



Doc#: 1525418048 Fee: \$76.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 09/11/2015 11:18 AM Pg: 1 of 6

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made this September 9, 2015, by Peter J. Koch, (the "Declarant").

RECITALS:

WHEREAS, Declarant is the owner and legal titleholder of a certain parcel of real estate in Chicago, Cook County, Illinois commonly known as 1419 W. Roscoe, Chicago, Illinois, and legally described in the attached *Exhibit A* (the "Premises"); and

WHEREAS, the current zoning of the Premises is RT3.5 Residential Two Flat, Townhouse and Multi-Unit District; and

WHEREAS, Declarant desires to develop the Premises with a new three unit, three story building after the current structures were destroyed by in a fire; and

WHEREAS, in order to accommodate Declarant's intended development of a three unit, three story building, Declarant intends to seek a zoning map amendment to change the zoning of the Premises to an RT4 Residential Two Flat, Townhouse and Multi-Unit District; and

WHEREAS, Declarant has agreed to maintain the consistency and compatibility of the Premises with the surrounding neighborhood; and

WHEREAS, if the zoning map amendment, as set forth above, is approved by the City of Chicago, the Premises shall be subject to a restrictive covenant disallowing any construction not in substantial conformance with the proposed site plan, attached *Exhibit B*, on the premises, all as more specifically set forth below.

DECLARATIONS:

1. The above recitals are incorporated by reference.
2. The owner of the premises or any other interested party, shall not seek approval for, design, assemble, construct or allow to be erected any construction not in substantial conformance with the proposed site plan, attached *Exhibit B*, on the premises upon the premises at any time hereafter.
3. 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.

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4. Upon completion of the three unit, three story building, Declarant will apply for a zoning map amendment to re-zone the property to that of an RT3.5 Residential Two Flat, Townhouse and Multi-Unit District

5. Enforcement of the provisions of this Declaration shall be by any proceeding at law or in equity, brought by the City of Chicago, or the Office of the Alderman of the ward in which the Premises is located, 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 other equitable relief) or to recover damages, or both. Failure by the Declarant, its successors or assigns, or the City or the Office of the Alderman to promptly enforce 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 City or the Office of the Alderman to so enforce any provision of this Declaration.

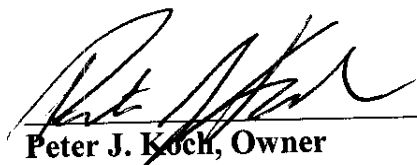
6. Invalidation of any covenant, restriction or other provision of the Declaration by judgment or court order shall in no way affect any of the other provisions of the Declaration and such other provisions shall remain in full force and effect.

7. Notwithstanding any other provision in this Declaration, this Declaration shall not be effective unless and until: the rezoning to an RT4 Residential Two Flat, Townhouse and Multi-Unit District is approved by the City of Chicago. If such zoning map amendment application is not passed, this Declaration shall be void. In addition, upon the filing of the re-zoning application to revert to an RT3.5 district, after completion of the project, this Restrictive Covenant shall be released against the property.

8. All covenants, conditions and restrictions contained in this Declaration shall terminate upon an instrument signed by the Alderman of the ward in which the Premises is located, terminating this Declaration. The Alderman of the ward in which the Premises is located may also by written instrument waive any covenant, condition, or restriction contained in this Declaration.

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

Declarant:

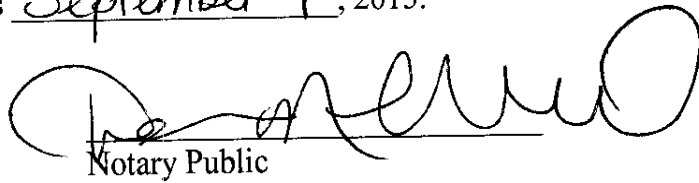

Peter J. Koch, Owner

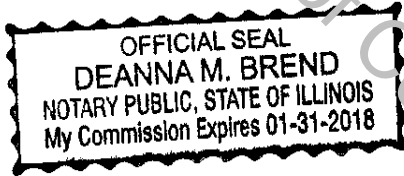
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Deanna Brend, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that **Peter J. Koch**, owner of 1419 W. Roscoe Street, personally known to me to be the same person whose name is subscribed to the foregoing DECLARATION OF RESTRICTIVE COVENANT, appeared before me this day in person and acknowledged that sighthed signed, sealed and delivered the said instrument as her own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal, this September 9, 2015.


Notary Public



Commission Expires: 1/31/2018

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EXHIBIT A

Legal Description

LOT 44 IN BLOCK 9 IN LANE PARK ADDITION TO LAKEVIEW, A SUBDIVISION OF THE NORTH $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ AND THE NORTH $\frac{1}{4}$ OF THE SOUTH $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 20 TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.


PIN: 14-20-317-014-0000

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EXHIBIT B

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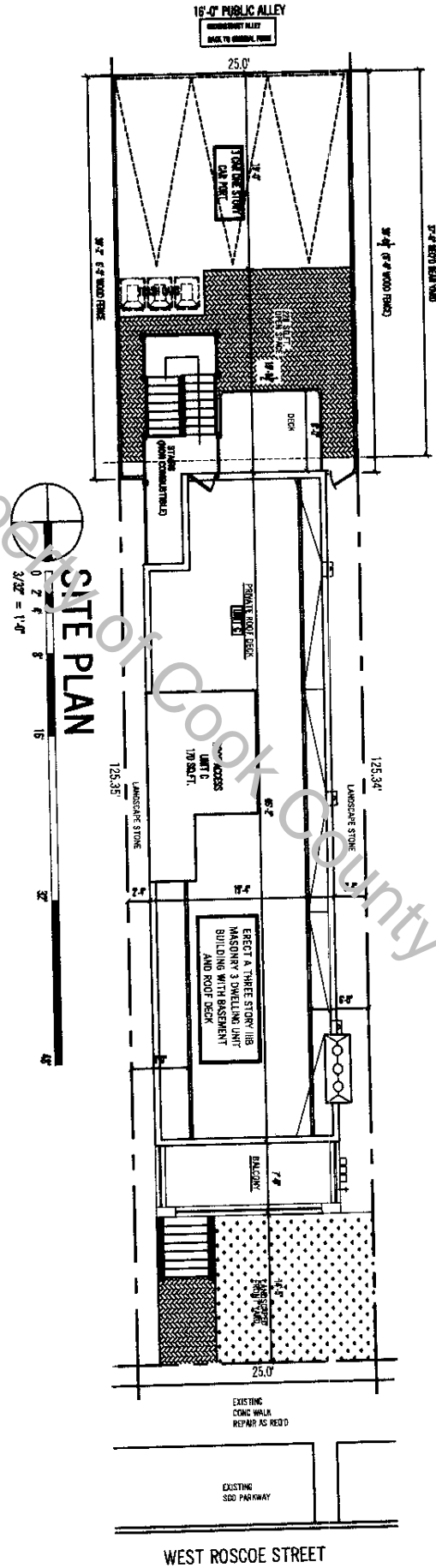


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AVERAGE SETBACK DATA	
ADDRESS	ACTUAL SETBACK
1429 W. ROSCOE	15'-1"
1421-25 W. ROSCOE	14'-11"
1417 W. ROSCOE	15'-3 1/2"
1415 W. ROSCOE	12'-3 1/2"
TOTAL	57'-7 3/16"
AVERAGE SETBACK	57'-7 3/16" / 4 = 14'-4 13/16"

BUILDING BULK AND SCALE					
ADDRESS	WIDTH	LENGTH	HEIGHT	STORIES	GROSS BUILDING AREA
1421-25 W. ROSCOE	48'-0"	64'-0"	36'-0"	3 + BASEMENT	3,115 S.F. (BASEMENT NOT COUNTED)
1417 W. ROSCOE	21'-2"	57'-3"	36'-0"	3	3,373 S.F.
1419 W. ROSCOE (PROPOSED)	19'-4"	65'-2"	38'-0"	3 + BASEMENT	3,745 S.F. (BASEMENT NOT COUNTED)

AREA AND HEIGHT INFORMATION FOR 1421-25 & 1417 ROSCOE ARE APPROXIMATE



SHEET
AO.1
NUMBER

SHEET NAME
SITE PLAN

PROJECT NAME
PROPOSED THREE DWELLING UNIT
1419 WEST ROSCOE STREET
CHICAGO, IL 60657

DEVELOPER
MAYREK DEVELOPMENT INC
1314 W. BELMONT #1E
CHICAGO, IL 60657

1419 & ANGER AVE
CHICAGO, IL 60610
PH 312.842.2225
FX 312.842.2233
SUBMITTAL DATES
PERMIT START
REVISION PER WALKING
5-29-15
7-2-15

