



After Recording Return to:

Nicki Green Johnson, Esq.  
DLA Piper LLP (US)  
6225 Smith Avenue  
Baltimore, Maryland 21209

Doc# 1708229083 Fee \$92.00

RHSP FEE: \$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 03/23/2017 12:33 PM PG: 1 OF 10

DECLARATION OF RELEASE AND ESTOPPEL

**THIS DECLARATION OF RELEASE AND ESTOPPEL** (the "Declaration") is made and entered into this 15<sup>th</sup> day of March, 2017 by the City of Oak Forest, Cook County, Illinois ("City") and South Suburban Land Bank and Development Authority ("SSLBDA"), collectively as the owners of Lots 2, 5, 6, 7, and 8, and Mainline Development LLC ("Mainline") as the owner of Lot 4 (each of the City, SSLBDA, and Mainline is individually a "Declarant" and are collectively referred to herein as the "Declarant").

**RECITALS**

- A. Declarant collectively owns, in fee simple, all of that certain real property located in the City of Oak Forest, County of Cook, State of Illinois consisting of Lots 2, 4, 5, 6, 7, and 8 (the "Lots") of the Subdivision of Oak Forest Gateway as more fully described on that certain Final Plat of Subdivision of Oak Forest Gateway, dated June 30, 2008 and recorded in the Office of the Cook County Recorder of Deeds (the "Recording Office") as Document No. 0818231096 (the "Property"); and
- B. The Property is currently encumbered by (i) that certain Declaration of Easements, Covenants, and Restrictions Relating to the Oak Forest Gateway Property Owner's Association recorded on August 20, 2008 in the Recording Office as Document No. 0823322077, setting forth certain rights and obligations of the property owners in the Property ("DCR"), (ii) that certain Redevelopment Agreement By and Between City of Oak Forest and RSC & Associates, LLC recorded on October 25, 2007 in the Recording Office as Document No. 0729818104, setting forth certain development obligations and requirements regarding the property owners of lots in the Property ("RDA") and (iii) that certain Declaration of Easements, Covenants and Restrictions recorded on March 29, 2016 in the Recording Office as Document No. 1608904049, setting forth certain rights and obligations of the property owners in the Property ("REA").
- C. Declarant desires to record this Declaration for the purposes more fully set forth herein.

NOW, THEREFORE, WITNESSTH: in consideration of the above premises and of the covenants herein contained, Declarant covenants and agrees as follows:

- 1. Incorporation of Recitals. The Recitals are hereby incorporated by reference in this Declaration and made a part hereof.

CTFD 165A6270840LPE  
10/2

S  
P  
S  
SC  
INT

# UNOFFICIAL COPY

2. Definition. For purposes hereof, the term "Lot 4 Owner" shall mean the owner of Lot 4 and any and all successors or assigns of such persons as the owner or owners of fee simple title to all or any portion of Lot 4, whether by sale, assignment, inheritance, operation of law, trustee's sale, foreclosure, or otherwise (but not including the holder of any lien or encumbrance on such real property until such time as the holder shall become a fee title owner of Lot 4).

3. Lot 4 Owner Obligations. Lot 4 Owner shall have no obligations to Declarant regarding the development of the Property, installation of any public improvements upon the Property, or the expenditure of or contribution of any additional funds, Declarant hereby acknowledging that any and all such obligations, expenditures, and contributions have been fully performed, completed or made, as applicable. Notwithstanding the foregoing sentence, Lot 4 Owner shall remain subject to any and all provisions of the RDA, DCR, and REA which relate to membership in the property owner's association and the care, maintenance and cost-sharing of expenses related to the common areas of the Property.

4. Declarant Estoppel. Each of the entities comprising Declarant hereby certifies for itself to Lot 4 Owner that no defaults have been declared by such Declarant under the RDA and the Declarant has no knowledge of any facts or circumstances which it believes would constitute a default by any party under the RDA.

5. City Estoppel. City and SSUBDA hereby certify to Lot 4 Owner that there are no outstanding covenants or obligations under the RDA with respect to Lot 4 which have not been performed, other than the ongoing obligations of Lot 4 Owner which relate to membership in the property owner's association and the care, maintenance, and cost-sharing of expenses related to the common areas of the Property.

6. Governing Law. The provisions of this Declaration shall be construed, interpreted and enforced in accordance with the laws of the State of Illinois as the same may be in effect from time to time.

7. Counterparts. This Declaration may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement.

[SIGNATURE PAGE FOLLOWS]

# UNOFFICIAL COPY

IN WITNESS WHEREOF, this Declaration has been duly executed by the Declarant on the day and year first above written.

**DECLARANT:**

**CITY OF OAK FOREST**

By: Tray Ishler (SEAL)

Name: Tray Ishler

Title: City Administrator



**DECLARANT:**

**SOUTH SUBURBAN LAND BANK AND DEVELOPMENT AUTHORITY**

By: \_\_\_\_\_ (SEAL)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

~~**DECLARANT:**~~

~~[CVS HEALTH]~~

~~By: \_\_\_\_\_ (SEAL)~~

~~Name: \_\_\_\_\_~~

~~Title: \_\_\_\_\_~~

NGJ

~~**DECLARANT:**~~

~~[1ST SAVINGS BANK OF HEGEWISCH]~~

~~By: \_\_\_\_\_ (SEAL)~~

~~Name: \_\_\_\_\_~~

~~Title: \_\_\_\_\_~~

NGJ

**DECLARANT:**

**MAINLINE DEVELOPMENT, LLC**

By: \_\_\_\_\_ (SEAL)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

# UNOFFICIAL COPY

IN WITNESS WHEREOF, this Declaration has been duly executed by the Declarant on the day and year first above written.

**DECLARANT:**

**CITY OF OAK FOREST**

By: \_\_\_\_\_ (SEAL)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**DECLARANT:**

**SOUTH SUBURBAN LAND BANK AND DEVELOPMENT AUTHORITY**

By: Russell Ryan (SEAL) *as attorney in fact*

Name: Russell Ryan

Title: Executive Director

~~**DECLARANT:**~~

~~[CVS HEALTH]~~

~~By: \_\_\_\_\_ (SEAL)~~

~~Name: \_\_\_\_\_~~

~~Title: \_\_\_\_\_~~ *NGJ*

~~**DECLARANT:**~~

~~[1ST SAVINGS BANK OF HEGEWISCH]~~

~~By: \_\_\_\_\_ (SEAL)~~ *NGJ*

~~Name: \_\_\_\_\_~~

~~Title: \_\_\_\_\_~~

**DECLARANT:**

**MAINLINE DEVELOPMENT, LLC**

By: \_\_\_\_\_ (SEAL)

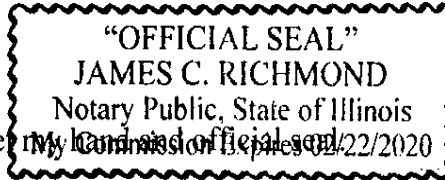
Name: SPIRO Angelos

Title: MANAGER

# UNOFFICIAL COPY

STATE OF ILLINOIS : COUNTY OF COOK : TO WIT:

On this 10<sup>th</sup> day of JANUARY, before the undersigned officer, personally appeared Troy Ishler, known to be (or satisfactorily proven to be) the City Administrator of CITY OF OAK FOREST and that he, being authorized to do so, executed the same on behalf of CITY OF OAK FOREST for the purposes therein contained



IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Notary Public

My commission expires: 2/22/2020

Property of Cook County Clerk's Office

STATE OF \_\_\_\_\_ : COUNTY OF \_\_\_\_\_ : TO WIT:

On this \_\_\_\_\_ day of \_\_\_\_\_, before the undersigned officer, personally appeared \_\_\_\_\_, known to be (or satisfactorily proven to be) the \_\_\_\_\_ of \_\_\_\_\_ and that he, being authorized to do so, executed the same on behalf of \_\_\_\_\_ for the purposes therein contained

NG

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Notary Public

My commission expires: \_\_\_\_\_

# UNOFFICIAL COPY

STATE OF Illinois : COUNTY OF Cook : TO WIT:

On this 1st day of March, before the undersigned officer, personally appeared Brent Demin known to be (or satisfactorily proven to be) the Attorney of SSLBOA and that he, being authorized to do so, executed the same on behalf of SSLBOA for the purposes therein contained

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Maria Bandish (SEAL)  
Notary Public  
My commission expires: 2/9/20

~~STATE OF \_\_\_\_\_ : COUNTY OF \_\_\_\_\_ : TO WIT:~~

~~On this \_\_\_\_\_ day of \_\_\_\_\_, before the undersigned officer, personally appeared \_\_\_\_\_, known to be (or satisfactorily proven to be) the \_\_\_\_\_ of \_\_\_\_\_ and that he, being authorized to do so, executed the same on behalf of \_\_\_\_\_ for the purposes therein contained~~

~~IN WITNESS WHEREOF, I hereunto set my hand and official seal.~~

~~\_\_\_\_\_  
(SEAL)  
Notary Public  
My commission expires: \_\_\_\_\_~~

# UNOFFICIAL COPY

STATE OF Illinois: COUNTY OF Cook: TO WIT:

On this 15<sup>th</sup> day of MARCH, before the undersigned officer, personally appeared Spiri Angeles, known to be (or satisfactorily proven to be) the Manager of Hambro Development, LLC and that he, being authorized to do so, executed the same on behalf of the company for the purposes therein contained

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*Monika Venslovaite*

(SEAL)

Notary Public

My commission expires: 11-27-20



STATE OF \_\_\_\_\_: COUNTY OF \_\_\_\_\_: TO WIT:

On this \_\_\_\_\_ day of \_\_\_\_\_, before the undersigned officer, personally appeared \_\_\_\_\_, known to be (or satisfactorily proven to be) the \_\_\_\_\_ of \_\_\_\_\_ and that he, being authorized to do so, executed the same on behalf of \_\_\_\_\_ for the purposes therein contained

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Notary Public

My commission expires: \_\_\_\_\_

# UNOFFICIAL COPY

## EXHIBIT B

### PERMITTED EXCEPTIONS

1. Lease made by and between Mainline Development, LLC, an Illinois Limited Liability Company and Starbucks Corporation, a Washington Corporation dated February 22, 2016, a memorandum of which was recorded March 29, 2016 as Document No. 1608904051, demising the Land for a term of 10 years, and all rights thereunder of, and all acts done or suffered thereunder by, said lessee or by any party claiming by, through or under said Lessee. The tenant has the right to renew the initial term for up to four (4) Consecutive Five (5) year periods.
2. Lease made by and between Mainline Development, LLC, an Illinois Limited Liability Company and Starbucks Corporation, a Washington Corporation dated February 22, 2016, a memorandum of which was recorded June 7, 2016 as Document No. 1615917033, demising the Land for a term of 10 years, and all rights thereunder of, and all acts done or suffered thereunder by, said lessee or by any party claiming by, through or under said Lessee. (For further particulars, see record.)
3. Existing unrecorded leases and all rights thereunder of the lessees and of any person or party claiming by, through or under the lessees.
4. Easement in in favor of the Metropolitan Water Reclamation district of Greater Chicago for the purpose of reconstructing, repairing, maintaining, operating and access to the calumet intercepting sewer 19-D and Oak Forest Relief Sewer (calumet 19-D relief) recorded April 9, 2008 as document number 0810031035, affecting the subsurface of the Land, and the terms and provisions contained therein. See recorded instrument for particulars (Affects the Land and other property).
5. Terms, provisions, conditions, covenants, restrictions and easement contained in and granted by the Declaration of easements, covenants and restrictions relating to the Oak Forest Gateway Property Owners' Association recorded August 20, 2008 as Document No. 0823322077, relating in part to Association, assessments and Lien Therefor, (but omitting any such covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under chapter 42, section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons).
6. 20 foot state highway drainage easement to install, operate and maintain all equipment necessary for the purpose of serving the Land and other property, together with the right of access to said equipment, and the provisions relating thereto contained in the Plat recorded as document number 0818231096.
7. Access notes as contained on the final Plat of Subdivision of Oak Forest Gateway:
  - 1) Direct vehicular access from Lot 8 to 159TH Street (U.S. Route 6) shall be permanently prohibited.
  - 2) Direct vehicular access from Lots 3 and 7 to Cicero Avenue (Illinois Route 50) shall be permanently prohibited.
  - 3) Access to 159TH street (U.S. Route 6) and Cicero Avenue (Illinois Route 50) shall be only at the access points shown.



# UNOFFICIAL COPY

8. Blanket ingress/egress easement provisions as contained on the final Plat of Subdivision of Oak Forest Gateway, as follows: A non-exclusive blanket easement for ingress and egress is hereby reserved for and granted to all present and future owners of Lots 1 through 8, their Mortgagees, lessees, invitees, successors and assigns, over the Lots within this Subdivision, excepting therefrom any buildings, planned or constructed, within this development. A non-exclusive blanket easement for Ingress and egress is hereby reserved for and granted to the City of Oak Forest and all emergency vehicles, over the Lots within this Subdivision.
9. Grant of easement from the County of Cook to the public dated December 8, 1941 and recorded December 11, 1941 as document 12809328 and contained in deed recorded September 1, 1976 as document 23620124 for public highway purposes over that part of the Land described as follows: beginning at the intersection of the North Line of 159TH street with the East Line of Section 16 aforesaid; said North Line being 23 feet North of, measured at right angles to and parallel with the South Line of said Section 16; thence West along said North Line of 159<sup>th</sup> Street, a distance of 869.71 feet to the Southeasterly right of way line of the Chicago Rock Island and Pacific Railroad, thence Northeasterly along said Southeasterly right of way line, 465.6 feet more or less to the Southerly line of the property conveyed by the County of Cook to the Chicago Rock Island and Pacific Railroad Company, and recorded as document 4628849; thence Southeasterly along said Southerly line of the aforementioned conveyance to a point which is 20 feet from, measured at right angles to the aforesaid Southeasterly right of way line; thence Southwesterly along a line which is parallel to and 20 feet from said right of way line 327.02 feet to a point which is 119.99 feet North of, measured at right angles to the aforesaid South Line of Section 16; thence South, a distance of 59.96 feet along a line perpendicular to said South Line of Section 16 to point 60.03 feet North of said South Line of Section 15; measured along the aforesaid perpendicular line; thence Easterly, a distance of 260.19 feet to a point which is 17 feet North of, measured at right angles to the aforesaid North Line of 159TH street; Thence East along a line which is parallel to and 17 feet North of said North Line of 159TH street, a distance of 500 feet to the aforesaid East Line of Section 16; thence South along the East Line of said Section 16 to the point of beginning, (excepting therefrom that part previously dedicated for Cicero Avenue). (Affects Parcel 2 and other property).
10. (A) Terms, provisions, and conditions relating to the easement described as Parcel 2 contained in the instrument creating said easement. (B) Rights of the adjoining owner or owners to the concurrent use of said easement.
11. Terms and conditions of the declaration of easements, covenants, conditions and restrictions dated March 17, 2016 and recorded March 29, 2016, as document 1608904049 made by City of Oak Forest relating to common areas, reciprocal easements and sign easements.

# UNOFFICIAL COPY

## EXHIBIT A

### LEGAL DESCRIPTION OF LAND

**PARCEL 1:**

**LOT 4 IN FINAL PLAT OF SUBDIVISION OF OAK FOREST GATEWAY, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF SUBDIVISION RECORDED JUNE 30, 2008 AS DOCUMENT NUMBER 0818231096, IN COOK COUNTY, ILLINOIS.**

**PARCEL 2:**

**NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT FOR THE BENEFIT OF PARCEL 1 AND OTHER PROPERTY OVER, UPON AND ACROSS THE LAND DEDICATED TO THE CITY OF OAK FOREST, AND SHOWN ON THE PLAT OF OAK FOREST GATEWAY RECORDED JUNE 30, 2008 AS DOCUMENT NUMBER 0818231096, AND FURTHER DESCRIBED BY THE DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RELATING TO THE OAK FOREST GATEWAY PROPERTY OWNERS' ASSOCIATION DATED AUGUST 18, 2008 AND RECORDED AUGUST 20, 2008 AS DOCUMENT NUMBER 0823322077, IN COOK COUNTY, ILLINOIS.**

**Addresses:** 15850 and 15852 S. Cicero Avenue, Oak Forest, Illinois 60452

**PIN:** 28-16-417-003-0000

Cook County Clerk's Office