

# UNOFFICIAL COPY



Doc#: 0625539061 Fee: \$54.50  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 09/12/2006 11:52 AM Pg: 1 of 16

THIS INSTRUMENT PREPARED  
BY AND AFTER RECORDING  
RETURN TO:

Frederick E. Agustin  
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 7th day of Sept, 2006, by 2444 W. 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 2444 W. Diversey, Chicago, Illinois, and legally described on Exhibit "A", attached hereto and made a part hereof ("Premises"); and

WHEREAS, the Premises has a dimension of 50.02' in width and 130.83' in depth, for a total of 6,544.12 square feet of lot area; and

WHEREAS, Declarant intends that the Premises be developed with a new, four-story, residential building containing eight dwelling units and on-site parking for at least ten cars; and

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WHEREAS, the present zoning for the Premises is an RS3 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 a B2-3 Neighborhood Mixed-Use District; and

WHEREAS, if the proposed zoning change to an 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 four-story residential building containing eight dwelling units and on-site parking for at least ten cars; and

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 aforestated 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 four-story, residential building containing eight dwelling units and on-site parking for at least ten cars.
4. The subject property is 6,544.12 square feet and is currently improved with a one-story brick building.
5. The proposed development shall consist of a new, four-story, residential building containing eight dwelling units and on-site parking for at least ten cars. Building height shall be no more than 44'-0". Building height is measured pursuant to Section 17-17-0311 of the Chicago Zoning Ordinance (2005) 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".
6. The proposed development shall have no split face cinder block. The development shall be all masonry construction.
7. The proposed development shall have anti-graffiti film on the front windows.

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8. The final product shall be in substantial compliance with architectural drawings drafted by Studio D Architecture, LLC, attached hereto as Exhibit "B".

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.

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 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 Studio D Architecture, LLC, 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 a B2-3 Neighborhood Mixed Use District or (iii) an

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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.

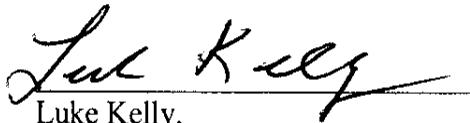
16. This Declaration is executed by 2444 W. Diversey, LLC.

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

Declarant:

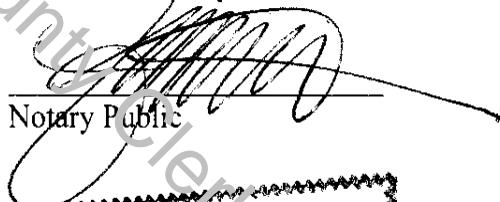


Luke Kelly,  
Managing Member of 2444 W. Diversey, LLC

STATE OF ILLINOIS                  )  
    )  
    )SS  
COUNTY OF COOK                  )

I, Jorge Cerdá, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that **Luke Kelly, Managing Member of 2444 W. Diversey, LLC**, 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 12 day of Sept, 2006.

  
Notary Public



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## EXHIBIT A

### LEGAL DESCRIPTION:

LOT 35 AND 36 IN BLOCK 2 IN CARTER'S ADDITION TO MAPLEWOOD SAID ADDITION BEING A SUBDIVISION OF THE SOUTH  $\frac{1}{2}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 2444 W. DIVERSEY, CHICAGO, IL

Property of Cook County Clerk's Office

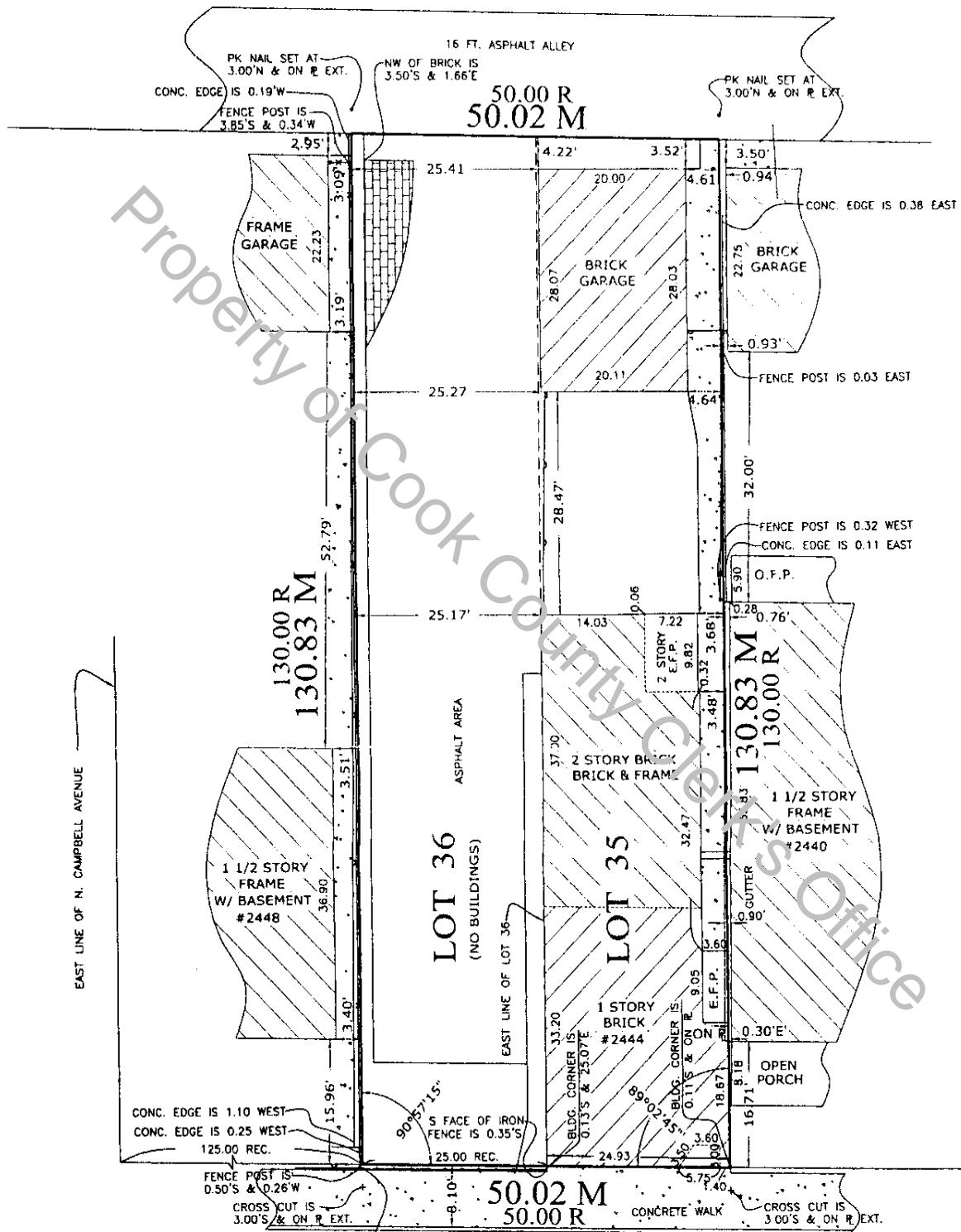


ASSUMED  
**NORTH**

**PLAT OF SURVEY  
OF**

LOTS 35 AND 36 IN BLOCK 2 IN CARTER'S ADDITION TO MAPLEWOOD SAID ADDITION BEING A SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND AREA: 6,543 SQ. FT.



**LEGENDA:**

- The legend consists of five entries, each with a small icon followed by a descriptive label:

  - CHAIN LINK FENCE: Represented by a horizontal line with two diagonal ends.
  - WOOD FENCE: Represented by a horizontal line with a single diagonal end.
  - IRON FENCE: Represented by a horizontal line with small circular dots.
  - CONCRETE PAVEMENT: Represented by a rectangle with diagonal hatching.
  - BRICK AREA: Represented by a rectangle with horizontal hatching.

**B - PROPERTY LINE**

O.F.P. ~ OPEN FRAME PORCH

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT  
ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS  
NOT SHOWN HEREON, REFER TO YOUR DEED, TITLE POLICY

STATE OF ILLINOIS  
COUNTY OF COOK

WE, M M SURVEYING CO., INC., DO HEREBY



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Study D characteristics: ITC

Video D: Archaeology 12

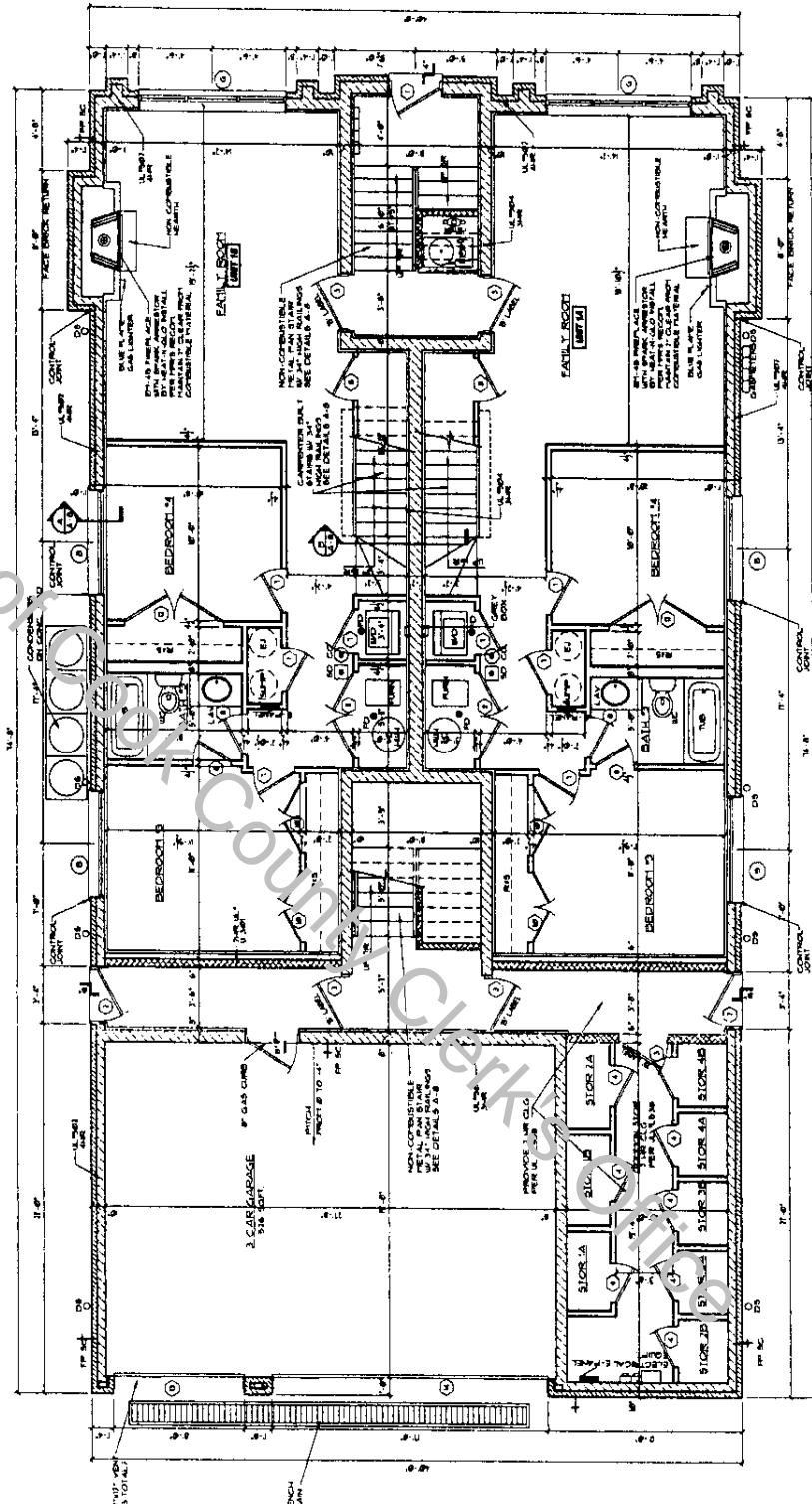
**APARTMENT BUILDING**  
**244 W. DIVERSITY AVE.**  
**CHICAGO ILLINOIS 60647-1909**

— 1 —

SHEET TITLE  
BASEMENT FLOOR PLAN

1

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



## **1 BASEMENT/GARAGE FLOOR PLAN**

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APAR  
2444  
CHICA

1

27 NUMBER

MEET THE

FIRST

Elook

三

2

SHEET NO.

42

15

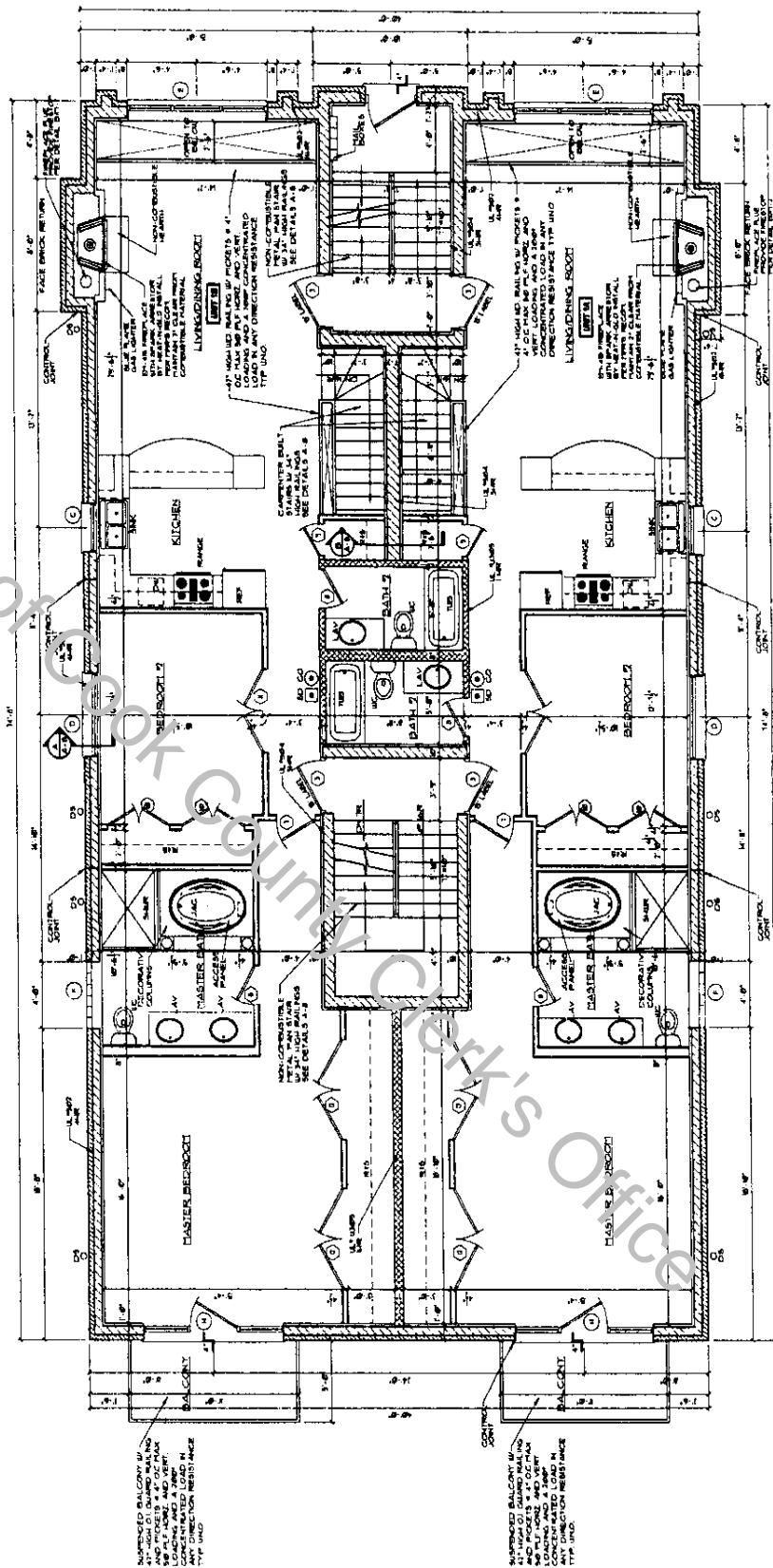
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11

1

וְאַתָּה תִּשְׁעַרְתָּ לְפָנֵינוּ

### COL. DESCRIPTION



1 | FIRST FLOOR PLAN

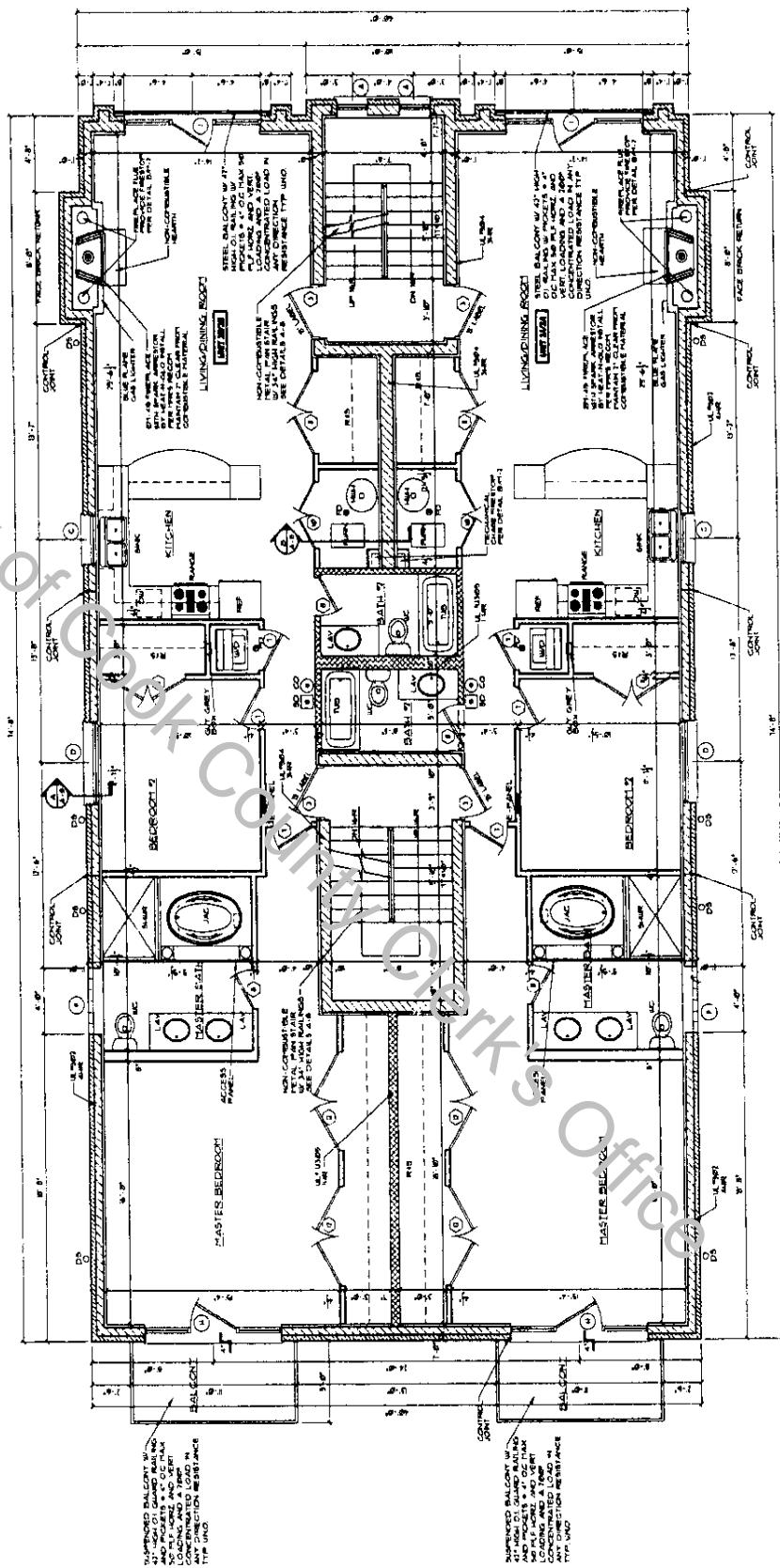
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© UNIT MASONRY  
APARTMENT BUILDING  
2444 WOODLESS AVE  
CHICAGO, IL 60647

PROJECT NUMBER:  
SHEET TITLE  
**SECOND**  
**AND THIRD**

A-3

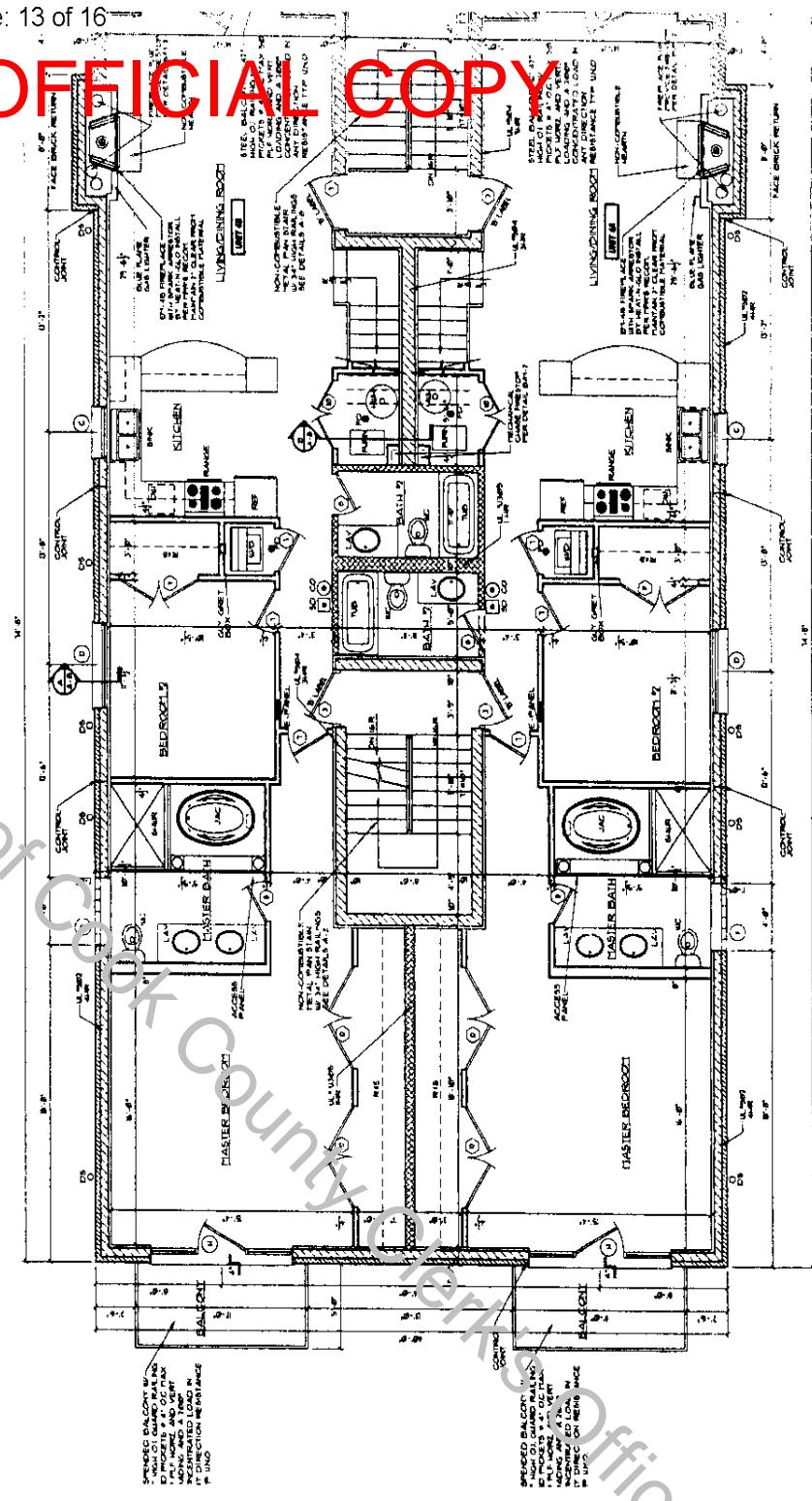
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1 SECOND AND THIRD FLOOR PLANS



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1 FOURTH FLOOR PLAN



# FOURTH FLOR PLAN

SCALE: 1/4" = 1'-0"  
RE: STRUCTURAL DRAWINGS FOR CONTROL JOINT DIMENSIONS  
AND WALL REINFORCEMENT

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**COPY**  
6 UNIT MASONRY  
PARTIMENT BUILDING  
14A W DIVES ST AVE.  
DCA 501-446-42-7999

CH  
24  
A

PROJECT NUMBER: \_\_\_\_\_  
SHEET TITLE: EXTERIOR ELEVATIONS

SHEET NO.  
**A-6**  
SCALE:  
AS NOTED

This architectural floor plan illustrates a multi-story building's layout and construction details. The plan includes various rooms, windows, and structural elements. Key features include:

- Rooms:** Living Room, Dining Room, Kitchen, Laundry, Bath, Bed, and several smaller rooms.
- Windows:** Numerous windows of varying sizes and types, some with decorative frames.
- Structural Elements:** Foundation walls, columns, and beams.
- Construction Details:** Foundation wall thicknesses (e.g., 16", 18", 24", 30"), brick types (e.g., Face Brick, Facing Stone), and stone types (e.g., High Renaissance Stone, Italian Renaissance Stone).
- Labels:** Includes labels for "OPEN", "CLOSING", "CEILINGS", "FLOOR", "ROOFING", "FOUNDATION WALL", and specific room names like "BED".
- Dimensions:** Vertical dimensions such as "EL. 15'-4\"", "EL. 14'-0\"", "EL. 13'-4\"", "EL. 12'-4\"", "EL. 11'-4\"", "EL. 10'-4\"", "EL. 9'-4\"", "EL. 8'-4\"", "EL. 7'-4\"", "EL. 6'-4\"", "EL. 5'-4\"", "EL. 4'-4\"", and "EL. 3'-4\"".

The plan also shows a large area labeled "OPEN" in the center, likely indicating an entrance or open space. A large arrow points from the "OPEN" area towards the right side of the plan, near the "ROOFING" and "FOUNDATION WALL" labels.

**FRONT ELEVATION**

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**SUMMARY**  
SEARCHES  
DURING 1944

CONSTRUCTION  
ENGINEER

**COPY**  
8 UNIT MASONRY  
APARTMENT BUILDING  
2441 W. DIVISION AVE.  
CHICAGO 11-60617-1469

PROJECT NUMBER:  
EXTERIOR  
ELEVATIONS

A-7

