



Doc#: 0617431041 Fee: \$42.50  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 06/23/2006 12:20 PM Pg: 1 of 10

**DECLARATION OF RESTRICTIVE COVENANT**

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made this May 8, 2006, by the Jack R. Jespersen Trust dated May 10, 1995 (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 2145 N. Talman Ave., Chicago, Illinois, and legally described on 'Exhibit A', attached hereto and made a part hereof (the "Premises"); and

WHEREAS, Declarant intends that the Premises be developed and used as a four-story, masonry residential building with three condominium units; and

WHEREAS, the present zoning for the Premises is a C1-1 Neighborhood Commercial 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, after rezoning to a B2-3 District and after Declarant or its developer is able to obtain building permits and begin construction of the proposed development, it is the parties' intent that the Premises be rezoned again in an expeditious manner to a RM5 Residential Multi-Unit District; and

WHEREAS, if the proposed zoning change to a B2-3 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 masonry residential building with three condominium units and parking for not less than three cars as proposed; and

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

Return to:

Richard Toth  
Daley + George, LLP  
20 S Clark, Suite 400  
Chicago, IL 60603

10983

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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 above are fully incorporated herein by reference.
2. Notwithstanding any other provision in this Declaration, this Declaration shall not be effective unless and until: (a) the Premises is rezoned to a B2-3 Neighborhood Mixed-Use District and (b) the property at 2149 N. Talman Ave. / 2150 N. Rockwell St. is rezoned to a B2-2 Neighborhood Mixed-Use District; provided further, that for this Declaration to become effective said rezoning ordinances must be passed by the Chicago City Council and published in the Chicago City Council Journal of Proceedings not later than July 27, 2006. If said rezoning ordinances are not passed and published by July 27, 2006, this Declaration shall be void, notwithstanding its recording with the Recorder of Deeds.
3. 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.
4. The Premises, or any portion thereof, shall be used solely for the proposed residential building development;
5. The Premises is approximately 1,966.75 square feet and is currently vacant;
6. The proposed structure to be located at 2145 N. Talman Ave. shall contain three dwelling units, all units totaling approximately 3,934 square feet of living space, and will contain parking for not less than three cars;
7. The proposed structure to be located at 2145 N. Talman Ave. shall be of masonry construction and shall be in substantial compliance with the architectural drawings drafted by Gibson/Darr Architecture + Consulting attached hereto as 'Exhibit B.' Trash enclosures shall be placed per the attached drawing, under the stairwells on the northern border of the property;
8. Notwithstanding the rezoning to a B2-3 District, the Floor Area Ratio of the Premises shall be a maximum of 2.0. For the purposes of this Declaration, the definition of "Floor Area Ratio" shall be the same as that given in the Chicago Zoning Ordinance.
9. 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.
10. 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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11. 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 having 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. 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 is changed to a RM15 Residential Multi-Unit District or other Residential District; or (iii) an instrument signed by a majority of the then owners of the Premises and the Office of the Alderman having 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 Jill Olson., not personally, but solely in the exercise of the power and authority conferred upon and vested in her as Trustee. No personal liability shall be asserted or be enforceable against the Trustee 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 Trustee, in her personal and individual capacity warrants that she is the Trustee of the Jack R. Jespersen Trust dated May 10, 1995 and possesses full power and authority to execute this Declaration.

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

**Declarant:**

Jack R. Jespersen Trust dated May 10, 1995

By: \_\_\_\_\_



Jill Olson, Trustee

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MICHIGAN  
 STATE OF ~~ILLINOIS~~ )  
                   BERRIEN ) SS  
 COUNTY OF ~~COOK~~ )

I, PAMELA J. MOORE, a notary public in and for said County, in the State aforesaid,  
 DO HEREBY CERTIFY that Jill Olson, personally known to me to be the same person whose  
 name is subscribed to the foregoing DECLARATION OF RESTRICTIVE COVENANT, appeared  
 before me this day in person and acknowledged that she signed, sealed and delivered the said  
 instrument as her own free and voluntary act, for the uses and purposed therein set forth.

GIVEN under my hand and seal, this MAY 8, 2006.

  
 Notary Public  
  
**PAMELA J. MOORE**  
 Notary Public, Berrien County, Michigan  
 My Commission Expires June 24, 2006

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## EXHIBIT A

### Legal Description

2145 N. Talman Ave.

THE SOUTH 1/4 OF LOT 11 (EXCEPTING THE EAST 105.63 FEET THEREOF) IN GRAY'S SUBDIVISION OF 8 ACRES EAST OF AND ADJOINING THE WEST 25 ACRES NORTH OF MILWAUKEE PLANK ROAD IN THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PIN: 13-36-202-056-0000

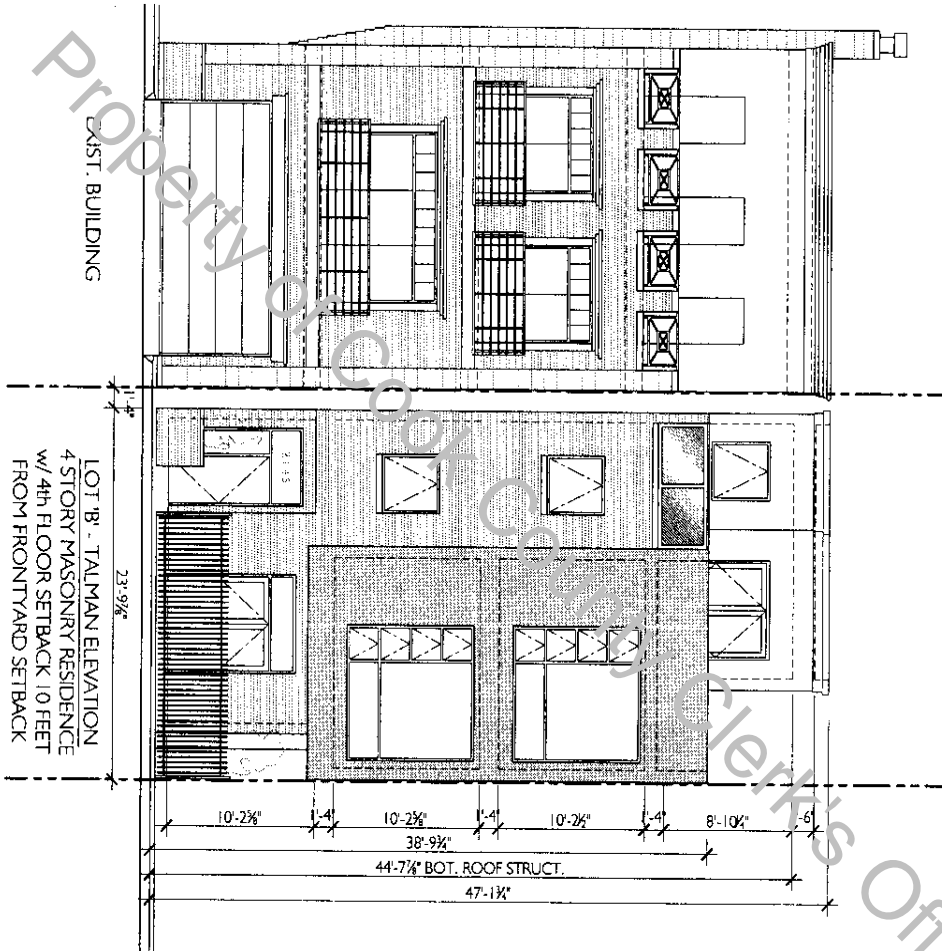
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2145 NORTH TALMAN AVENUE



BUILDING WILL BE CONSTRUCTED OF MASONRY AND BRICK AND SHALL EXCLUDE ANY USE OF CINDER OR SPLIT-FACE BLOCK.

**GIBSON/DARR**  
 Architecture + Consulting  
 116 West Illinois Street  
 Chicago, Illinois 60610  
 TEL: 312.467.9790  
 FAX: 312.467.9792

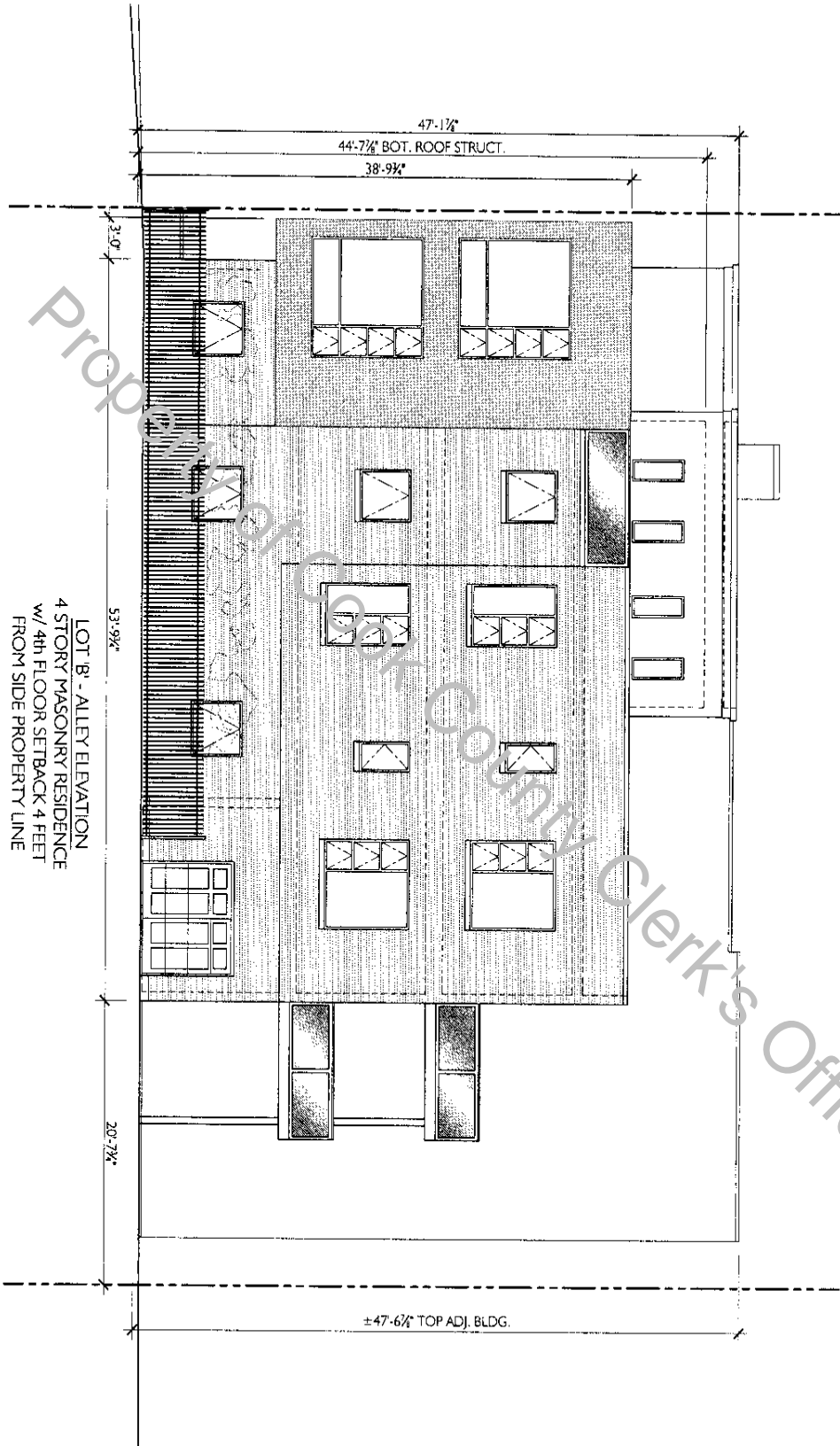
**SPM PROPERTIES**  
 2145, 2149 NORTH TALMAN AVENUE  
 2150 NORTH ROCKWELL STREET  
 CHICAGO, IL

ISSUED FOR/DATE	
TRASH ENCLOSURE ADDED	4-14-2006
ZONING SUBMITTAL	2-20-2006
ALD/ZONING/GGNA	12-16-2005
ALDERMAN/ZONING	12-1-2005
ALDERMAN	11-17-2005
GGNA MEETING	10-17-2005
GGNA SUBMITTAL	10-10-2005
ALDERMAN	9-23-2005

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2145 NORTH TALMAN AVENUE



LOT 'B' - ALLEY ELEVATION  
 4 STORY MASONRY RESIDENCE  
 w/ 4th FLOOR SETBACK 4 FEET  
 FROM SIDE PROPERTY LINE

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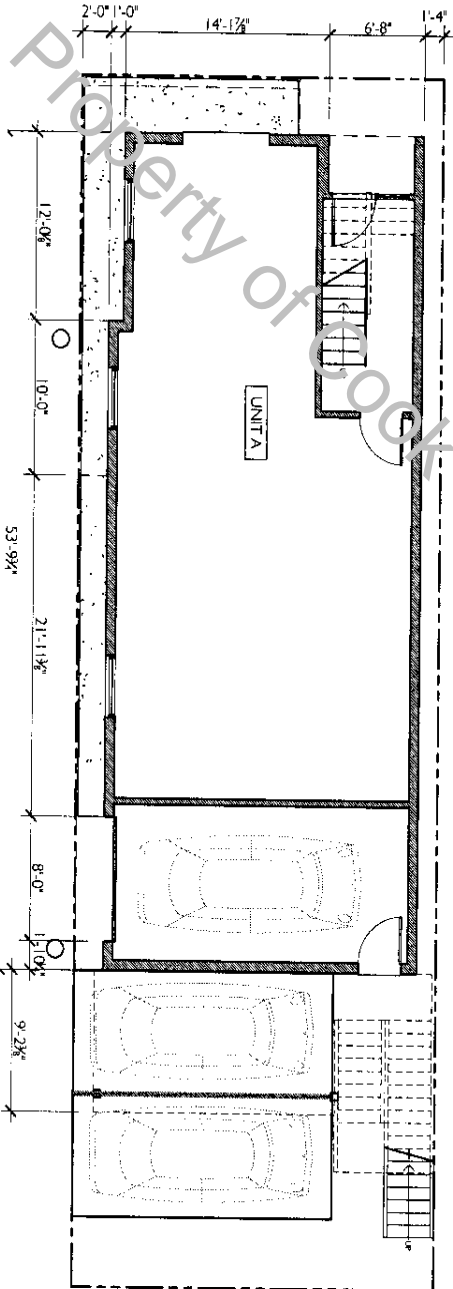
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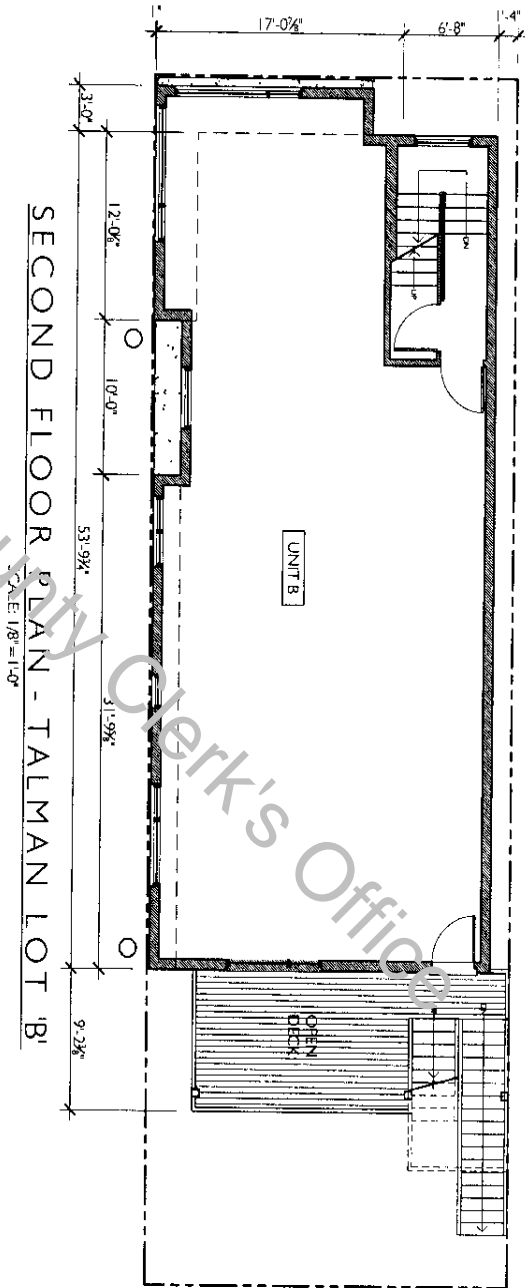
2145 NORTH TALMAN AVENUE

	2145 Talman	f.a.r.	Indiv. unit	gross
fourth floor	444	444	444	444
third floor	1301	1211	1301	1301
second floor	1301	1211	1301	1301
first floor	888	795	1135	1135
<b>totals</b>	<b>3934</b>	<b>3661</b>	<b>4181</b>	



FIRST FLOOR PLAN - TALMAN LOT 'B'

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



SECOND FLOOR PLAN - TALMAN LOT 'B'

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

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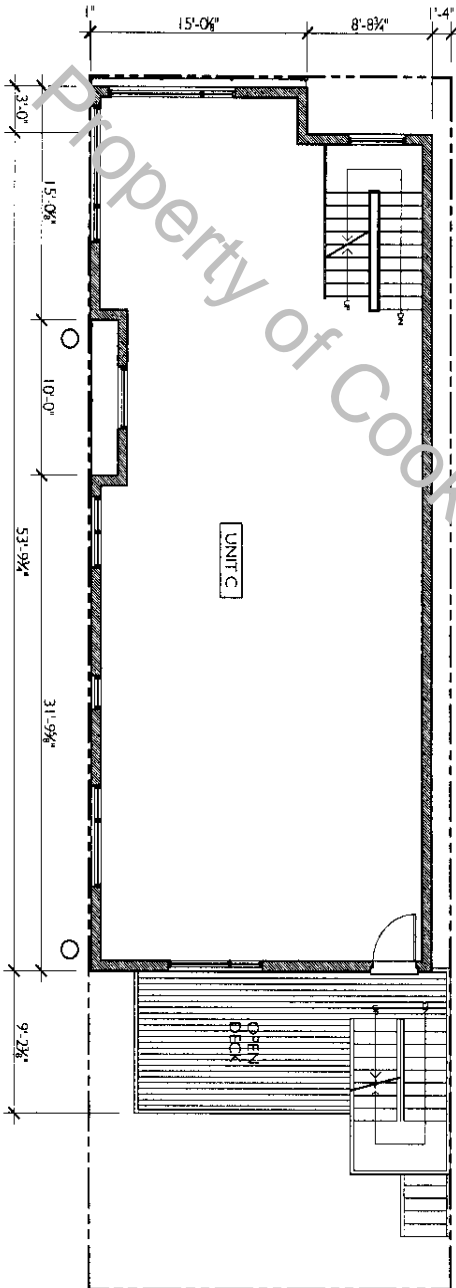
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ALDERMAN	11-17-2005
GGNA MEETING	10-17-2005
GGNA SUBMITTAL	10-10-2005
ALDERMAN	9-23-2005

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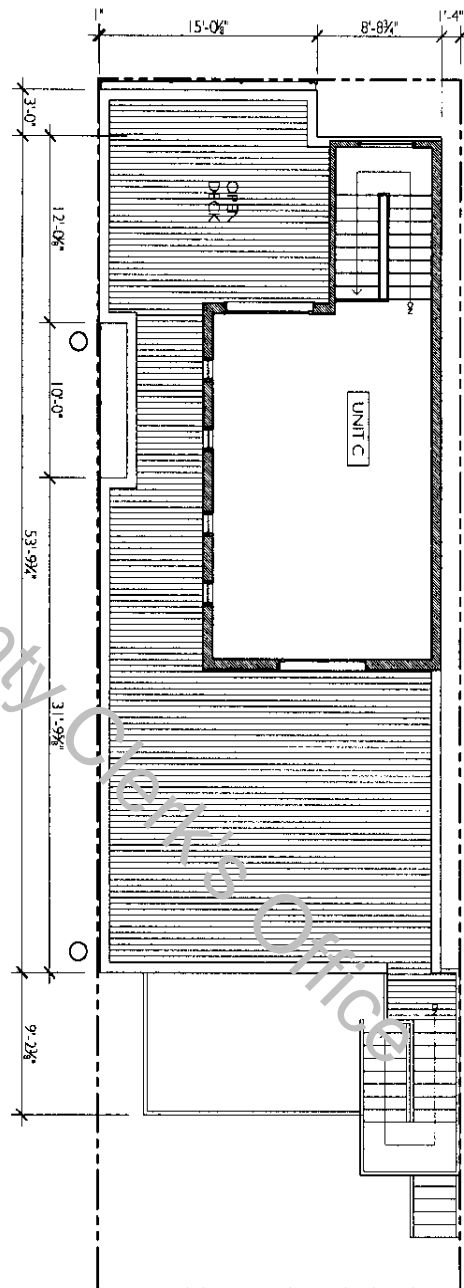
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2145 NORTH TALMAN AVENUE



THIRD FLOOR PLAN - TALMAN LOT 'B'

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



FOURTH FLOOR PLAN - TALMAN LOT 'B'

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

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ISSUED FOR/DATE	
TRASH ENCLOSURE ADDED	4-14-2003
ZONING SUBMITTAL	2-20-2003
ALD/ZONING/GGNA	12-16-2003
ALDERMAN/ZONING	12-1-2003
ALDERMAN	11-17-2003
GGNA MEETING	10-17-2003
GGNA SUBMITTAL	10-10-2003
ALDERMAN	9-23-2003

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