

UNOFFICIAL COPY



(Building 10)

This Document prepared by and
upon recording to be returned to:

Doc#: 1025131097 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 09/08/2010 04:14 PM Pg: 1 of 5

Steven D. Friedland
Applegate & Thorne-Thomsen
322 S. Green Street
Suite 400
Chicago, Illinois 60607

The above space for Recorder's use only

DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS ("**Declaration**") is made as of September 1, 2010, by Ogden North, LLC, an Illinois limited liability company ("**Developer**").

RECITALS

- A. Developer is the owner and developer of a 6-unit residential building at 1302-1306 S. Washtenaw, Chicago, Illinois (the "**Building**"), which Building is located on property is legally described on Exhibit A attached hereto (the "**Property**").
- B. The Building is being developed with ground floor accessible units (the "**Ground Floor Accessible Units**") for parties with disabilities and therefore the square footage of the Ground Floor Accessible Units is exempt from inclusion in the floor area ratio calculations for the Building pursuant to Section 17-2-0304-D of the Chicago Zoning Ordinance (the "**Exemption**").

NOW, THEREFORE, in consideration of the foregoing, Developer hereby covenants and agrees as follows:

1. **Definitions and Recitals.** The foregoing recitals are material to this Declaration and are hereby incorporated into and made a part of this Declaration as though they were fully set forth in this Section 1.
2. **Covenant Regarding Accessible Units.** Provided the Building is benefiting from the Exemption, Developer covenants and agrees that commencing with the completion of construction of the Building and for so long as the Building shall exist and be occupied for residential purposes, the Ground Floor Accessible Units shall qualify as Type A dwelling units in accordance with Chapter 18-11 of the Chicago Municipal Code (as such provisions exist of the date hereof).

UNOFFICIAL COPY

3. **Benefit.** The benefits of the covenants and agreements contained in this Declaration are intended to run to the City of Chicago (the “**City**”) in consideration of the City’s issuance of permits to construct the Building utilizing the Exemption. The City shall have the right to enforce the covenants and agreements contained herein.
4. **Miscellaneous.**
- (a) This Declaration shall be governed by the laws of the State of Illinois.
 - (b) If any provision of this Declaration, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Declaration or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
 - (c) Developer represents that it has the lawful authority and has taken all requisite limited liability company action to execute and deliver this Declaration, and this Declaration is binding and enforceable against Developer in accordance with its terms.
 - (d) The Section headings in this Declaration are for convenience of reference only and shall not define, limit or prescribe the scope or intent of any term of this Declaration.

[signatures on the following pages]

UNOFFICIAL COPY

IN WITNESS WHEREOF this Declaration has been duly authorized, approved and executed by Developer as of the date and year first above set forth.

DEVELOPER:

OGDEN NORTH, LLC,
an Illinois limited liability company

By: Ogden North Manager, LLC,
an Illinois limited liability company,
its manager

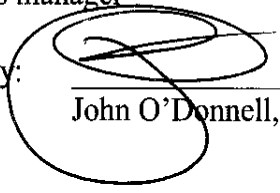
By: Brinshore Holding, LLC,
an Illinois limited liability company,
its manager

By: Brinshore Development, L.L.C.,
an Illinois limited liability company,
its sole member

By: RJS Real Estate Services, Inc.,
an Illinois corporation, a member

By: 
Richard Sciorina, President

By: Michaels Chicago Holding Company, LLC,
an Illinois limited liability company,
its manager

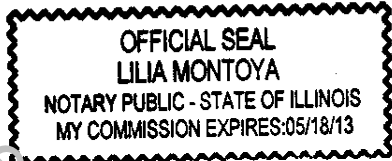
By: 
John O'Donnell, Vice President

UNOFFICIAL COPY

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

The foregoing instrument was acknowledged before me by Richard Sciortino, President of RJS Real Estate Services, Inc., a member of Brinshore Development, L.L.C., the sole member of Brinshore Holding, LLC, the co-manager of Ogden North Manager, LLC, the sole member of Ogden North, LLC (the "Company"), on behalf of the Company.

Subscribed and sworn to before me this September 7, 2010



Lilia Montoya
Notary Public

STATE OF NJ)
) SS
COUNTY OF Burlington)

The foregoing instrument was acknowledged before me by John O'Donnell, Vice President of Michaels Chicago Holding Company, LLC, the co-manager of Ogden North Manager, LLC, the sole member of Ogden North, LLC, on behalf of the company

Subscribed and sworn to before me this 1st day of Sept, 2010

Catherine A. Freas
Notary Public

CATHERINE A. FREAS
NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES 6/30/2015

Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT 1

Legal Description of the Property

THAT PART OF LOT 5, IN REIES' SUBDIVISION OF LOTS 20 AND 21 IN BLOCK 2 IN COOK AND ANDERSON'S SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 30, 1869 (ANTIFIRE), AND LOT 1 IN THE SUBDIVISION OF LOT 24 IN BLOCK 2 IN SAID COOK AND ANDERSON'S SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1884 AS DOCUMENT NUMBER 578791, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 5, THAT IS 106.38 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 1 IN SAID REIES' SUBDIVISION; THENCE SOUTH 0 DEGREES 0 MINUTES 50 SECONDS WEST ALONG THE EAST LINE OF SAID LOTS 5 AND 1, A DISTANCE OF 50.75 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89 DEGREES 39 MINUTES 09 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 124.91 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 0 DEGREES 01 MINUTES 10 SECONDS EAST ALONG THE WEST LINE OF SAID LOTS 1, A DISTANCE OF 50.02 FEET TO A POINT ON THE WEST LINE OF SAID LOT 5, THAT IS 107.04 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 59 MINUTES 14 SECONDS EAST 124.90 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Common Street Address: 1302-1306 S. Washtenaw, Chicago, Illinois
PIN: 16-24-207-054 and 16-24-207-053 (portion)