



Doc#: 0434918008
Eugene "Gene" Moore Fee: \$36.50
Cook County Recorder of Deeds
Date: 12/14/2004 08:31 AM Pg: 1 of 7

THIS INSTRUMENT PREPARED
BY AND AFTER RECORDING
RETURN TO:
James J. Banks
221 N. LaSalle St.
38th Floor
Chicago, IL 60601
312-782-1983

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made this 9th day of December, 2004, by 2600 West Diversey, LLC. (sometimes hereinafter referred to as "Declarant").

RECITALS:

WHEREAS, Declarant is the Owner of a certain parcel of real estate in Chicago, Cook County, Illinois commonly known as 2600 West Diversey, Chicago, Illinois, and legally described on Exhibit "A", attached hereto and made a part hereof ("Premises"); and

WHEREAS, the Premises is eleven (11) consecutive lots, together having 267 feet of frontage along West Diversey Avenue, extending an entire block, from North Talman Avenue to North Rockwell Street, and having 125.04 feet of depth, for a total of 33,371 square feet of land, or 0.766 Acre; and

WHEREAS, Declarant intends that the Premises be utilized as a residential development made up of five residential buildings, four eight-unit buildings, and one five-unit buildings for a total of thirty-seven (37) condominiums, with parking for fifty-nine (59) cars; and

WHEREAS, the present zoning for the Premises is a 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 a B2-3 Neighborhood Mixed-Use District; and

WHEREAS, if the proposed zoning change to a B2-3 Neighborhood Mixed-Use District is approved by the City of Chicago, it shall be subject to a restrictive covenant being recorded against the Premises to limit the use to that of a residential development consisting of five residential buildings, four eight-unit buildings, and one five-unit building for a total of thirty-seven (37) condominiums, with parking for fifty-nine (59) cars; and

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WHEREAS, Declarant, in consideration of the City of Chicago's consent to the B2-3 Neighborhood Mixed-Use District zoning change, shall encumber the Premises with a restrictive covenant setting forth the aforesaid restrictions, all as more specifically set forth below.

DECLARATIONS:

NOW THEREFORE, for good and 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 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 proposed residential development consisting of five residential buildings, four eight-unit buildings, and one five-unit building for a total of thirty-seven (37) condominiums, with parking for fifty-nine (59) cars.
4. The subject property is 33,371 square feet and is currently vacant and unimproved.
5. The proposed development shall consist of five residential buildings, four eight-unit buildings, and one five-unit building, for a total of thirty-seven (37) condominiums, with parking for fifty-nine (59) cars. Three (3) units will be dedicated to the City of Chicago CPAN (Chicago Partnership for Affordable Neighborhoods) Program. The buildings shall be constructed solely of masonry materials (no "split-face" block). Height shall be 50' 10".
6. The final product shall be in substantial compliance with architectural drawings drafted by Sam Marts Architects & Planners Ltd, attached hereto as Exhibit "B".
7. All covenants, conditions, and restrictions contained in this Declaration shall run with the land and shall be binding upon all parties and persons owning any portion of the premises.
8. 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.

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

10. Enforcement of the provisions of this Declaration shall be by any proceeding at law or in equity, brought by the 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 rights of the Declarant, its successor or assigns, the City, or the Office of the Alderman, to so enforce any covenant, restriction or other provision of this Declaration.

11. In the event of any litigation arising out of this Declaration, the prevailing party shall be entitled to payment of court costs and reasonable attorneys' fees.

12. Invalidation of any covenant, restriction or other provision of the Declaration by judgment or court order shall in no way affect any of the other provisions of the Declaration and such other provisions shall remain in full force and effect.

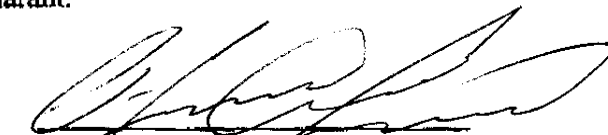
13. Upon completion of the proposed project, as detailed by architectural drawings drafted by Sam Marts Architects & Planners Ltd, and attached hereto as exhibit "B", all covenants, conditions and restrictions contained in this Declaration shall run with the land and shall be binding upon all parties and all persons owning any portions of the Premises and all persons claiming under them until the earlier of (i) fifty (50) years from the date hereof; (ii) the zoning classification of the Premises changed from B2-3 Neighborhood Mixed-Use District; or (iii) an instrument signed by a majority of the then owners of the Premises and 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.

14. This Declaration is executed by Viktor Jakouljevic, not personally, but solely in the exercise of the power and authority conferred upon and vested in him as Member of 2600 West Diversey, LLC. No personal liability shall be asserted or be enforceable against the Member because or in respect to this Declaration or its making, issue or transfer, and all such liability, if any, is expressly waived by each taker and holder hereof; except that the Member, in his personal and individual capacity warrants that he as a Member possesses full power and authority to execute this Declaration.

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

Declarant:

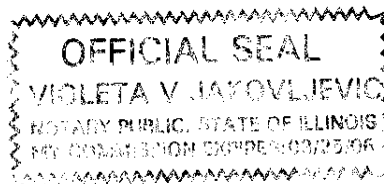

 Viktor Jakouljevic
 Member, 2600 West Diversey, LLC.

STATE OF ILLINOIS)
)SS
 COUNTY OF COOK)

I, Violeta Jakouljevic, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that **Viktor Jakouljevic** personally known to me to be the same person whose names are subscribed to the foregoing DECLARATION OF RESTRICTIVE COVENANT, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their own free and voluntary act, for the uses and purposed therein set forth.

GIVEN under my hand and seal, this 4th day of Dec, 2004.


 Notary Public



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EXHIBIT A

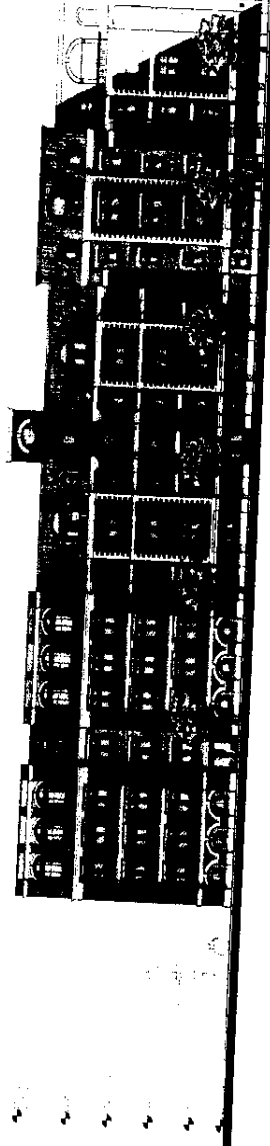
LEGAL DESCRIPTION:

LOTS 11 TO 21 IN WOLFRAM'S SUBDIVISION OF THE SOUTH 5 ACRES EAST OF RAILROAD OF LOT 6 IN THE SUBDIVISION OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 2600 WEST DIVERSEY

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Property of
County Clerk's Office



DIVERSY AVENUE ELEVATION
Scale: 1/8" = 1'-0"



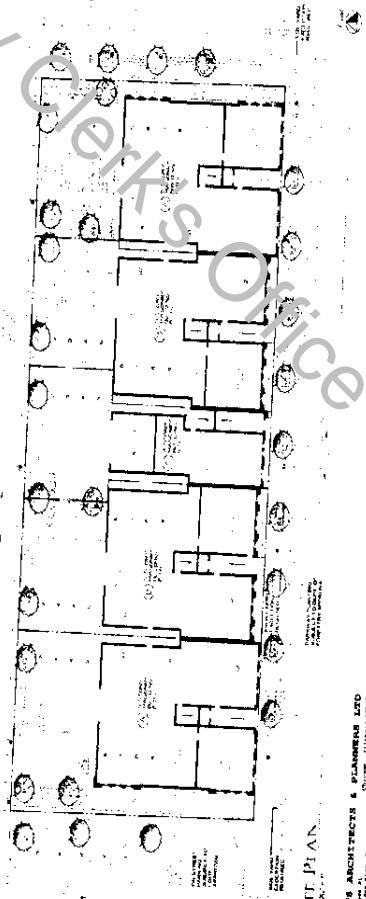
ROCKWELL STREET ELEVATION
Scale: 1/8" = 1'-0"

PROJECT REQUIREMENTS FOR ZONE CJ-1

- 1. Max. Building Height: 45' - 0"
- 2. Max. Building Area: 10,000 sq. ft.
- 3. Max. Lot Coverage: 75%
- 4. Max. Lot Area: 13,500 sq. ft.
- 5. Max. Floor Area Ratio: 0.75
- 6. Max. Number of Units: 12
- 7. Max. Number of Stories: 4
- 8. Max. Number of Parking Spaces: 12
- 9. Max. Number of Driveways: 12
- 10. Max. Number of Entrances: 12
- 11. Max. Number of Windows: 12
- 12. Max. Number of Doors: 12
- 13. Max. Number of Stairs: 12
- 14. Max. Number of Elevators: 12
- 15. Max. Number of Fire Exits: 12
- 16. Max. Number of Fire Alarms: 12
- 17. Max. Number of Fire Extinguishers: 12
- 18. Max. Number of Fire Hydrants: 12
- 19. Max. Number of Fire Trucks: 12
- 20. Max. Number of Fire Pumps: 12
- 21. Max. Number of Fire Pipes: 12
- 22. Max. Number of Fire Sprinklers: 12
- 23. Max. Number of Fire Detectors: 12
- 24. Max. Number of Fire Alarm Pull Stations: 12
- 25. Max. Number of Fire Alarm Control Panels: 12
- 26. Max. Number of Fire Alarm Sounders: 12
- 27. Max. Number of Fire Alarm Receivers: 12
- 28. Max. Number of Fire Alarm Transmitters: 12
- 29. Max. Number of Fire Alarm Receivers/Transmitters: 12
- 30. Max. Number of Fire Alarm Receivers/Transmitters/Sounders: 12

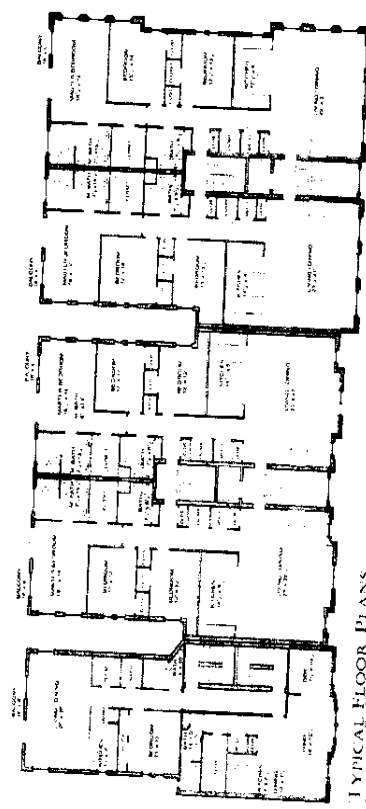
2600-2623 WEST DIVERSY

2600-2623 West Diversy is a proposed multi-unit residential building located at the intersection of West Diversy and Rockwell Street. The building is a four-story structure with a total floor area of approximately 10,000 square feet. The building is designed to provide high-quality residential units with modern amenities and finishes. The units are arranged around a central courtyard and are accessed via a secure entrance system. The building is designed to be energy-efficient and sustainable, with features such as energy-efficient windows, doors, and lighting. The building is also designed to be accessible, with features such as ramps, elevators, and accessible units. The building is designed to be a high-quality residential development that will enhance the neighborhood and provide a high-quality living environment for its residents.



SITE PLAN
Scale: 1/8" = 1'-0"

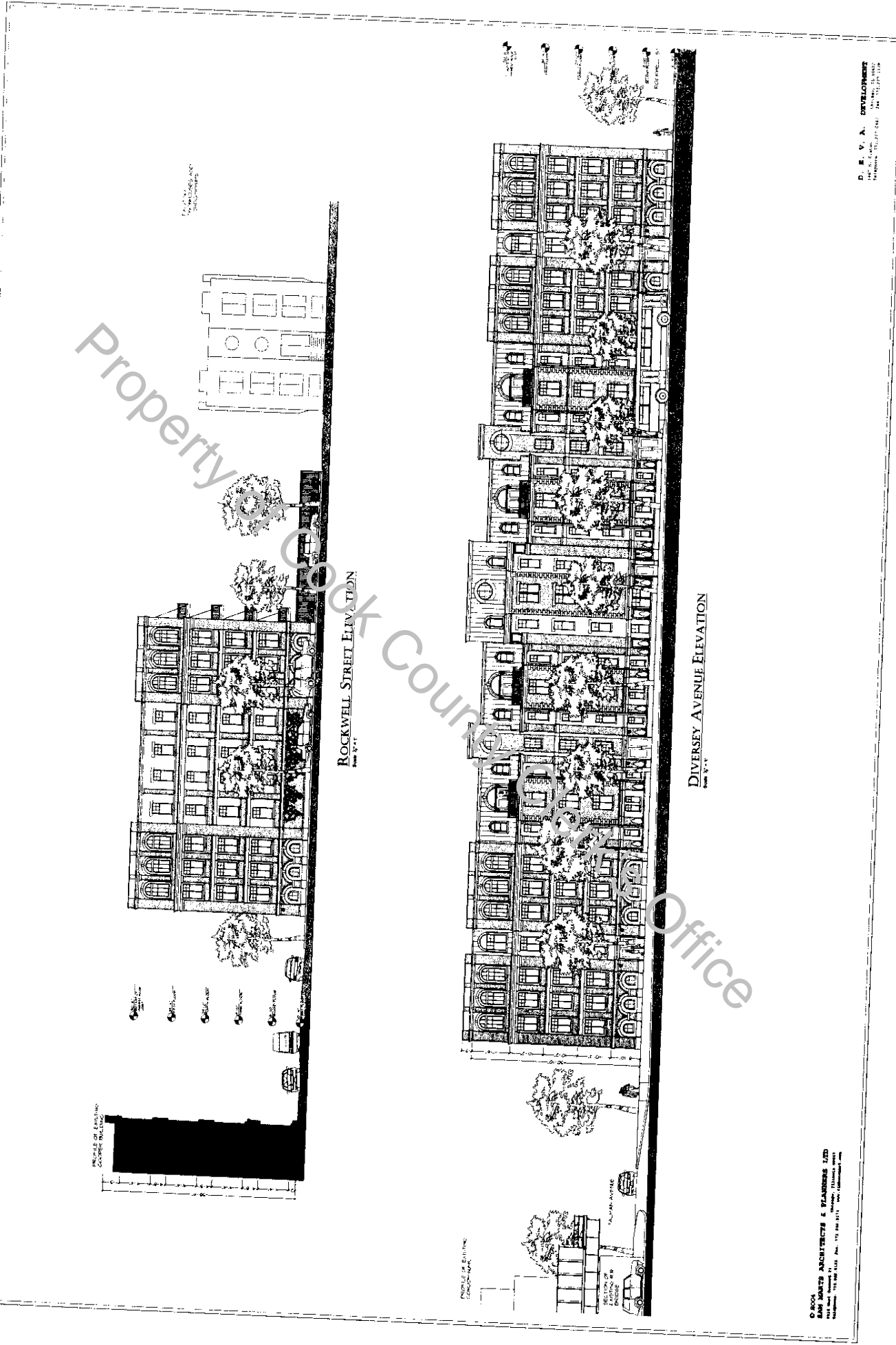
SHAM HANSEN ARCHITECTS & PLANNERS LTD
1000 WEST DIVERSY, SUITE 100, CHICAGO, IL 60614
TEL: 312.467.1000 FAX: 312.467.1001



TYPICAL FLOOR PLANS
Scale: 1/8" = 1'-0"

D. E. V. A. DEVELOPMENT
1000 WEST DIVERSY, SUITE 100, CHICAGO, IL 60614
TEL: 312.467.1000 FAX: 312.467.1001

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PROFILE OF EXISTING
GARAGE BUILDING

ROCKWELL STREET ELEVATION
Scale: 1/8" = 1'-0"

DIVERSY AVENUE ELEVATION
Scale: 1/8" = 1'-0"

PROFILE OF EXISTING
ENCLOSURE

SCALE: 1/8" = 1'-0"

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 DIVERSY ARCHITECTS & PLANNERS LTD
 100 N. LAUREL ST. SUITE 200
 CHICAGO, IL 60610
 TEL: 312.467.1100 FAX: 312.467.1101
 WWW.DIVERSYARCHITECTS.COM

D. E. V. A. DEVELOPERS
 1407 N. LAUREL ST. SUITE 200
 CHICAGO, IL 60610
 TEL: 312.467.1100 FAX: 312.467.1101