

UNOFFICIAL COPY

This Instrument was prepared by
And when recorded mail to:



Rebecca Shanaman
McCarthy Duffy LLP
180 N. LaSalle, Suite 1400
Chicago, Illinois 60601

Doc#: 0823531097 Fee: \$48.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 08/22/2008 03:02 PM Pg: 1 of 7

ATS 56924 3/4

DECLARATION AND GRANT OF EASEMENT

30 THIS DECLARATION AND GRANT OF EASEMENT ("Agreement") is made this day of July 2008, by and between Lee Barker and Kristina Barker (collectively referred to herein as "Barker"), John H. Cochrane and Elizabeth A. Fama (collectively referred to herein as "Cochrane").

RECITALS

A. Barker holds title in fee simple to certain real property ("Barker Lot") and Cochrane holds title in fee simple to certain real property ("Cochrane Lot") both in the City of Chicago, Cook County, Illinois, and all as are more fully described on Exhibit A and Exhibit B attached hereto and made a part hereof.

B. Barker Lot is adjacent to the North, South and East borders of the Cochrane Lot.

C. Barker is agreeable to granting Cochrane a perpetual, non-exclusive pedestrian easement upon the terms and conditions hereinafter set forth.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals, which by this reference are incorporated herein, the mutual covenants herein contained, and other consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Barker, as owner of Barker Lot, hereby grants and conveys to Cochrane and his successors in interest, a perpetual, non-exclusive pedestrian easement of ingress and egress of persons only in, over, upon and across that portion of the Barker Lot which runs from the southeastern corner of the garage located on the Barker Lot (the "Garage") to the alley located immediately to the west of the Barker Lot and which extends three (3) feet from the southern wall of the Garage ("Cochrane Easement").

2. Except as specifically provided herein, Barker, and his successors in interest, as owner of Barker Lot, shall, at all times, for purposes of pedestrian ingress and egress, keep the property subject to the Cochrane Easement open and available for the non-exclusive use of Cochrane and his successors in interest, and his servants, tenants, visitors or invitees.

3. Barker, and his successors in interest shall have the sole responsibility for and pay fully the expense of maintaining, repairing and improving the Cochrane Easement.

UNOFFICIAL COPY

4. Barker, and his successors in interest, shall have the sole responsibility for any and all necessary snow removal on the property subject to the Cochrane Easement.

5. Notwithstanding anything set forth to the contrary above, Barker and his successors and assigns shall be permitted to store garbage, as reasonably contained in receptacles, on the Cochrane Easement.

6. Notwithstanding anything to the contrary stated herein, the benefits and burdens herein, shall automatically terminate in the event that the Garage is destroyed by fire or other casualty and all owners of the Garage do not rebuild the structure.

7. The Cochrane Easement is appurtenant to and for the benefit of the Cochrane Lot and all provisions of the instrument, including the benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns and successors of Barker and Cochrane.

8. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

9. If any of the parties bring suit to enforce their rights under this Agreement, the prevailing party will be entitled to reimbursement for all costs involved therewith, including attorney's fees.

9. This Agreement may be executed in counterpart, each of which shall be deemed an original hereof or thereof.

[SIGNATURE PAGE TO FOLLOW]

Property of Cook County Clerk's Office

UNOFFICIAL COPY

IN WITNES WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

L Barker

Lee Barker

Kristina Barker by *Tue Barker*
her *attorney*
in fact

Kristina Barker

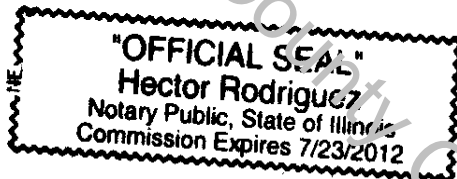
John H. Cochrane

John H. Cochrane

Elizabeth A. Fama

Elizabeth A. Fama

[Signature]
Notary



Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT A

Barker Lot

Property of Cook County Clerk's Office



UNOFFICIAL COPY

THE SOUTH 3 FEET OF LOT 9 AND THE NORTH 44 FEET OF LOT 10 IN BLOCK 59 IN HOPKIN'S TO HYDE PARK, A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL TAKEN AS A TRACT, BUT EXCLUDING THE PORTION THEREOF BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT; THENCE EAST ALONG THE NORTH LINE OF SAID TRACT A DISTANCE OF 21.63 FEET; THENCE PERPENDICULAR TO THE NORTH LINE 20.77 FEET TO THE POINT OF BEGINNING; OF THE FOLLOWING DESCRIBED PARCEL: THENCE SOUTH TO POINT THAT IS 4.75 FEET NORTH OF THE SOUTH LINE, AND 21.63 FEET EAST OF THE WEST LINE A DISTANCE OF 21.58 FEET; THENCE WEST TO A POINT THAT IS 4.68 FEET NORTH OF THE SOUTH LINE, AND 0.51 FEET EAST OF THE WEST LINE, A DISTANCE OF 21.12 FEET; THENCE NORTH TO A POINT THAT IS 26.26 FEET NORTH OF THE SOUTH LINE, AND 0.51 FEET EAST OF THE WEST LINE, A DISTANCE OF 21.58 FEET; THENCE EAST ALONG THE CENTERLINE OF A PARTY WALL 21.12 FEET TO THE HEREON DESCRIBED POINT OF BEGINNING IN COOK COUNTY, ILLINOIS

Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT B

Cochrane Lot

Property of Cook County Clerk's Office



UNOFFICIAL COPY

A PORTION OF THE SOUTH 3 FEET OF LOT 9 AND THE NORTH 44 FEET OF LOT 10 IN BLOCK 59 IN HOPKIN'S TO HYDE PARK, A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL TAKEN AS A TRACT AND WHICH IS BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT; THENCE EAST ALONG THE NORTH LINE OF SAID TRACT A DISTANCE OF 21.63 FEET; THENCE PERPENDICULAR TO THE NORTH LINE 20.77 FEET TO THE POINT OF BEGINNING; OF THE FOLLOWING DESCRIBED PARCEL: THENCE SOUTH TO POINT THAT IS 4.75 FEET NORTH OF THE SOUTH LINE, AND 21.63 FEET EAST OF THE WEST LINE A DISTANCE OF 21.58 FEET; THENCE WEST TO A POINT THAT IS 4.68 FEET NORTH OF THE SOUTH LINE, AND 0.51 FEET EAST OF THE WEST LINE, A DISTANCE OF 21.12 FEET; THENCE NORTH TO A POINT THAT IS 26.26 FEET NORTH OF THE SOUTH LINE, AND 0.51 FEET EAST OF THE WEST LINE, A DISTANCE OF 21.58 FEET; THENCE EAST ALONG THE CENTERLINE OF A PARTY WALL 21.12 FEET TO THE HEREON DESCRIBED POINT OF BEGINNING IN COOK COUNTY, ILLINOIS

Property of Cook County Clerk's Office