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Doc#: 1027831093 Fee: \$58.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 10/05/2010 03:55 PM Pg: 1 of 12

THIS INSTRUMENT PREPARED  
BY AND AFTER RECORDING  
RETURN TO:

c/o Ken Motew  
Mo2 Properties  
Suite 300  
1032 W. Fulton Market  
Chicago Illinois 60607

**AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANT**

THIS AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANT ("Amended Declaration") is made this 4th day of October, 2010, by *Ken Goldman managing member of 1657 N. Campbell LLC* (the "Declarant").

RECITALS:

WHEREAS, Declarant is the Owner of a certain parcel of real estate in Chicago, Cook County, Illinois, commonly known as 1657 North Campbell, Chicago, IL and legally described on Exhibit "A", attached hereto and made a part hereof (the "Premises"); and

WHEREAS, the Premises has a dimension of 25' in width and 125' in depth for a total area of 3125 square feet of lot area; and

WHEREAS, Declarant intends that the Premises be redeveloped into a new three story residential building containing (6) dwelling units and on-site parking for three(3) cars and

WHEREAS, a Declaration of Restrictive Covenant was recorded against the Premises on December 8, 2008 as Document No. 0834234089 (the "Original Declaration") which Original Declaration was signed by the previous owner of the Premises, based upon plans reviewed and approved by the West Bucktown Neighborhood Association Zoning, Development and Planning Committee (the "Committee"); and

WHEREAS, in connection with the Original Declaration, zoning of the Premises was changed from B3-1 Community Shopping District to B2-3 Neighborhood Mixed-Use District, subject to the Original Declaration restrictions and covenants; and

WHEREAS, Declarant, as new owner of the Premises, has devised revised plans for the Premises prepared by Space Architects and Planners that have been submitted and approved by the Committee whose approval was memorialized in a letter dated September 9, 2010 from the Committee to Declarant (the "Revised Plans"), which are attached hereto as Exhibit "B" and made a part hereof, subject to an amended restrictive covenant being recorded against the Premises to limit the use to a renovated three-story residential building, containing six (6) dwelling units and on-site parking for three (3) cars; and

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WHEREAS, Declarant, in consideration of the Committee's consent to the Revised Plans, shall encumber the Premises with a restrictive covenant setting forth the aforesaid 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 purposes 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 Original Declaration restrictions and covenants are hereby no longer in effect except as repeated herein.
4. The Premises, or any portion thereof, shall be used solely for the renovated three-story residential building, containing six (6) dwelling units and on-site parking for three (3) cars.
5. The building on the Premise is 3,125 square feet and currently improved with a three-story building.
6. The proposed renovation shall consist of the existing three-story building which will contain six (6) dwelling units and on-site parking for three (3) cars. Building height shall be no more than 35.4 feet. Building height is measured pursuant to Section 17-17-0311 of the Chicago Zoning Ordinance (2004) 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".
7. The proposed renovation shall not consist of any split face or cinder block exterior elements, it shall be all brick.
8. The proposed renovation shall not contain front patio pit or walk-out front basement.
9. The proposed renovation shall not include expansion of the existing rooftop deck.
10. The Premises shall be professional serviced and maintained to remain rodent free throughout all phases of the renovation.

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11. The final product shall be in substantial compliance with the Revised Plans attached hereto as Exhibit "B".
12. 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.
13. 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 of Chicago for the Premises shall constitute the City's approval of the submitted plans and specifications.
14. Breach of any of the covenants or violation of any of the 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.
15. Enforcement of the provisions of this Declaration shall be by any proceedings 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 of Chicago, or the Office of the Alderman, to enforce promptly 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 successors or assigns, the City of Chicago, or the Office of the Alderman, to so enforce any covenant, restriction or other provision of this Declaration.
16. In the event of any litigation arising out of or in connection to this Declaration, the prevailing party shall be entitled to payment of court costs and reasonable attorneys' fees by the losing party.
17. Invalidation of any covenant, restriction or other provision of the Declaration by judgment or court order shall in no way effect any of the other provisions of the Declaration and such other provisions shall remain in full force and effect.
18. Upon completion of the proposed project, as detailed in the Revised Architectural Plans, drafted by Jay Keller of Space Architects + Planners LLC, Architect, and attached hereto as Exhibit "B", and 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 portions of the Premises and all persons claiming under them until the earlier

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of (i) fifty (50) years from the date hereof; (ii) the zoning classification of the Premises changed from B2-3 Neighborhood Mixed-Use District or (iii) an instrument signed by a majority of the then owners of the Premises and the Office of the Alderman which has jurisdiction over the Premises modifying amending or terminating the covenants, conditions and restrictions contained herein.

19. This Declaration is executed by Ken Feldman

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

Declarant:

1657 N. Campbell, LLC

By: [Signature]  
It's Manager

STATE OF ILLINOIS )  
  )  
COUNTY OF COOK     )

I, Shannon, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Ken Feldman personally know to me to be the same person whose names are subscribed to the foregoing AMENDED AND RESTATED 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 4 day of October, 2010

[Signature]  
Official Seal  
Shannon Marie Saliba  
Notary Public State of Illinois  
My Commission Expires 05/22/2013

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EXHIBIT A

LEGAL DESCRIPTION:

LOT 47 IN G.W. AND T.J. HIGGINS SUBDIVISION OF THE WEST HALF OF BLOCK 8 IN THE SUBDIVISION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

KNOWN AS 1657 N. CAMPBELL AVENUE CHICAGO, ILLINOIS

PERMANENT INDEX NUMBER 13-36-431-001-0000

AREA= 3125 SQ. FT. OR 0.071 ACRE

Property of Cook County Clerk's Office

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Exhibit B



**West Bucktown Neighborhood Association**  
**Zoning, Development and Planning Committee**

**VIA ELECTRONIC MAIL**

September 9, 2010

Kenneth E. Motew  
 Mo2Properties  
 1032 W. Fulton Market Ste. 300  
 Chicago, IL 60607  
[www.mo2properties.com](http://www.mo2properties.com)

**Re: 1657 N Campbell – Final Recommendation Supporting New Proposal**

Dear Kenneth, Michael and Jay:

Thank you for providing the West Bucktown Neighborhood Association's Zoning, Development, and Planning Committee ("the Committee") revised plans ("new Proposal") for the property located at 1657 N. Campbell.

This building had previously received a zoning change from B3-1 to B2-3 back in 2006, which was granted under a Restrictive Covenant that tied it to specific plans reviewed and approved by the Committee. Since the ownership of the property has switched to a new developer who is not interested in the original plans, the Committee has been asked to consider a new Proposal for this building under the same zoning B2-3.

Over the last couple months, the Committee has worked diligently with the new developer to enhance the new Proposal to the appropriate standards for construction expected in the neighborhood. After several revisions, the Committee is now prepared to give its full support of new Proposal attached to this letter.

This Proposal should be recorded as part of the existing Restrictive Covenant for the property as provided by the Alderman's Office.

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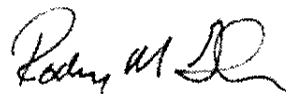
EMTB

Keneth Motew  
September 9, 2010  
Page 2

Additionally, the Committee expects that the completed building will be consistent with the new Proposal supported by the Committee, including but not limited to building materials, dimensions, etc. Should you, for any reason, need to depart from these plans in any significant way, the Committee expects that they and the Alderman's office will be notified prior to any work related to that departure being done.

We look forward to seeing this building add to the redevelopment in the area. If you have any questions, please let us know.

Very truly yours,



Rodney Gansho, Chairman  
WBNA Zoning, Planning and  
Development Committee

#### Attachments

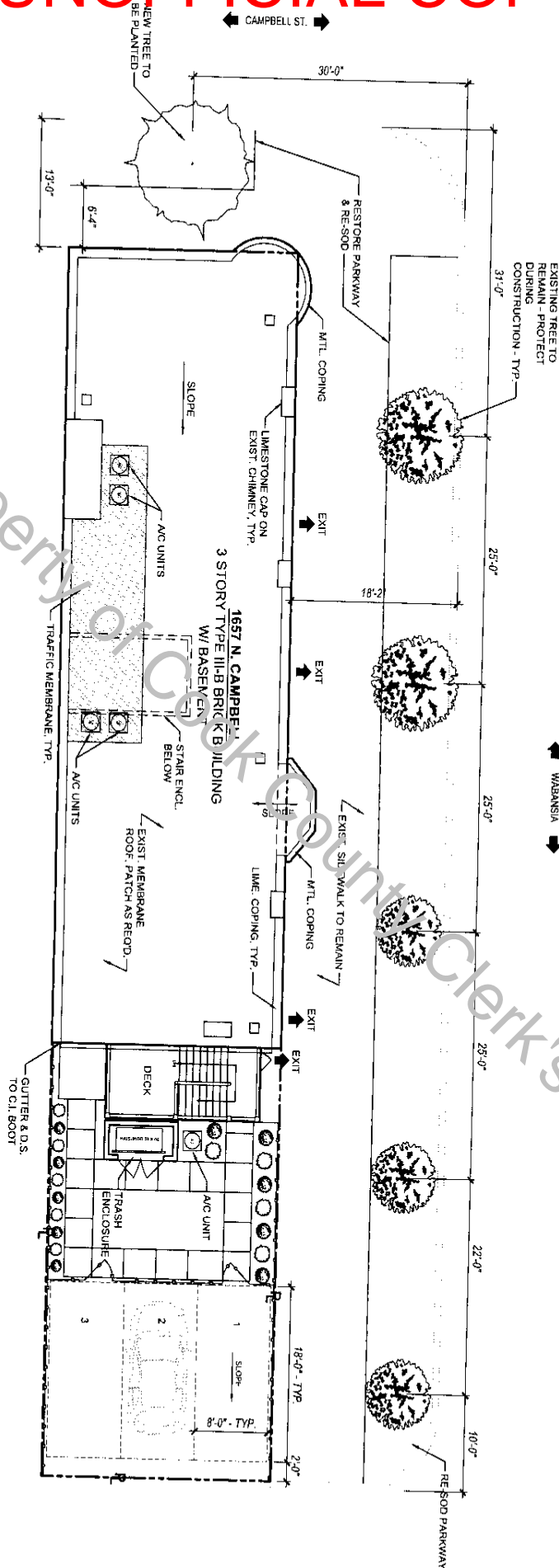
cc: Raymond Valadez - via email [rvaladez@cityofchicago.org](mailto:rvaladez@cityofchicago.org)  
Brad Fiorito, WBNA President - via e-mail [bradfiorito@gmail.com](mailto:bradfiorito@gmail.com)

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Exhibit B

↑ SOUTH ELEVATION  
SCALE: 1" = 10'-0"



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110

110

WABANSIA LOFTS  
1657 N. CAMPBELL CHICAGO, ILLINOIS 60647

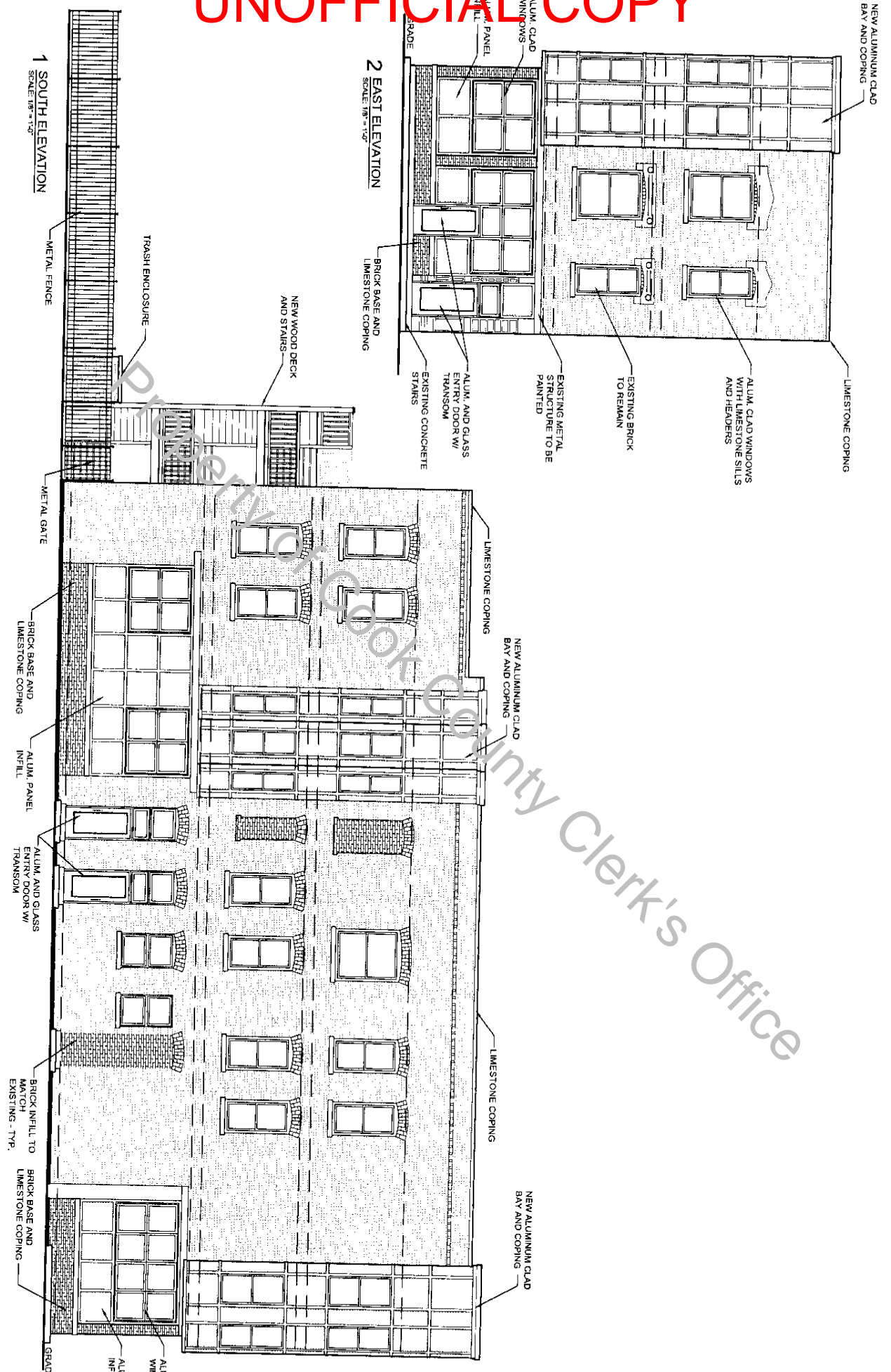
SPACE  
ARCHITECTS - PLANNERS





*EWB/HB*

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

2 EAST ELEVATION  
SCALE: 1/8" = 1'-0"

5/20

WABANSIA LOFTS  
1657 N. CAMPBELL CHICAGO, ILLINOIS 60647

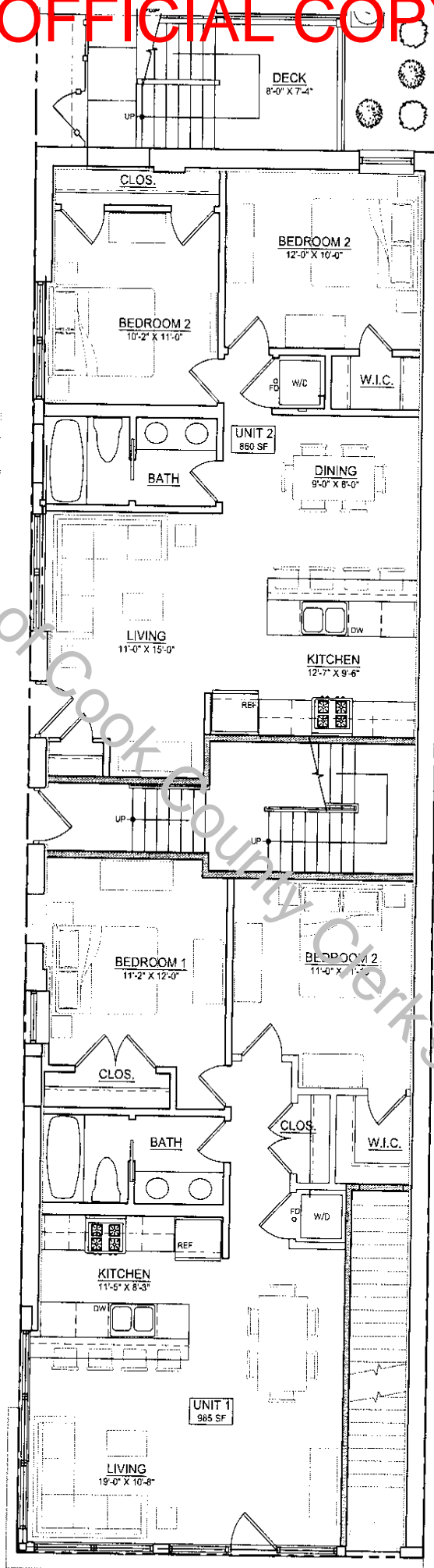
SPACE  
ARCHITECTS + PLANNERS



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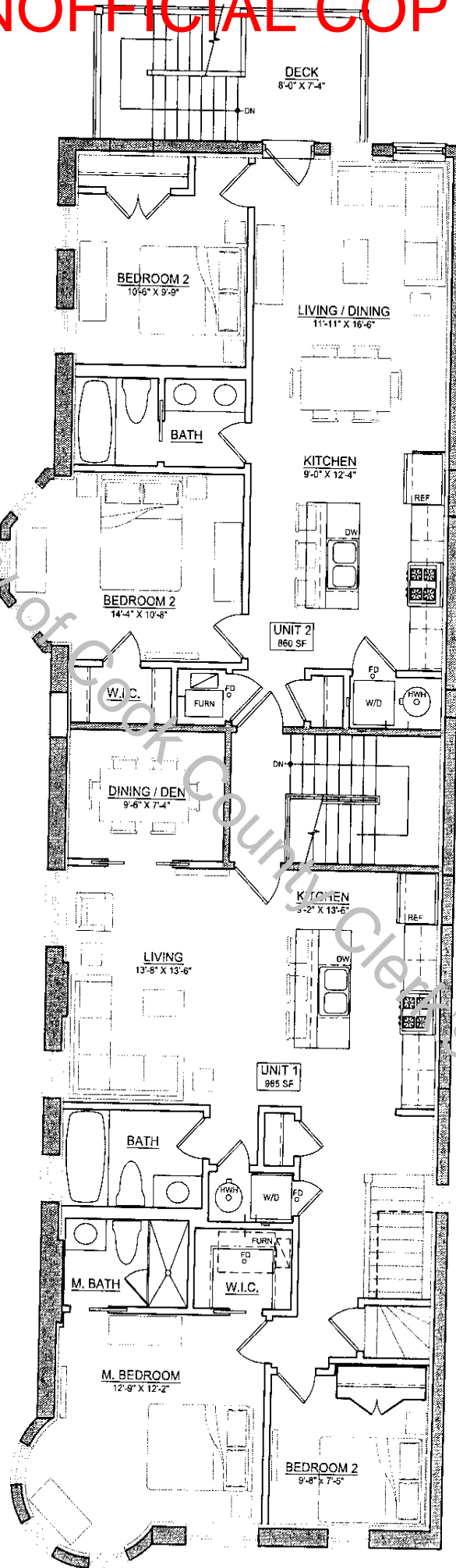
SPACE ARCHITECTS & ENGINEERS  
 1657 N. CAMPBELL CHICAGO, ILLINOIS 60647  
 WABANSIA LOFTS

1 FIRST FLOOR PLAN  
3/16" = 1'-0"

1.1

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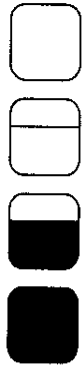
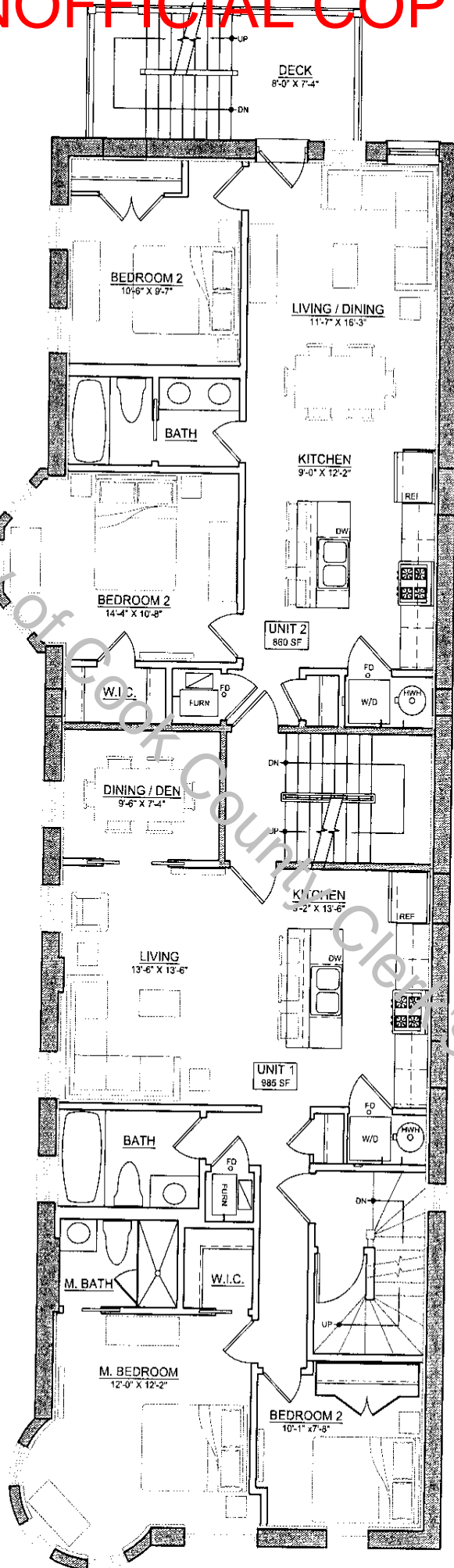
WABANSIA LOFTS  
 1657 N. CAMPBELL CHICAGO, ILLINOIS 60647  
 ARCHITECT: SPACES ARCHITECTS  
 1657 N. CAMPBELL CHICAGO, ILLINOIS 60647

1 THIRD FLOOR PLANS  
3/16" = 1'-0"

1.3

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**SPACE**  
 ARCHITECTS - PLANNERS  
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§1.2

**1 SECOND FLOOR PLANS**  
 3/16" = 1'-0"