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3310 N. Harlem Ave.
Chicago, Illinois 60634

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Cook County Recorder of Deeds
Date: 06/01/2006 12:39 PM Pg: 1 of 9

Please return recorded copy to:

Aukse S. Rimas
MARINO & ASSOC., P.C.
3310 N. Harlem Ave.
Chicago, Illinois 60634

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made this 30th day of May, 2006, by Jeffrey Funke (sometimes hereinafter referred to as "Owner" or "Declarant").

RECITALS:

WHEREAS, Declarant is the Owner and legal titleholder of a certain parcel of real estate in Chicago, Cook County, Illinois commonly known as 2736 N. Southport, Chicago, Illinois, 60614 and legally described on Exhibit "A", attached hereto and made a part hereof ("Premises"); and

WHEREAS, Declarant intends that the Premises be utilized as a residential property made up of one building made of masonry construction, with three off-street parking spaces, and three residential dwelling units; and

WHEREAS, the present zoning for the Premises is an RS-3 District; and

WHEREAS, in order to accommodate Declarant's intended use, Declarant intends to effectuate a zoning change for the Premises to an RT-4 District; and

WHEREAS, if the proposed zoning change to an RT-4 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 one building made of masonry construction, with three off-street parking spaces, and three residential dwelling units, as proposed; and

WHEREAS, Declarant, in consideration of the City's consent to the RT-4 District zoning

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change, shall encumber the Premises with a restrictive covenant setting forth the above listed 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 above 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, as proposed.
4. The subject property is currently improved with a two-story, two unit residential building.
5. The proposed structure to be located at 2736 N. Southport., Chicago, Illinois 60614, will be masonry construction, contain three dwelling units and will contain three off-street parking spaces.
6. The proposed new buildings shall be of masonry construction, and shall be in substantial compliance with architectural drawings drafted by Franke Architects 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. 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.
9. Enforcement of the provisions of this Declaration shall be by any proceeding at law or in equity, brought by the Declarant, their 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, their successors or assigns, or the City or the Office of the Alderman, to promptly

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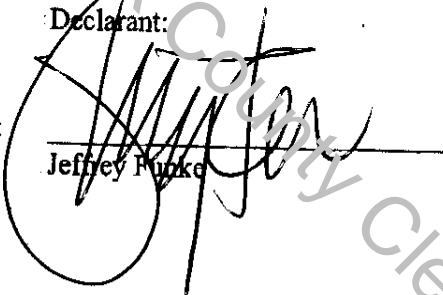
promptly enforce any covenant, restriction or other provision of this Declaration shall in no event be a bar to enforcement thereafter and shall not waive any rights of the Declarant, their successors or assigns, the City, or the Office of the Alderman, to so enforce any covenant, restriction or other 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. 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 RT-4 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.

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

Declarant:
By: 
Jeffrey Furke

Cook County Clerk's Office

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STATE OF ILLINOIS)
)SS
 COUNTY OF COOK)

I, Mythidia L. Turner, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Jeffrey Funke, 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 30th day of May, 2006.



Mythidia L. Turner
 Notary Public

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EXHIBIT "A"

LOT 15 IN LEMBCKE'S SUBDIVISION OF LOT 5 IN BLOCK 45 IN SHEFFIELD'S ADDITION TO CHICAGO,
IN WEST 1/2 OF SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE
THIRD PRINCIPAL MERIDIAN.

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EXHIBIT "R"

ADDRESS: 2736 N Southport

CURRENT (EXISTING) ZONING REQUIREMENTS

Site: 123.16 x 25.00
 Site Area: 3,079 SF
 ZONING DISTRICT: RS-3
 FLOOR AREA RATIO: 0.9
 TOTAL ALLOWABLE FAR AREA: 2,711 SF
 MINIMUM LOT AREA: 2500 SF
 MINIMUM LOT AREA PER DWELLING UNIT: 2500 SF+
 MAXIMUM BUILDING HEIGHT: 30'
 SETBACKS-
 FRONT: AVG. FRONT YARD DEPTH OF NEAREST
 2 LOTS ON EITHER SIDE (APPROX. 8.0')
 SIDE: COMBINED TOTAL WIDTH = 5.0' MIN.
 SETBACK = 2'
 REAR: 30'
 MINIMUM REAR YARD OPEN SPACE: 225 SF (15' MIN.
 DIMENSION ANY SIDE)

PROPOSED ZONING REQUIREMENTS

Site: 123.16 x 25.00
 Site Area: 3,079 SF
 ZONING DISTRICT: RT4.0
 FLOOR AREA RATIO: 1.2
 TOTAL ALLOWABLE FAR AREA: 3,694.80 SF
 MINIMUM LOT AREA: 1,650 SF
 MINIMUM LOT AREA PER DWELLING UNIT: 1,000 SF/D.U.
 MAXIMUM BUILDING HEIGHT: 30'
 SETBACKS-
 FRONT: AVG. FRONT YARD DEPTH OF NEAREST
 2 LOTS ON EITHER SIDE (APPROX. 8.0')
 SIDE: COMBINED TOTAL WIDTH = 5.0' MIN.
 SETBACK = 2'
 REAR: 30'
 MINIMUM REAR YARD OPEN SPACE: 156 SF (10' MIN.
 DIMENSION ANY SIDE)

PROPOSED BUILDING DIMENSIONS

Site: 123.16 x 25.00
 Site Area: 3,079 SF
 ZONING DISTRICT: RT4.0
 FLOOR AREA RATIO: 1.2
 TOTAL ALLOWABLE FAR AREA: 3,694.80 SF
 MINIMUM LOT AREA: 1,650 SF
 MINIMUM LOT AREA PER DWELLING UNIT: 1026 SF/D.U.
 BUILDING HEIGHT: 38'
 SETBACKS-
 FRONT: AVG. FRONT YARD DEPTH OF NEAREST
 8'-0"
 SIDE: COMBINED TOTAL WIDTH = 5.0' MIN.
 SETBACK = 2'
 REAR: 30'
 MINIMUM REAR YARD OPEN SPACE: 156 SF (10' MIN.
 DIMENSION ANY SIDE)

ZONING ANALYSIS
2736 N. Southport
CHICAGO, IL

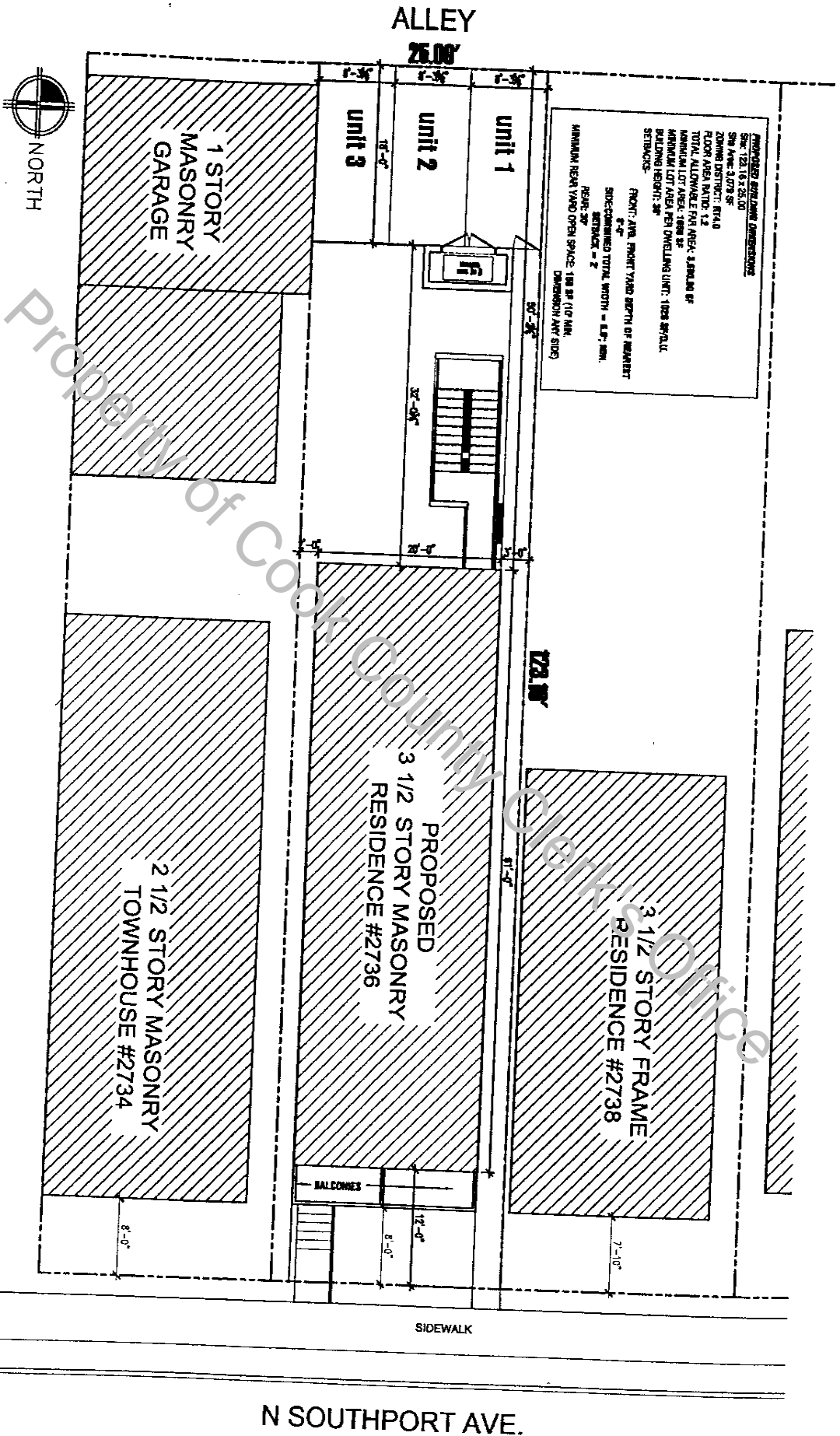
05.15.06

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EXHIBIT "B"

2736 N. SOUTHPORT AVE.
05.15.06

SITE PLAN



PROPOSED BUILDING DIMENSIONS
 SH: 123.16 x 25.00
 SW: 3.079 SF
 ZONING DISTRICT: R1A.0
 FLOOR AREA: 1,120 SF
 TOTAL ALLOWABLE FLOOR AREA: 3,840 SF
 MINIMUM LOT AREA: 1,000 SF
 MINIMUM LOT AREA PER DWELLING UNIT: 1,000 SQ. FT.
 BUILDING HEIGHT: 30'
 SETBACKS:
 FRONT: 10' FROM FRONT YARD DEPTH OF ADJACENT
 5'-0"
 SIDEWALK TOTAL WIDTH = 8'-0" MIN.
 REAR: 5'
 SETBACK = 2'
 MINIMUM REAR YARD OPEN SPACE: 100 SF (10' MIN. DIMENSION ANY SIDE)

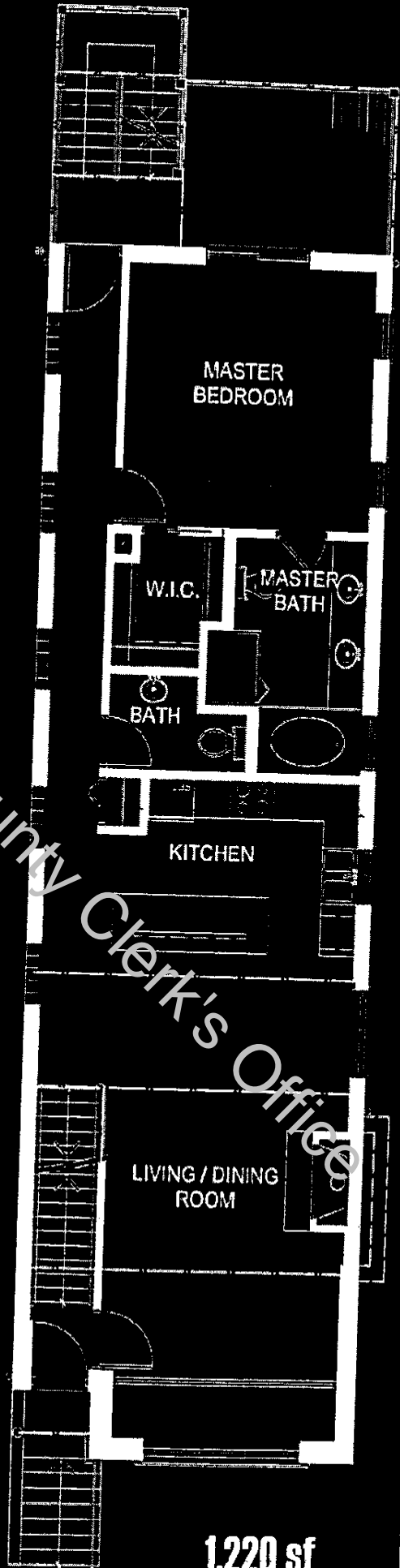
N SOUTHPORT AVE.

EXHIBIT "B"
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2736 n-southport



**1,220 sf
basement floor unit 1**



**1,220 sf
1st floor unit 1**

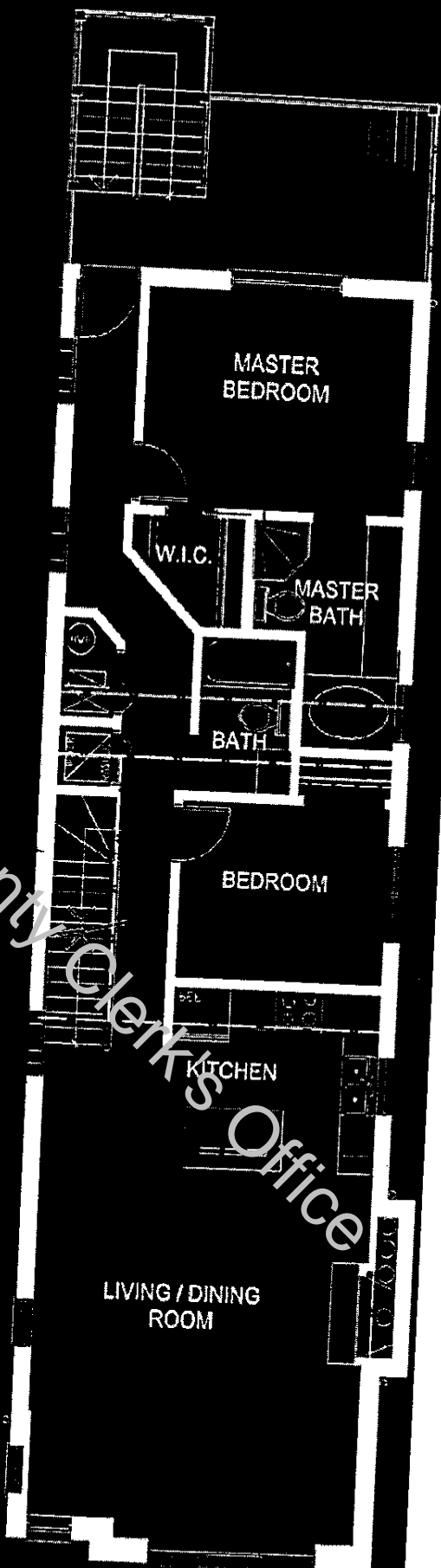
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EXHIBIT "B" UNOFFICIAL COPY

2736 n. southport



1,220 sf
2nd floor unit 2



1,220sf
3rd floor unit 3

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