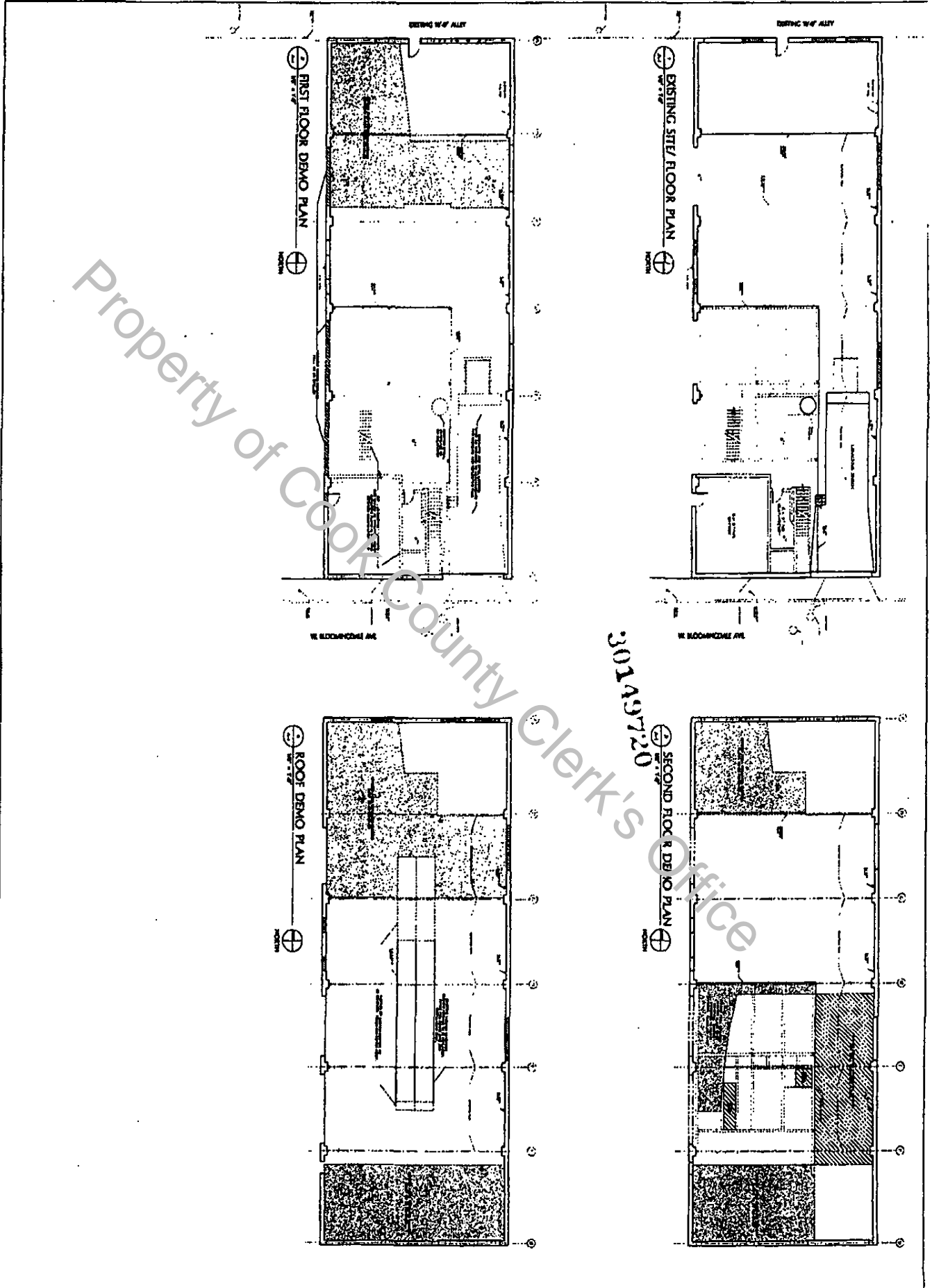
Site Plan and Elevations prepared by Fitzgerald Associates Architects, dated June 7, 2000

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1:1000 (Scale) (Sheet 7 of 9) (Date: 10/10/10)



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NO.	DESCRIPTION	DATE
1	PREPARED FOR THE ARCHITECT	
2	REVISIONS	
3	DATE	
4	BY	
5	DATE	
6	BY	
7	DATE	
8	BY	
9	DATE	
10	BY	

CALEK-DREW RESIDENCE
2420 W. BLOOMINGDALE

Professional
Architects
0024

