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DECLARATION OF
PARTY WALL RIGHTS,
COVENANTS, CONDITIONS,
RESTRICTIONS AND
EASEMENTS



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Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
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THIS Declaration of Party Wall Rights, Covenants, Conditions, Restrictions and Easements ("Declaration") is made and entered into on the date hereinafter set forth by 1841-45 N. Orchard, LLC, an Illinois limited liability company (hereinafter referred to as "Declarant").

WITNESETH:

WHEREAS, Declarant is the owner and legal title holder of the property located at and commonly known as 1841 N. Orchard, County of Cook, State of Illinois which real estate is legally described in Exhibit "A", attached hereto and by this reference incorporated herein (the "1841"); and

WHEREAS, Declarant is the owner and legal title holder of the property located at and commonly known as 1845 N. Orchard, County of Cook, State of Illinois which real estate is legally described in Exhibit "B", attached hereto and by this reference incorporated herein (the "1845"); and

WHEREAS, the Declarant has constructed on each of the above referenced real estate, single family residences which abut each other; and

WHEREAS, the Declarant has deemed it desirable for the efficient preservation of the values and amenities of the proposed development to establish this Party Wall Agreement; and

NOW, THEREFORE, the Declarant hereby declares that only the real estate described in Exhibits "A" and "B" (collectively referred to as "Properties") and such additions thereto as may hereafter be made is and shall be transferred, held, conveyed and accepted subject to this Declaration of Party Wall Rights. The Declarant does hereby further declare that the burdens, uses, privileges, charges and liens shall: (1) exist at all times amongst all parties having or acquiring right, title or interest in any portions of the real estate; (2) be binding upon and inure to the benefit of each Owner (a hereinafter defined); and (3) run with the land subjected to this Declaration, to be held, sold and conveyed subject thereto.

ARTICLE 1

FIRST

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1/2

FREEDOM TITLE CORP.

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DEFINITIONS

Sections 1.1: "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to either 1841 or 1845, as hereinafter defined, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Sections 1.2: "Declarant" shall mean 1841-45 N. Orchard, LLC, an Illinois limited liability company, its successors and or assigns.

ARTICLE II

PARTY WALLS

Section 2.1: All divided wall and structures which straddle the boundary line between, and all walls and structures which serve both 1841 and 1845, shall at all times be considered party wall, and each of the Owners upon which any such party wall shall stand shall have the right to use said party wall below and above the surface of the ground and along the whole length or any part of the length thereof for the support of the Properties and for the support of any building constructed to replace the same, and shall have the right to maintain in or on said wall any pipes, ducts or conduits originally located therein or thereon subject to the restrictions hereinafter concerned.

Section 2.2: Each Owner shall have the right to attach to the party wall a lattice structure as part of the roof top deck on top of the garage.

Section 2.3: No Owner, nor any successor in interest to any such Owner shall have the right to extend said party wall in any manner, either in length, height or thickness.

Section 2.4: In the event of damage to or destruction by fire or other casualty of any party wall, including the foundation thereof, the owner of either 1841 or 1845 upon which such party wall may rest shall have the obligation to repair or rebuild such wall and the Owner upon which such wall shall rest, be served or benefitted by shall pay his aliquot portion of the cost of such repair or rebuilding. All such repair or rebuilding shall be done within a reasonable time, in a workmanlike manner with materials comparable to those used in the original wall and shall conform in all respects to the laws and ordinances regulating the construction of building in force at the time of such repair or reconstruction. Whenever any such wall or any portion thereof shall be rebuilt, it shall be erected in the same location and on the same line and be of the same size as the original wall.

Section 2.5: The foregoing provision of this Article notwithstanding, the Owner of any of the Properties, or other interested party, shall retain the right to receive a larger contribution from another or others under any rule or law regarding liability for negligence or willful acts or omissions. The right of any Owner under this Article shall be appurtenant to the land and shall pass to such Owners or other persons successors in title.

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Section 2.6: The title of each owner to the portion of each party wall within either 1841 or 1845 is subject to a cross easement in favor of the adjoining owner for joint use of said wall.

ARTICLE III

RESTRICTIONS RELATING TO PROPERTY

Section 3.1: Each of the Properties conveyed shall be designated by a separate legal description and shall constitute a freehold estate subject to the terms, conditions and provisions hereof.

Section 3.2: Each of the Properties is declared to be subject to an easement in favor of any adjoining Properties to the extent necessary to permit the maintenance, supply, repair, and servicing of utility services to the Properties located thereon.

Section 3.3: The Owner of each of the Properties shall from time to time grant such additional easements and rights over, across, on, under and upon his Lot as may be reasonably necessary in connection with the supply of any utility for sanitary and storm sewers, water, gas, electricity, telephone, cable and any other necessary utilities to any part of the Properties.

ARTICLE IV

MISCELLANEOUS

Section 4.1: Any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, easements, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration. Any Owner found to be in violation by a court of competent jurisdiction of any of the foregoing shall also be liable for reasonable attorney's fees incurred in prosecuting any such action. The amount of such attorney's fees together with court costs, if unpaid, shall constitute an additional lien against the defaulting Owner's lot, enforceable as other liens herein established. Failure by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 4.2: Invalidation of any one of these covenants or restrictions by judgement or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 4.3: All of the easements, rights, covenants, agreements, reservations, restrictions and conditions herein contained shall run with the land and shall inure to the benefit of and be binding upon Declarant and each subsequent holder of any interest in any portion of the Properties and their grantees, heirs, successors, personal representatives and assigns with the same full force and effect for all purposes as though set forth at length in each and every conveyance of the Properties or any part thereof. Reference in the respective deeds of

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EXHIBIT A

LEGAL DESCRIPTION
1841 N. Orchard, CHICAGO, IL.

THE WEST ½ OF LOT 7 (EXCEPT THE NORTH 3.43 FEET AND EXCEPT PART FOR ALLEY)
IN ASSESSOR'S SUBDIVISION OF LOT 13 IN BLOCK 2 IN SHEFFIELD'S ADDITION TO
CHICAGO IN SECTIONS 29, 31, 32, AND 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE
THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 14-33-502-163-0000

ADDRESS OF PROPERTY: 1841 N. Orchard, Chicago, Il 60614

Property of Cook County Clerk's Office

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EXHIBIT B

LEGAL DESCRIPTION 1845 N. Orchard, CHICAGO, IL.

LOT 5 IN ANA M. HELM'S RESUBDIVISION OF THE SOUTH ½ OF THE SOUTH ½ OF THE WEST ½ OF LOT 12 AND THE NORTH ½ OF THE WEST ½ OF LOT 13 IN BLOCK 2 IN SHEFFIELD'S ADDITION TO CHICAGO TOGETHER WITH THE WEST HALF OF LOT 7 (EXCEPT THE SOUTH 29.59 FEET THEREOF AND EXCEPT PART FOR ALLEY) IN ASSESSOR'S SUBDIVISION OF LOT 13 IN BLOCK 2 IN SHEFFIELDS ADDITION TO CHICAGO IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 14-33-302-139-0000; 14-33-302-163-0000

ADDRESS OF PROPERTY: 1845 N. Orchard, Chicago, Il 60614

Property of Cook County Clerk's Office