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1215834072

Doc#: 1215834072 Fee: \$48.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/06/2012 01:24 PM Pg: 1 of 6

THIS DOCUMENT PREPARED
BY AND AFTER RECORDING
RETURN TO:

Holland & Knight LLP
131 South Dearborn, 30th Floor
Chicago, IL 60603
Attn.: C. Grant McCorkhill
312-263-3600

Property of Cook County Clerk's Office

DECLARATION OF EASEMENT

THIS DECLARATION OF EASEMENT ("Declaration") is made this 21st day of May, 2012, by **Burbank 79th, LLC**, an Illinois Limited Liability Company ("**Owner**"), the record title owner of a certain parcel of real estate located in the City of Burbank, Cook County, Illinois, commonly known as **5555 W. 79th Street, Burbank, IL** and legally described in **Exhibit A and Exhibit B** attached to and, by this reference, made a part of this Declaration ("**Property**").

NOW, THEREFORE, the Owner voluntarily declares that the interest of the Owner in the Property, all portions thereof, and all improvements constructed thereon, are and shall be held, transferred, sold, conveyed, used, and occupied subject to the following restrictions and provisions:

Section 1. Grant of Easement. A permanent and perpetual easement is hereby granted to **Commonwealth Edison Co., AT&T, RCN, Comcast** and other providers of public utilities, telecommunications, communications, cable, and public services (each a "**Grantee**"), and each of their respective successors and assigns, to survey, construct, reconstruct, use, operate, maintain, test, inspect, repair, replace, alter, remove, and abandon in place facilities and related appurtenances in, under, through, along and across the Property, in order to serve the Property and other real property (whether or not contiguous to the Property) with telephone, telecommunication, communication, cable, electric, sanitary sewer, storm sewer, drainage, gas, water, and municipal services. This grant of easement shall include the right of each Grantee to enter upon the Property for all such purposes, and the right without liability, to cut, trim, alter, or remove any vegetation, roots, structures, or devices within the Property as may be reasonably required incident to the rights herein given. Without prior written consent of the Grantees, no buildings, structures, or other obstructions shall be constructed, placed, or planted on the Property, nor shall any other use be made thereof which will

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interfere with the easements reserved and granted hereby. After installation of any such facilities and appurtenances, the grade of the Property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof. Any conflict among the Grantees in the exercise of the rights hereby granted shall be resolved by the City of Burbank in the exercise of its discretion.

Section 2. Covenants Running with the Land. The restrictions hereby imposed shall be restrictions running with the land and shall be binding upon the Owner, and its heirs, successors, assigns, agents, licensees, invitees and representatives, including, without limitation, all subsequent owners of any portion of the Property and all persons claiming under them.

Section 3. Recordation. This Declaration shall be recorded with the Recorder of Deeds of Cook County, Illinois, and all deeds of conveyance relating to the Property, or any part thereof, shall be subject to the provisions of this Declaration.

Section 4. Term. The restrictions hereby imposed shall be enforceable for a term of 100 years from the date this Declaration is recorded, after which time this Declaration shall be automatically extended for successive periods of ten years unless an instrument amending this Declaration shall be recorded and provide for some other duration. If any of the rights or restrictions imposed by this Declaration would otherwise be unlawful or void for violation of (a) the rule against perpetuities or some analogous statutory provision, (b) the rule restricting restraints on alienation, or (c) any other statutory or common law rules imposing time limits, then such provision shall continue only until 21 years after the death of the survivor of the now living lawful descendants of the current President of the United States as of the date of this Declaration.

[SIGNATURE PAGE FOLLOWS]

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IN WITNESS WHEREOF, the Owner has caused this Declaration to be executed by a duly authorized representative on the date first above written.

OWNER:

Burbank, 79th, LLC

By: 

Title: Manager

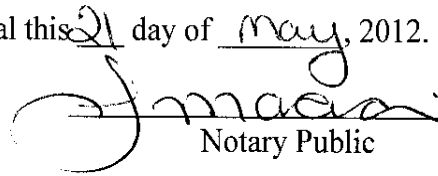
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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Luisa Macias a Notary Public, in and for the County and State
aforesaid, DO ~~BY~~ ^{HEREBY} CERTIFY that THOMAS WOODRUFF the Manager of
BANK 19, an Illinois limited liability Co., personally known to me to be
the same person whose name is subscribed to the foregoing instrument, appeared before
me this day in person and acknowledged to me that he, being thereunto duly authorized,
signed and delivered said instrument as the free and voluntary act of said
_____ and as his own free and voluntary act, for the uses and purposes set
forth therein.

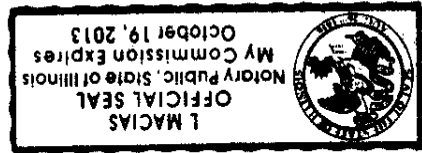
GIVEN under my hand and notarial seal this 21 day of May, 2012.



Notary Public

My Commission expires

Oct 19-2013



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EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

PUBLIC UTILITY EASEMENT NO. 3

A PUBLIC UTILITY EASEMENT OVER PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF LOT 2 IN GEORGE C. DUFFY'S SUBDIVISION OF PART OF SAID NORTHWEST QUARTER ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 30, 1973 AS DOCUMENT NUMBER 22529314, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2, BEING A POINT ON THE EAST LINE OF THE WEST 117.00 FEET OF THE EAST 307.46 FEET OF THE WEST 7.31 CHAINS OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREE 57 MINUTES 14 SECONDS EAST ALONG SAID EAST LINE, 83.00 FEET TO THE SOUTH LINE OF THE NORTH 266.50 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 17 MINUTES 24 SECONDS WEST ALONG SAID SOUTH LINE, 27.00 FEET; THENCE NORTH 01 DEGREE 57 MINUTES 14 SECONDS WEST, 10.00 FEET; THENCE NORTH 88 DEGREES 17 MINUTES 24 SECONDS EAST, 10.00 FEET; THENCE NORTH 01 DEGREE 57 MINUTES 14 SECONDS WEST, 82.93 FEET; THENCE NORTH 88 DEGREES 02 MINUTES 46 SECONDS EAST, 17.00 FEET TO THE EAST LINE OF AFORESAID LOT 2; THENCE SOUTH 01 DEGREE 57 MINUTES 14 SECONDS EAST ALONG SAID EAST LINE, 10.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Commonly known as: 5555 W. 79th Street, Burbank, Illinois

PINs: 19-33-100-001
19-33-100-002
19-33-100-003
19-33-100-004
19-33-100-025

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**OVERSIZE
EXHIBIT**

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DOCUMENT TO PLAT
COUNTER IMMEDIATELY
AFTER RECORDING FOR
SCANNING**