



Doc#: 0522403013
Eugene "Gene" Moore Fee: \$42.50
Cook County Recorder of Deeds
Date: 08/12/2005 10:07 AM Pg: 1 of 5

Space Above This Line For Recorder's Use

RESTRICTIVE COVENANT

This Restrictive Covenant is made and effective on 8-8, 2005, by Equilon Enterprises LLC, a Delaware limited liability company, with an address of 12700 Northborough, Suite 100, Houston, Texas 77067 (hereinafter "Equilon"),

Whereas, Equilon is the legal title holder of the real property (hereinafter referred to as the "Premises") which is commonly known as 3401 W. Peterson Avenue, Chicago, Illinois 60659, and legally described in Exhibit A attached hereto and made a part hereof;

Whereas, for a period of time prior hereto an automobile service station containing underground storage tanks used for the storage and distribution of petroleum products, including but not limited to gasoline, fuel oil and used oil, has been operated on the Premises;

Whereas, the soil and groundwater on the Premises may have been or have been impacted by petroleum hydrocarbons and other substances; and

Whereas, as a result thereof Equilon desires to restrict (i) the use of the Premises and (ii) the access to and use of the soil or groundwater on the Premises by imposing on the Premises the restrictions contained in this Restrictive Covenant;

Now Therefore, Equilon imposes the following restrictions on the Premises:

1. No basement may be constructed on the Premises;

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2. The groundwater on, at and under the Premises shall not be used for any purpose whatsoever, including but not limited to, potable or non-potable uses or purposes.
3. No groundwater well, system or collection device of any type or purpose, including but not limited to water wells for potable or non-potable uses or purposes, may be installed, maintained, or operated on the Premises;
4. An asphalt or concrete barrier shall be maintained on the Premises to prevent access to the soil on the Premises;
5. The use of the Premises is restricted to only commercial or industrial purposes;
6. All soil or groundwater removed or excavated from, or disturbed on, the Premises shall be handled and disposed of in accordance with all applicable environmental laws, statutes, rules and regulations;
7. All worker safety requirements for handling petroleum-contaminated soil and groundwater shall be observed;
8. Equilon is authorized to record against the Premises, at any time from and after the effective date of this Restrictive Covenant, such No Further Remediation letters or similar documents (collectively "NFR Letters") as may be issued by the Illinois Environmental Protection Agency or other government agency having jurisdiction over the Premises, and all subsequent owners, lessees, tenants, and occupants of the Premises, and their respective heirs, administrators, executors, successors and assigns, shall execute all documents and take all action as may be required of them for the issuance and recording of such NFR Letters against the Premises; provided, however, such NFR Letters do not contain any restrictions, conditions or limitations on the Premises other than those (i) provided for in this Restrictive Covenant, or (ii) otherwise applicable to the Premises; and
9. All subsequent owners, lessees, tenants, and occupants of the Premises, and their respective heirs, administrators, executors, successors and assigns, shall, at solely their expense, comply with all of the terms and conditions of such NFR Letters and all of the covenants, restrictions and terms of this Restrictive Covenant.

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This Restrictive Covenant shall remain in full force and effect in perpetuity unless and until (i) Equilon, in Equilon's sole discretion, releases this Restrictive Covenant, or (ii) the Illinois Environmental Protection Agency and such other governmental agencies having jurisdiction over the environmental condition of the Premises have determined that all of the restrictions contained in this Restrictive Covenant are no longer required in order to achieve or maintain "No Further Remediation" status for the Premises under applicable law.

This Restrictive Covenant (i) shall be recorded against the Premises, (ii) shall run with the land, (iii) shall bind Equilon and Equilon's heirs, administrators, executors, successors and assigns, (iv) shall bind all subsequent owners, lessees, tenants, and occupants of the Premises and any persons or entities otherwise on or about the Premises, and (v) is made for, and shall inure to, the benefit of Equilon, Equilon's successors and assigns, and Equilon's predecessors in title to the Premises.

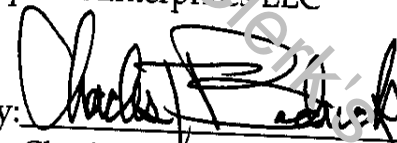
Equilon's waiver of any breach of this Restrictive Covenant shall not constitute a waiver of this Restrictive Covenant or of any subsequent breach thereof.

Property Index No.: 13-02-403-017-0000

Address of Property: 3401 W. Peterson Avenue
Chicago, IL 60659

Executed by Equilon as of the day and year first written above.

Equilon Enterprises LLC

By: 
Charles T. Badrick, Manager
Real Estate Contracts

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State of Texas)

County of Harris)

I, the undersigned, a Notary Public in and for said County the State, do hereby certify that Charles T. Badrick, 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 he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes, and in the capacity, therein set forth.

Given under my hand and official seal, this 8 day of Aug., 2005.

Lauri Mari Curtis
Notary Public

This instrument was prepared by, and upon recording mail to:

Joseph A. Girardi
Henderson & Lyman
Suite 240
175 W. Jackson Blvd.
Chicago, IL 60604



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EXHIBIT A

Legal Description

LOTS 1, 2, 3, AND 4 (EXCEPT THE WEST 1 FOOT) IN BLOCK 5 IN OLIVER SALINGER AND COMPANY'S KIMBALL BOULEVARD ADDITION TO NORTH EDGEWATER, A SUBDIVISION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/2 AND OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 13-02-433-047-0000

PROPERTY: 3401 W. PETERSON AVENUE
CHICAGO, IL 60659

Property of Cook County Clerk's Office