

# UNOFFICIAL COPY

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Doc#: 0429516157  
Eugene "Gene" Moore Fee: \$40.50  
Cook County Recorder of Deeds  
Date: 10/21/2004 12:54 PM Pg: 1 of 9

## RELEASE AND ABROGATION OF DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR HOMAN SQUARE COMMERCIAL

This Release and Abrogation of Declaration of Covenants, Conditions, Restrictions and Easements for Homan Square Commercial (the "Release") is made as of August 20, 2004 by THE HOMAN-ARTHINGTON FOUNDATION, an Illinois not-for-profit corporation ("Declarant") and POLK STREET ASSOCIATES, LLC, an Illinois limited liability company ("Polk Street").

### RECITALS

WHEREAS, the Declarant is the owner of the property described on Exhibit A attached hereto and made a part hereof (the "Homan Property") and Polk Street is the owner of the property described on Exhibit B attached hereto and made a part hereof (the "Polk Property"). The Homan Property and the Polk Property are from time to time collectively referred to as the "Property";

WHEREAS, Declarant has executed a Declaration of Covenants, Conditions, Restrictions and Easements for Homan Square Commercial dated November 17, 1997, and recorded with the Recorder of Deeds of Cook County, Illinois on November 18, 1997, as document number 97863323 (the "Declaration"). The Declaration encumbers the Property;

WHEREAS, the Declarant and Polk Street now desire to release and abrogate the Declaration from the Property, all as more specifically set forth below;

NOW THEREFORE, in consideration of the foregoing Recitals, the Declarant and Polk do hereby undertake the following:

### ABROGATION AND RELEASE

1. Abrogation. All of the easements set forth in the Declaration are hereby abrogated and no longer benefit and/or burden the Property.


2. Release. The Declarant and Polk Street do hereby remise, release, quitclaim and discharge of record the Declaration from the Property and all of the other terms, covenants, agreements and provisions of the Declaration are hereby terminated and the Declaration is no longer in force and effect.

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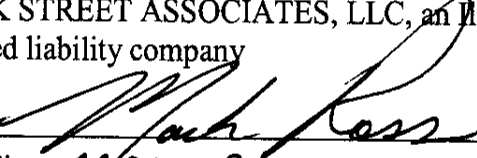
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IN WITNESS WHEREOF, the parties have executed this Release as of the date first written above.

THE HOMAN-ARTHINGTON FOUNDATION,  
an Illinois not-for-profit corporation

By:   
Name: CARLOS N. SHAW  
Title: PRESIDENT

POLK STREET ASSOCIATES, LLC, an Illinois  
limited liability company

By:   
Name: MARK ROSS  
Title: MEMBER

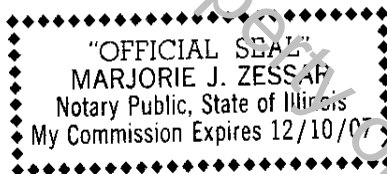
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## ACKNOWLEDGMENTS

STATE OF ILLINOIS     )  
   )ss.  
 COUNTY OF COOK        )

I, the undersigned, a Notary Public of the state and county aforesaid, certify that Charles H. Shaw personally came before me this day and acknowledged that he is the President of THE HOMAN-ARTHRINGTON FOUNDATION, an Illinois not-for-profit corporation, and that he, in that capacity, being authorized to do so, executed the foregoing on behalf of the company.

WITNESS my hand and Notarial Seal this 20th day of August, 2004.



Marjorie J. Zessar  
 Notary Public

Print Name: Marjorie J. Zessar

[NOTARY SEAL]

My Commission Expires:

\_\_\_\_\_

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STATE OF ILLINOIS     )  
   )ss.  
 COUNTY OF COOK        )

I, the undersigned, a Notary Public of the state and county aforesaid, certify that  
MARK ROSS personally came before me this day and acknowledged that he is the  
MEMBER of POLK STREET ASSOCIATES, LLC, an Illinois limited liability company,  
 and that he, in that capacity, being authorized to do so, executed the foregoing on behalf of the  
 company.

WITNESS my hand and Notarial Seal this 16TH day of August, 2004.



Sandra L. Ball

Notary Public

Print Name: SANDRA L. BALL

[NOTARY SEAL]

My Commission Expires:

05/31/07

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## EXHIBIT "A"

## LEGAL DESCRIPTION

ADDRESS: 3333 WEST ARTHINGTON STREET  
CHICAGO, ILLINOIS 60624

PIN: 16-14-416-001-0000

(ADMINISTRATION BUILDING PARCEL)

THAT PART OF LOTS 8, 9, 10, 11 AND 12 IN BLOCK 1 IN HENRY E. VANCE'S RE-SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 21ST, 1904, AS DOCUMENT NO. 3635041, IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 17 EAST OF THE 3RD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 1, ALSO BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SOUTH HOMAN AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET; THENCE SOUTH 89 DEGREES 14 MINUTES 04 SECONDS EAST ALONG THE NORTH LINE OF SAID BLOCK 1, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET, A DISTANCE OF 489.02 FEET; THENCE SOUTH 00 DEGREES 40 MINUTES 38 SECONDS A DISTANCE OF 179.02 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 36 SECONDS WEST A DISTANCE OF 195.37 FEET; THENCE NORTH 00 DEGREES 19 MINUTES AND 24 SECONDS EAST A DISTANCE OF 14.32 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 36 SECONDS WEST A DISTANCE OF 50.54 FEET; THENCE SOUTH 00 DEGREES 19 MINUTES 24 SECONDS WEST A DISTANCE OF 18.34 FEET; THENCE NORTH 89 DEGREES 13 MINUTES 59 SECONDS WEST A DISTANCE OF 140.09 FEET; THENCE NORTH 00 DEGREES 46 MINUTES 01 SECONDS EAST, A DISTANCE OF 9.13 FEET; THENCE NORTH 89 DEGREES 13 MINUTES 59 SECONDS WEST A DISTANCE OF 101.98 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 1, ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF SOUTH HOMAN AVENUE, THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS EAST ALONG SAID WEST LINE OF BLOCK 1, ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF SOUTH HOMAN AVENUE; A DISTANCE OF 175.81 FEET TO SAID POINT OF BEGINNING; ALL IN COOK COUNTY, ILLINOIS. SAID PARCEL OF LAND HEREIN DESCRIBED CONTAINS 2.008 ACRES, MORE OR LESS.

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## EXHIBIT "A"

## LEGAL DESCRIPTION

ADDRESS: 3301 WEST ARTHINGTON STREET  
CHICAGO, ILLINOIS 60624

PIN: 16-14-417-001-0000

(MERCHANDISE AND LAB BUILDING PARCEL)

THAT PART OF LOTS 7, 8 AND 9 IN BLOCK 1 IN HENRY E. VANCE'S RE-SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 21ST, 1904, AS DOCUMENT NO. 3635041, IN THE SOUTH EAST QUARTER OF SECTION 14 TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE 3RD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 1, ALSO BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY-LINE OF SOUTH HOMAN AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET; THENCE SOUTH 89 DEGREES 14 MINUTES 04 SECONDS EAST ALONG THE NORTH LINE OF SAID BLOCK 1, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET, A DISTANCE OF 489.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 04 SECONDS EAST ALONG SAID NORTH LINE OF BLOCK 1, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET, A DISTANCE OF 108.77 FEET TO THE NORTHEAST CORNER OF LOT 7, ALSO BEING THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET AND THE WEST RIGHT-OF-WAY LINE OF VACATED SOUTH SPAULDING AVENUE; THENCE SOUTH 00 DEGREES 26 MINUTES 04 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 7, ALSO BEING SAID WEST RIGHT-OF-WAY LINE OF VACATED SOUTH SPAULDING AVENUE, A DISTANCE OF 337.67 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7 ALSO BEING THE NORTH LINE OF THE B. & O. C.T. RAILROAD (FORMERLY THE CHICAGO AND GREAT WESTERN RAILROAD); THENCE NORTH 89 DEGREES 13 MINUTES 55 SECONDS WEST ALONG SAID SOUTH LINE OF BLOCK 1, ALSO BEING SAID NORTH RIGHT-OF-WAY LINE OF THE B. & O. C.T. RAILROAD, A DISTANCE OF 289.32 FEET; THENCE NORTH 00 DEGREES 40 MINUTES 38 SECONDS EAST, A DISTANCE OF 157.20 FEET TO A POINT ON THE SOUTHERLY FACE OF A ONE STORY BRICK BUILDING AS SAID BRICK BUILDING EXISTED ON SEPTEMBER 15, 1997 THENCE SOUTH 89 DEGREES 40 MINUTES 36 SECONDS EAST ALONG SAID SOUTHERLY BUILDING FACE AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 179.12 FEET; THENCE NORTH 00 DEGREES 40 MINUTES 38 SECONDS EAST, A DISTANCE OF 179.02 FEET TO SAID POINT OF BEGINNING; ALL IN COOK COUNTY, ILLINOIS SAID PARCEL OF LAND HEREIN DESCRIBED CONTAINS 1.498 ACRES, MORE OR LESS.

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## EXHIBIT "A"

## LEGAL DESCRIPTION

ADDRESS: 3245 WEST ARTHINGTON STREET  
CHICAGO, ILLINOIS 60624

PIN: 16-14-417-002-0000 and  
16-14-417-003-0000

(ALL-TATE BUILDING PARCEL)

THAT PART OF LOTS 3, 4, 5, 6, LOT A AND THE VACATED EAST WEST 20' WIDE ALLEY ALL IN BLOCK 1 IN HENRY E. VANCE'S RE-SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 21ST 1904, AS DOCUMENT NO. 3635041, IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE 3RD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 6 IN BLOCK 1, ALSO BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF VACATED SOUTH SPAULDING AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET; THENCE SOUTH 89 DEGREES 14 MINUTES 04 SECONDS EAST ALONG THE NORTH LINE OF SAID BLOCK 1, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET, A DISTANCE OF 249.39 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 04 SECONDS WEST ALONG A LINE PARALLEL WITH SAID EAST RIGHT-OF-WAY LINE OF VACATED SPAULDING AVENUE, A DISTANCE OF 337.63 FEET TO A POINT ON THE SOUTH LINE OF SAID BLOCK 1, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF THE B. & O. C.T. RAILROAD (FORMERLY KNOWN AS THE CHICAGO AND GREAT WESTERN RAILROAD); THENCE NORTH 89 DEGREES 13 MINUTES 55 SECONDS WEST ALONG SAID SOUTH LINE OF BLOCK 1, ALSO BEING SAID NORTH RIGHT-OF-WAY LINE OF THE B. & O. C.T. RAILROAD, A DISTANCE OF 249.39 FEET TO A POINT ON THE WEST LINE OF SAID LOT 6, ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF VACATED SOUTH SPAULDING AVENUE; THENCE NORTH 00 DEGREES 26 MINUTES 04 SECONDS EAST ALONG SAID WEST LINE OF LOT 6, ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF VACATED SOUTH SPAULDING AVENUE, A DISTANCE OF 337.62 FEET TO SAID POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS. SAID PARCEL OF LAND HEREIN DESCRIBED CONTAINS 1.933 ACRES, MORE OR LESS.



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PARCEL 7  
(OLD SEARS TOWER PLACE)

THAT PART OF LOTS 1 AND 2 IN BLOCK 2 IN HENRY E. VANCE'S RE-SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 21<sup>ST</sup>, 1904, AS DOCUMENT NO. 3635041 IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE 3<sup>RD</sup> PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 2, ALSO BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET AND THE WEST RIGHT-OF-WAY LINE OF SOUTH HOMAN AVENUE; THENCE SOUTH 00 DEGREES 19 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF SAID BLOCK 2 ALSO BEING SAID WEST RIGHT-OF-WAY LINE OF SOUTH HOMAN AVENUE, A DISTANCE OF 146.96 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 04 SECONDS WEST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID BLOCK 2, A DISTANCE OF 103.69 FEET; THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS EAST ALONG A LINE PARALLEL WITH SAID EAST LINE OF BLOCK 2, A DISTANCE OF 146.96 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 2, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET; THENCE SOUTH 89 DEGREES 14 MINUTES 04 SECONDS EAST ALONG SAID NORTH LINE OF BLOCK 2, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET, A DISTANCE OF 103.69 FEET TO SAID POINT OF BEGINNING; ALL IN COOK COUNTY, ILLINOIS. (EXCEPTING THAT PART OF LOT 1 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1; THENCE SOUTH 00 DEGREES 19 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF LOT 1 A DISTANCE OF 77.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 11 MINUTES 01 SECONDS WEST A DISTANCE OF 10.87 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 53 SECONDS EAST A DISTANCE OF 12.87 FEET THENCE NORTH 89 DEGREES 11 MINUTES 01 SECONDS WEST A DISTANCE OF 50.79 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 03 SECONDS WEST A DISTANCE OF 50.24 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 17.17 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 03 SECONDS WEST A DISTANCE OF 0.33 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 33.61 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 53 SECONDS EAST A DISTANCE OF 12.61 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 11.00 FEET; THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS EAST ALONG THE EAST LINE OF LOT 1 A DISTANCE OF 25.09 FEET TO THE POINT OF BEGINNING, IN BLOCK 2 IN HENRY E. VANCE'S RESUBDIVISION OF BLOCKS 1 TO 8, BOTH INCLUSIVE AND VACATED ADDITION, BEING A SUBDIVISION IN THE SOUTH EAST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 21, 1904 AS DOCUMENT NUMBER 3635041, IN COOK COUNTY, ILLINOIS).

AND



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THAT PART OF LOT 1 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1; THENCE SOUTH 00 DEGREES 19 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF LOT 1 A DISTANCE OF 77.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 11 MINUTES 01 SECONDS WEST A DISTANCE OF 10.87 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 53 SECONDS EAST A DISTANCE OF 12.87 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 01 SECONDS WEST A DISTANCE OF 50.79 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 03 SECONDS WEST A DISTANCE OF 50.24 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 17.17 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 03 SECONDS WEST A DISTANCE OF 0.33 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 33.61 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 53 SECONDS EAST A DISTANCE OF 12.61 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 11.00 FEET; THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS EAST ALONG THE EAST LINE OF LOT 1 A DISTANCE OF 25.09 FEET TO THE POINT OF BEGINNING IN BLOCK 2 IN HENRY E. VANCE'S RESUBDIVISION OF BLOCKS 1 TO 8, BOTH INCLUSIVE AND VACATED ADDITION, BEING A SUBDIVISION IN THE SOUTH EAST  $\frac{1}{4}$  OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 21, 1904 AS DOCUMENT NUMBER 3635041, IN COOK COUNTY, ILLINOIS.

ADDRESS: 924 SOUTH HOMAN AVENUE  
CHICAGO, ILLINOIS

PIN: 16-14-416-001