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Doc#: 0517827092
Eugene "Gene" Moore Fee: \$52.50
Cook County Recorder of Deeds
Date: 06/27/2005 03:40 PM Pg: 1 of 15

THIS INSTRUMENT PREPARED
BY AND AFTER RECORDING
RETURN TO:
James J. Banks
221 N. LaSalle St.
38th Floor
Chicago, IL 60601
312-782-1982

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made this 23 day of JUNE, 2005, by Krzysztof Nowak (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 1643 N. Rockwell, Chicago, Illinois, and legally described on Exhibit "A", attached hereto and made a part hereof ("Premises"); and

WHEREAS, the Premises has a dimension of 25.00' in width and 125.00' in depth, for a total area of 3,125.00 square feet of lot area; and

WHEREAS, Declarant intends that the Premises be developed into a residential building containing three (3) dwelling units with on-site parking for three (3) cars; and

WHEREAS, the present zoning for the Premises is an RS-3 Residential Single-Unit (Detached House) District; and

WHEREAS, in order to accommodate Declarant's Intended Use, Declarant intends to effectuate a zoning change for the Premises to an RT4 Residential Two-Flat, Townhouse and Multi-Unit District; and

WHEREAS, if the proposed zoning change to an RT4 Residential Two-Flat, Townhouse and Multi-Unit 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 a residential building containing three (3) dwelling units with on-site parking for three (3) cars; and

WHEREAS, Declarant, in consideration of the City of Chicago's consent to the RT4 Residential Two-Flat, Townhouse and Multi-Unit District zoning change, shall encumber the Premises with a restrictive covenant setting forth the aforesaid restrictions, all as more specifically set forth below.

P. I. N. # 13-36-429-005-0000

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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 building containing three (3) dwelling units with on-site parking for three (3) cars; and
4. The subject property is 3,125 square feet and is currently improved with a one and a half story brick building.
5. The proposed development shall consist of a residential building containing three (3) dwelling units with on-site parking for three (3) cars. Building height shall be no more than 38'-0". Building height is measured pursuant to Section 17-17-0311 of the Chicago Zoning Ordinance (2004) and is measured as the vertical distance from grade to the highest point of the underside of the top floor's ceiling joist, where a "floor" is a space having a ceiling height greater than 6'9". Provisions for trash enclosure shall be provided on-site.
6. The proposed development shall not consist of any split face or cinder block exterior elements; it shall be all brick.
7. The final product shall be in substantial compliance with architectural drawings drafted by Z Feng Architects, attached hereto as Exhibit "B".
8. 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.
9. 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. Declarant shall, after issuance of occupancy placards by the City of Chicago, submit an application to rezone the property to an RS-3 Residential Single-Unit (Detached House District).

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10. 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.

12. 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.

13. 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.

14. 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.

15. Upon completion of the proposed project, as detailed by architectural drawings drafted by Z Feng Architects, 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 RT4 Residential Two-Flat, Townhouse and Multi-Unit 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.

16. This Declaration is executed by Krzysztof Nowak.

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EXHIBIT A

LEGAL DESCRIPTION:

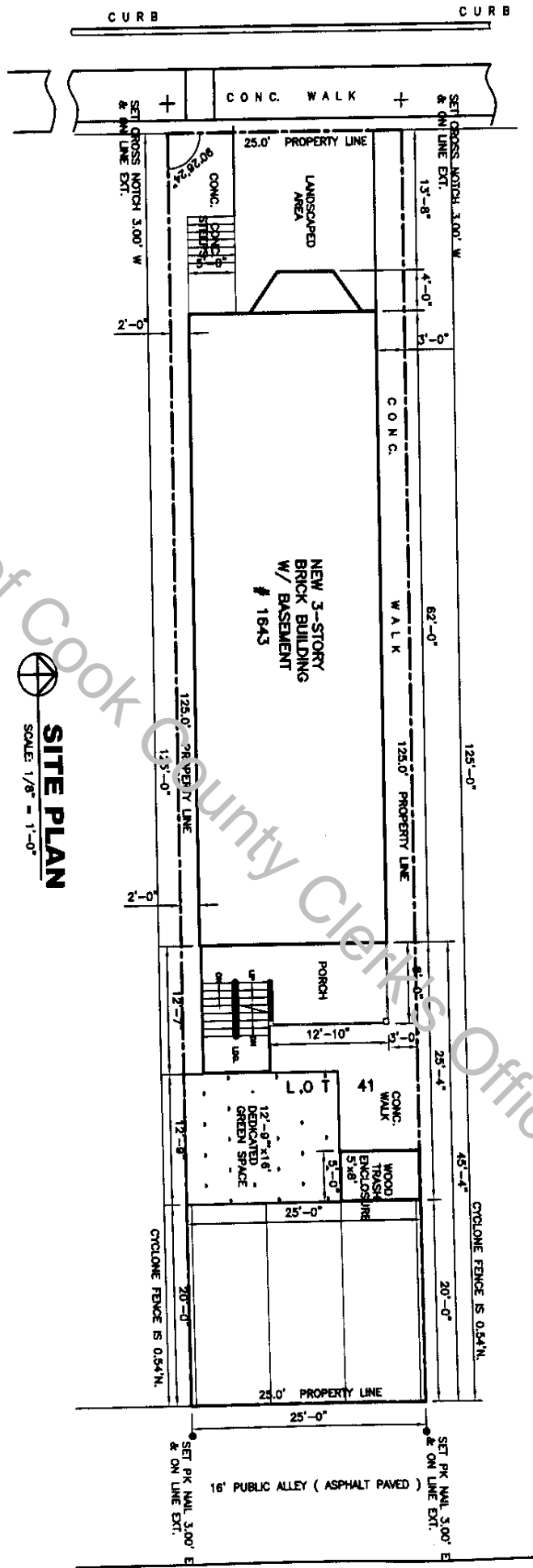
LOT 41 IN BLOCK 2 IN BOTSFORD'S SUBDIVISION OF BLOCK 7 OF JOHNSTON'S SUBDIVISION OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1643 N. Rockwell Street

Property of Cook County Clerk's Office

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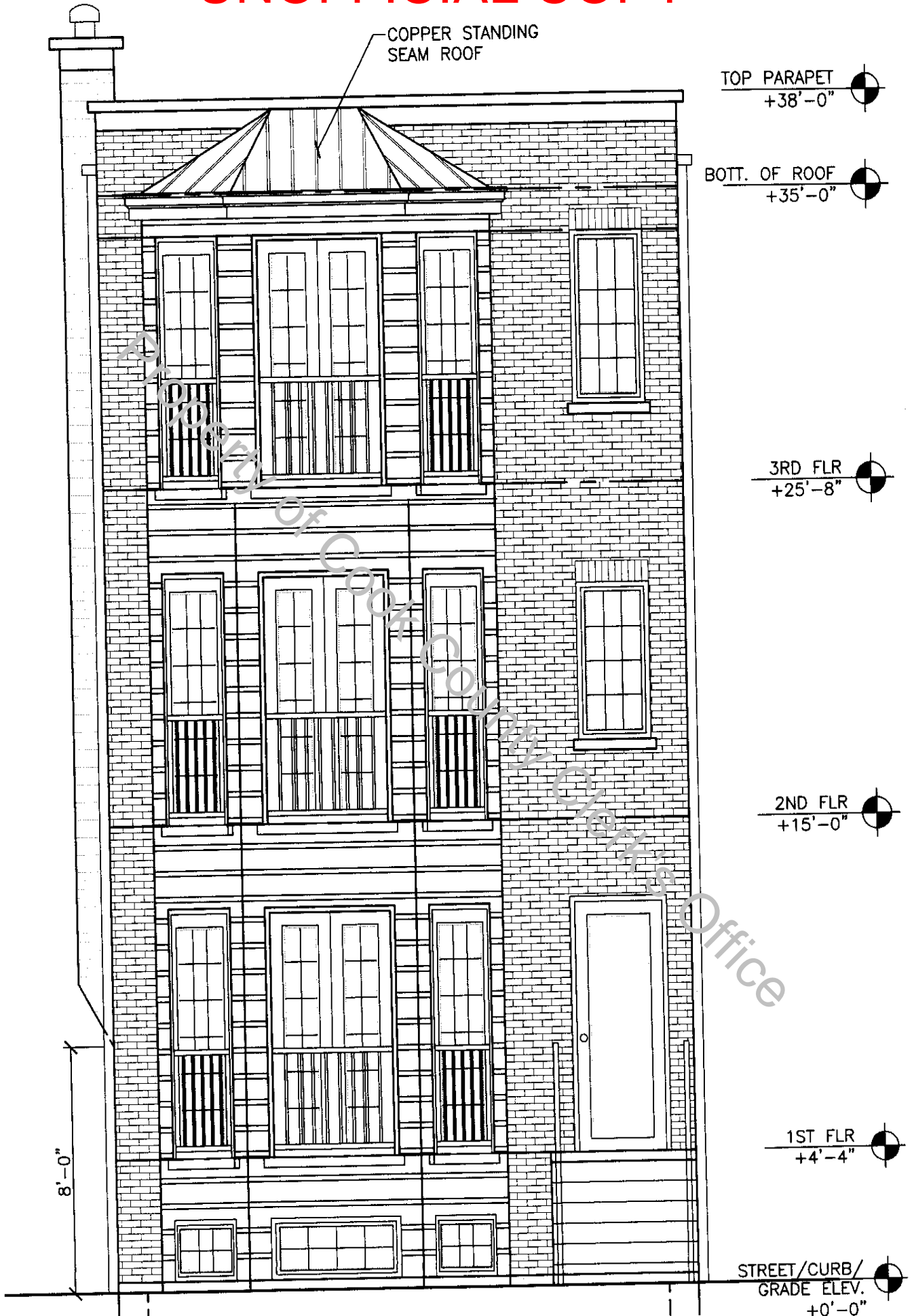
N. ROCKWELL STREET



Property of Cook County Clerk's Office

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

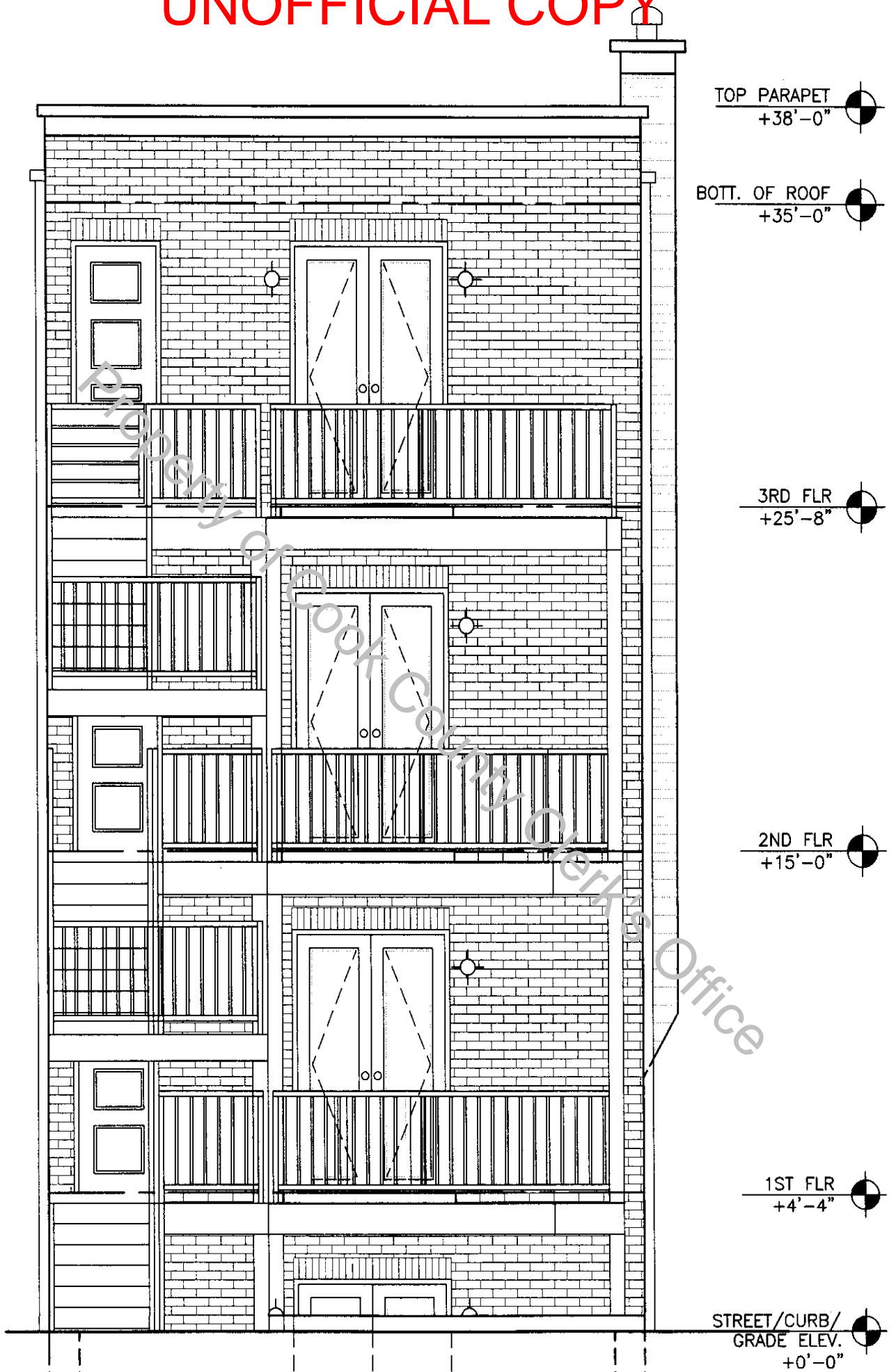
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NORTH ELEVATION

SCALE: 1/4" = 1'-0"

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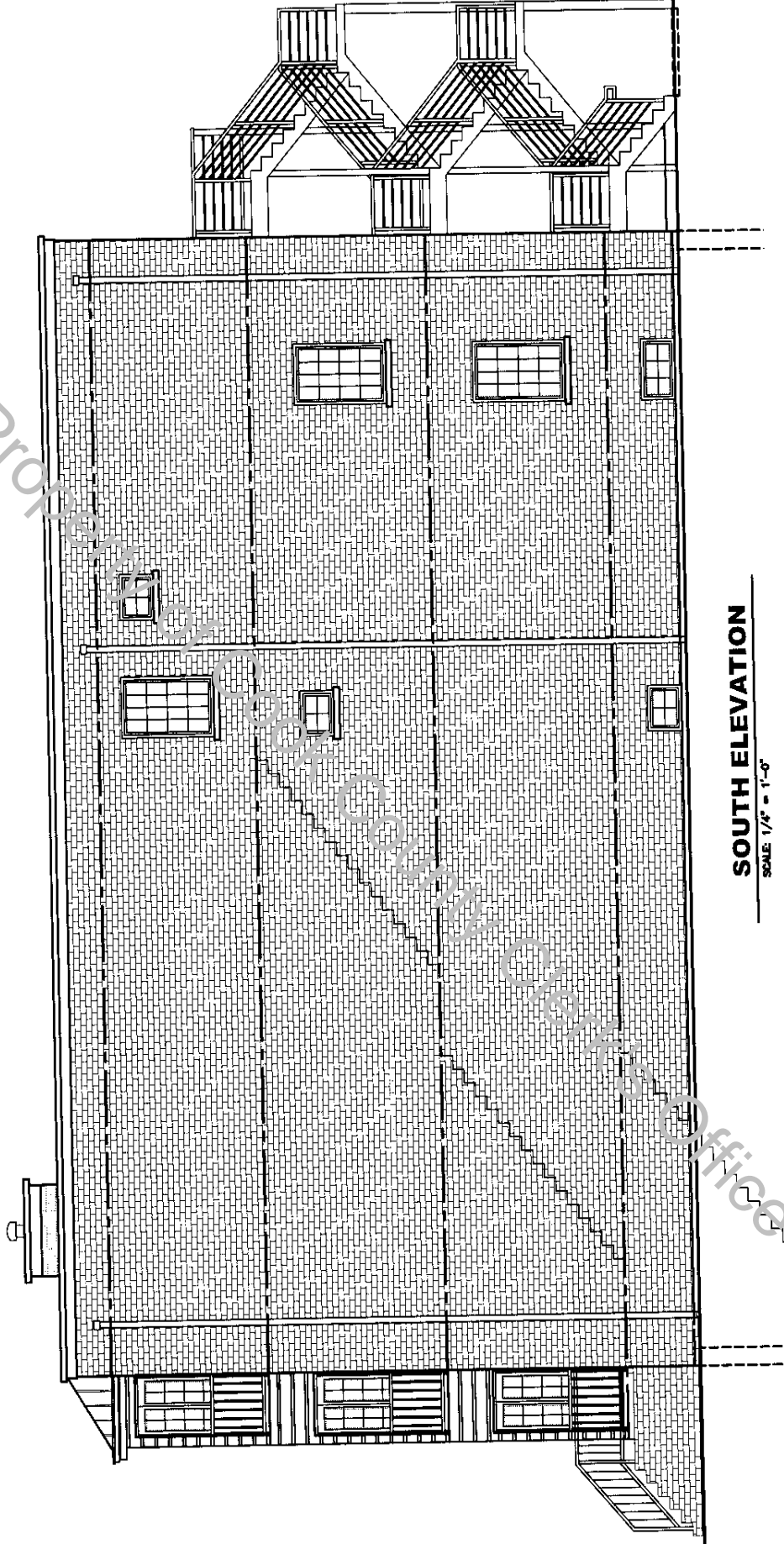


EAST ELEVATION

SCALE: 1/4" = 1'-0"

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PROPERTY OF
COUNTY CLERK'S OFFICE



SOUTH ELEVATION
SCALE 1/4" = 1'-0"

TOP PARAPET
+36'-0"

ROOF OF ROOF
+33'-0"

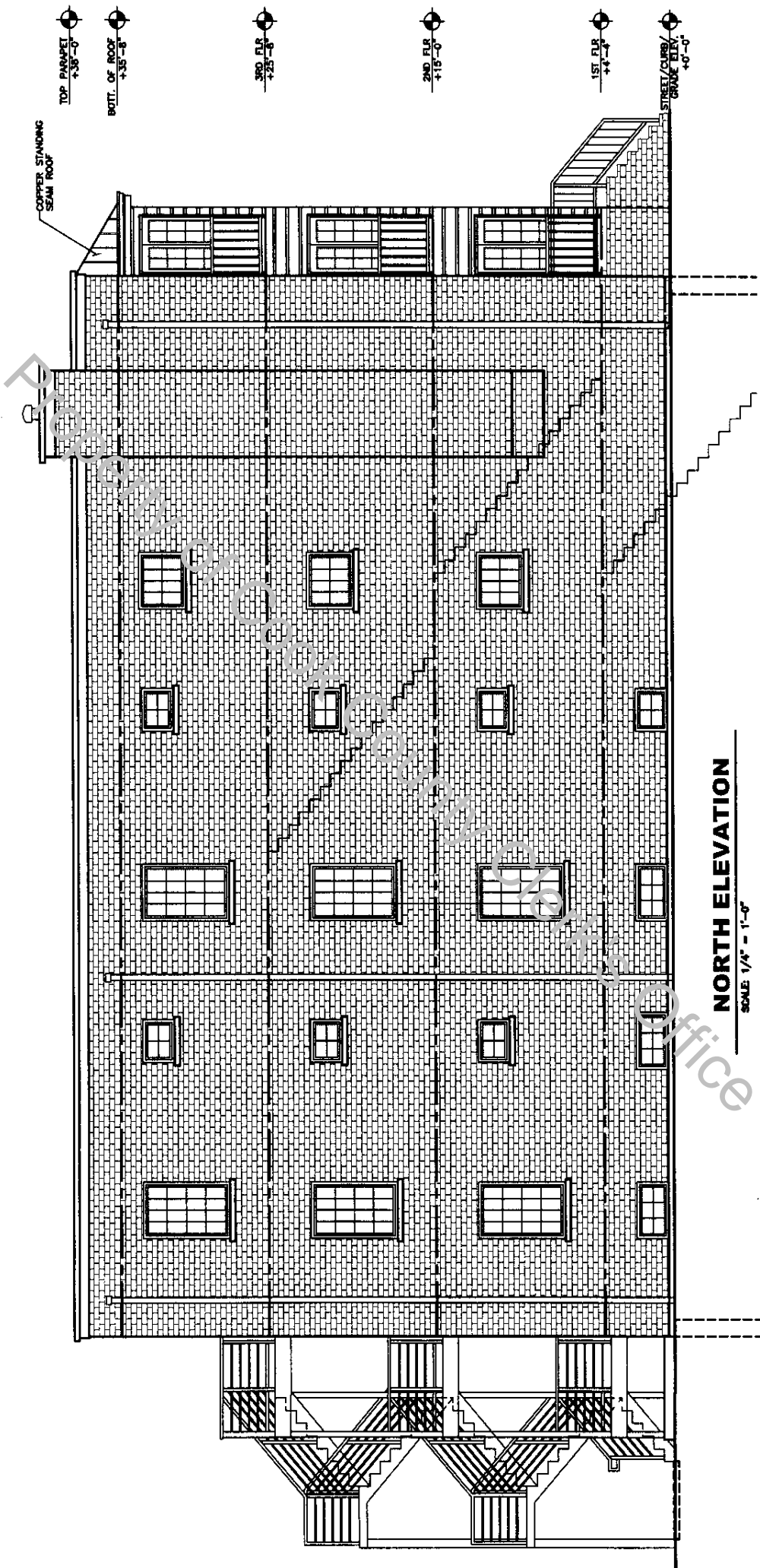
3RD FLR
+27'-8"

2ND FLR
+18'-0"

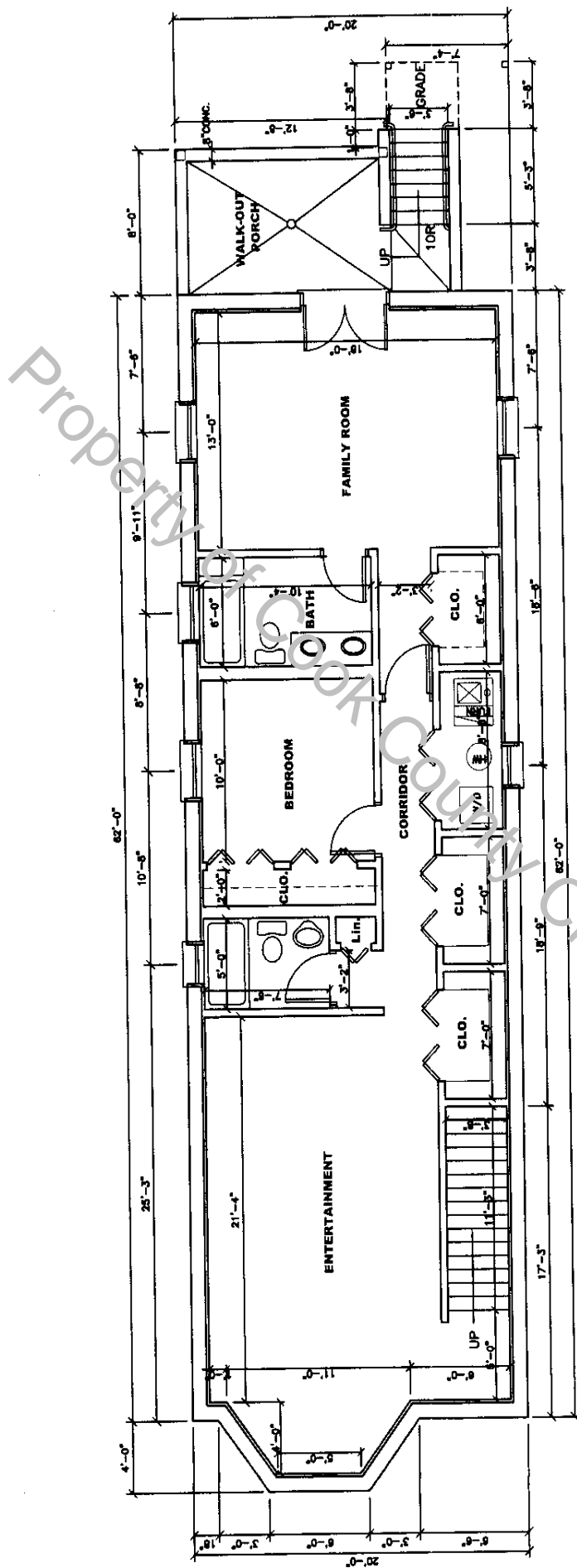
1ST FLR
+0'-0"

STREET CURB/
GRADE
+0'-0"

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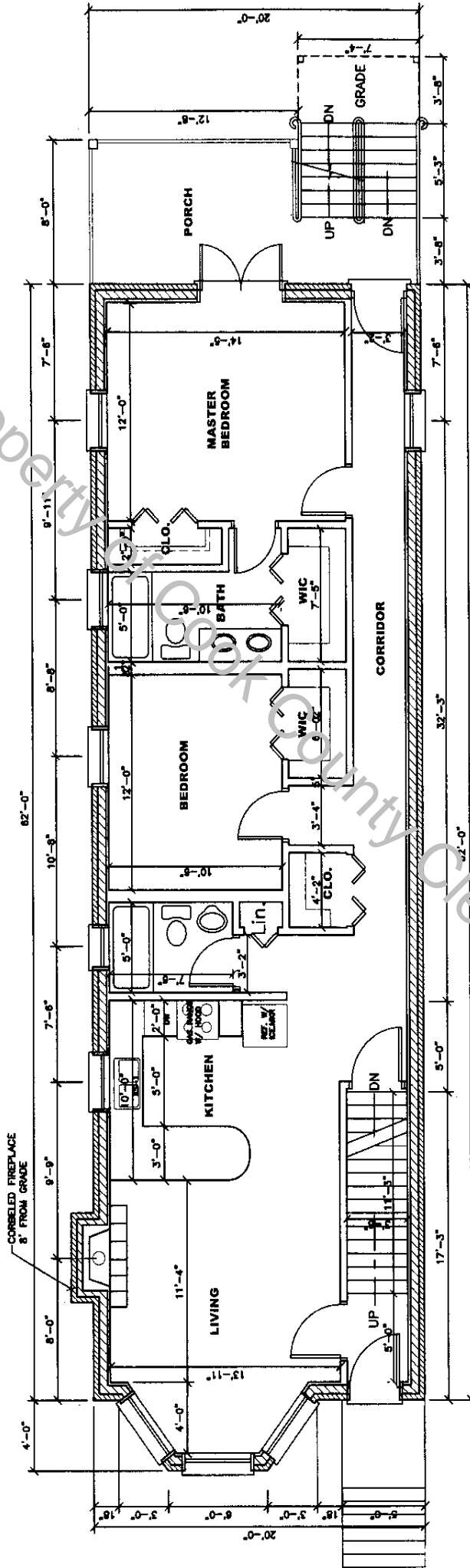


BASEMENT PLAN
SCALE : 1/8" = 1'



Property of [Watermark] Clerk's Office

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N 1ST FLR. PLAN

SCALE : 1/8" = 1'



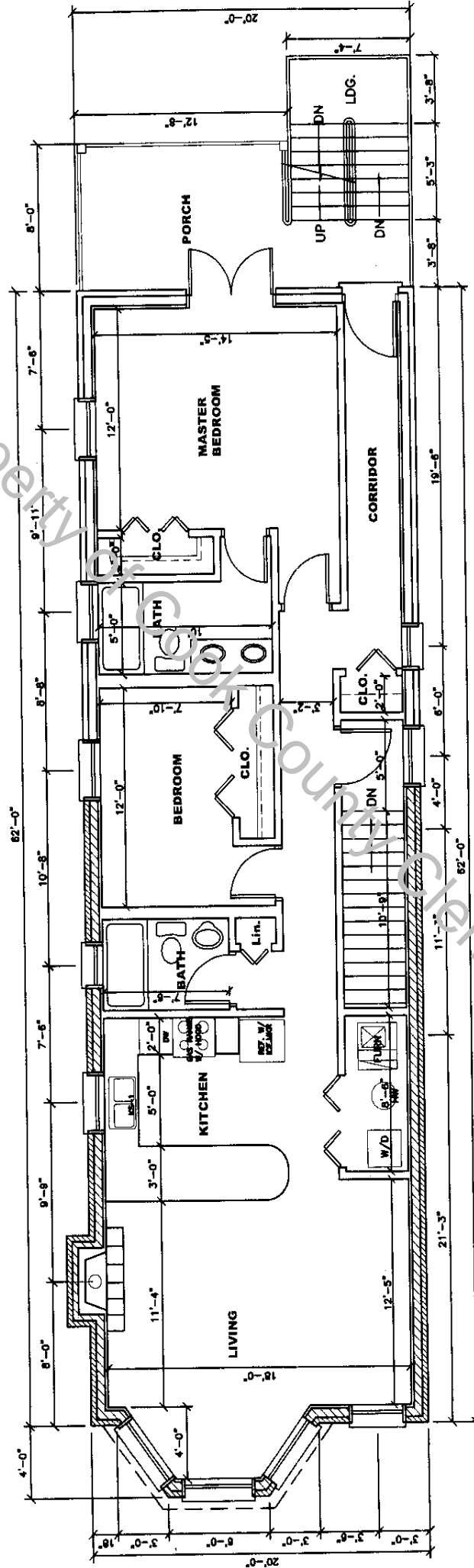
Property of Clerk's Office

62'-0"

4'-0"

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Property of
COURT CLERK'S Office



3RD FLR. PLAN

SCALE : 1/8" = 1'





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UNITED SURVEY SERVICE, P.C.

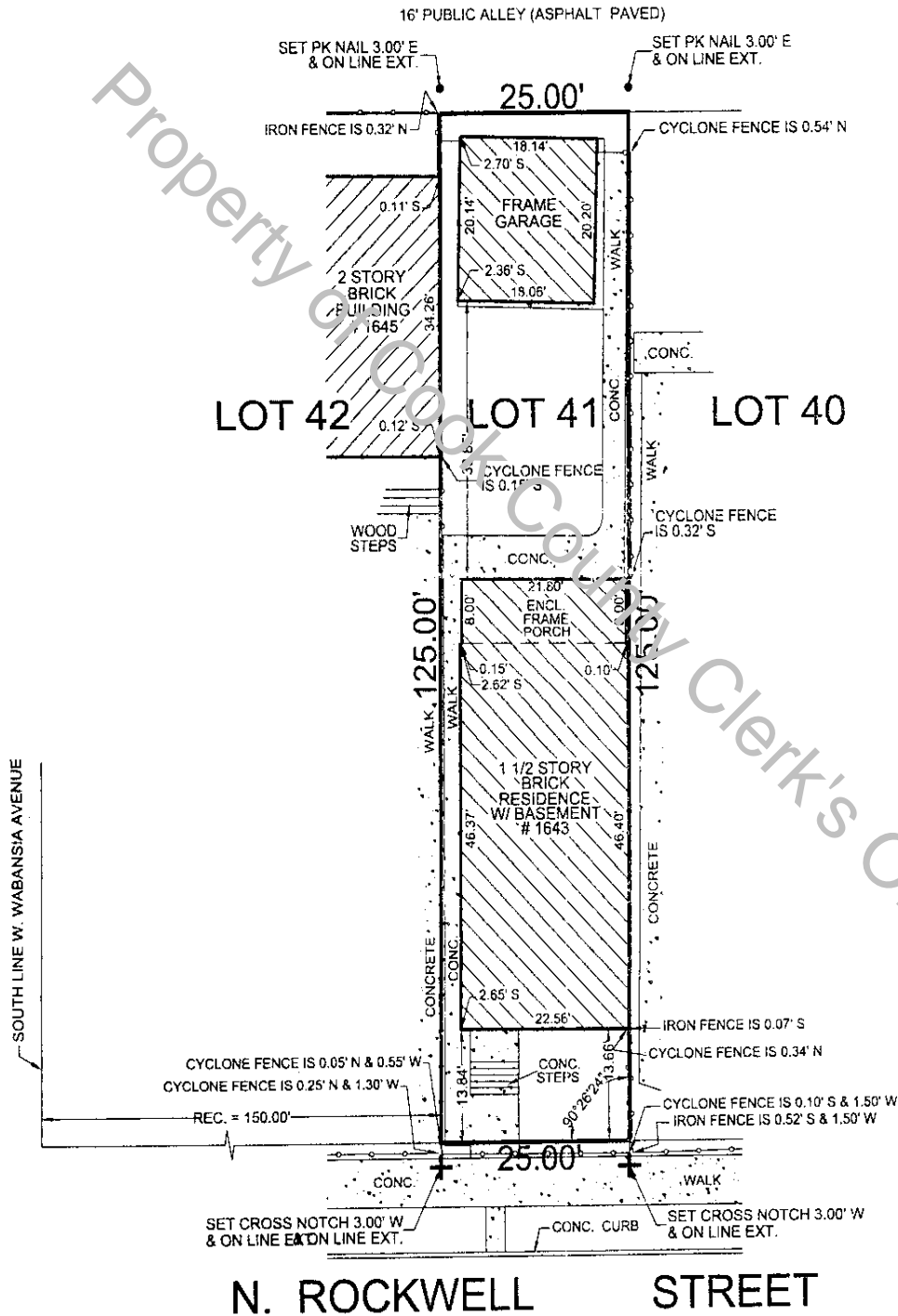
CONSTRUCTION AND LAND SURVEYORS
9681 ELMS TERRACE, DES PLAINES, IL 60016
TEL.: (847) 299-1010 FAX: (847) 299-5887

PLAT OF SURVEY

OF
LOT 41 IN BLOCK 2 IN BOTSFORD'S SUBDIVISION OF BLOCK 7 OF JOHNSTON'S SUBDIVISION OF
THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13, EAST
OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

KNOWN AS: 1643 N. ROCKWELL STREET, CHICAGO, ILLINOIS.

PERMANENT INDEX NUMBER: 13 - 36 - 429 - 005



N. ROCKWELL STREET

STATE OF ILLINOIS)
COUNTY OF COOK)



✓
D. CHECK IN BOX MEANS THAT SURVEY HAS BEEN MADE FOR USE IN CONNECTION WITH A REAL ESTATE OR MORTGAGE LOAN TRANSACTION AND IS NOT TO BE USED FOR CONSTRUCTION.

ORDERED BY:
DOROTHY M. CULHANE ATTORNEY AT LAW
DATE: JULY 22, 2004
SCALE: 1" = 15'
ORDER No.: 2004 - 11984

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS OTHERWISE REFER TO YOUR DEED OR ABSTRACT. COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

STATE OF ILLINOIS)
COUNTY OF COOK)

I, ROY G. LAWNICZAK, DO HEREBY CERTIFY THAT I HAVE LOCATED THE BUILDING ON THE ABOVE PROPERTY.

Roy G. Lawniczak
ROY G. LAWNICZAK REG. ILL. LAND SURVEYOR NO. 35 - 2290

I, ROY G. LAWNICZAK, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE CORRECTED TO A TEMPERATURE OF 68° FAHRENHEIT. THIS PROFESSIONAL SURVEY CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

Roy G. Lawniczak
ROY G. LAWNICZAK, REG. ILL. LAND SURVEYOR NO. 35 - 2290