



1710413002

THIS INSTRUMENT PREPARED
BY AND AFTER RECORDING
RETURN TO:
MARK J. KUPIEC
77 West Washington Street - Suite 1801
Chicago, Illinois 60602

Doc# 1710413002 Fee \$44.00

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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 04/14/2017 09:36 AM PG: 1 OF 4

DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant ("Declaration") is made this 28th day of March, 2017 by 3708 Cornelia Company (herein referred to as "Owner" or "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 3708 West Cornelia Avenue, Chicago, Illinois, and legally described on Exhibit "A", attached hereto and made a part hereof ("Premises"); and

WHEREAS, the subject property is currently improved with a residential building, and

WHEREAS, Declarant intends that the Premises be utilized to demolish the existing building and to build a new 3 story, 6 dwelling unit residential building with 6 parking spaces and accessory and related uses ("Intended Use"); and

WHEREAS, the present zoning for the Premises is an RS3 District, and

WHEREAS, in order to accommodate Declarant's Intended Use, Declarants intend to effectuate a zoning change for the Premises to an RM4.5 Zoning District; and

WHEREAS, if the proposed zoning change to an RM4.5 Zoning District is approved by the City of Chicago, it shall be subject to a restrictive covenant being recorded against the Premises restricting the Premises to the Intended Use; and

WHEREAS, Declarant, in consideration of the City of Chicago's consent to the zoning change, shall encumber the Premises with a restrictive covenant setting forth the aforesated restrictions, all as more specifically set forth below.

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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 this 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. While the Premises or any portion thereof is zoned RM4.5, it shall be used solely to build a new 3 story, 6 dwelling unit residential building with 6 parking spaces and accessory and related uses.
4. After the construction is completed and the Certificate of Occupancy is issued for the proposed improvements, the Owner will file an Application to downzone the subject property to an RS3 Zoning District.
5. Breach of any of the covenants or violation of any 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.
6. Enforcement of the provisions of this Declaration shall be by any proceeding at law or in equity, brought by the Declarant, its successors or assigns, or the City of Chicago, or the Alderman of the Ward against any person or persons violating or attempting to violate any covenants, 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 to promptly enforce any covenants, 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, or the City, or the Alderman to so enforce any covenant, restriction, or other provision of this Declaration.
7. Invalidation of any covenant, restriction or other provision of this Declaration by judgment or court order shall in no way affect any of the other provisions of this Declaration and such other provisions shall remain in full force and effect.
8. All covenants, conditions, and restrictions contained in this Declaration shall run with the land and shall be binding upon all parties and all persons owning any portions of the

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Premises and all persons claiming under them until the earlier of (i) twenty (20) years from the date hereof; (ii) the zoning classification of the Premises changes from an RM4.5 District; or (iii) an instrument signed by a majority of the then owners of the Premises and the Alderman which has jurisdiction over the Premises is recorded against the Premises modifying, amending, or terminating the covenants, conditions, and restrictions contained herein.

- 9. This Declaration is executed by the Owner. No personal liability shall be asserted or be enforceable against him because or in respect to this Declaration or its making, issue or transfer, and all such liability, if any, is expressly waived by each taker and holder hereof; except that the Owner, in his personal and individual capacity warrant that he possesses full power and authority to execute this Declaration.

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

OWNER/DECLARANT

3708 CORNELIA COMPANY

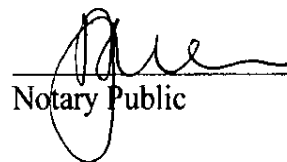
By: Tadeusz Kawula, its President



STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)

I, the undersigned, a notary public in and for said County, in the State aforesaid, do hereby certify that Tadeusz Kawula personally known to me to be the same person whose name is subscribed to the foregoing Declaration of Restrictive Covenants, respectively appeared before me this day in person and acknowledged that he signed and delivered said instrument, as his own free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal, this 28th day of March, 2017.

Notary Public

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EXHIBIT "A"

LEGAL DESCRIPTION:

LOTS 45 AND 46 IN BLOCK 2, IN LOUCKS AND BAUERS RESUBDIVISION OF BLOCK 11 IN K.K. JONES SUBDIVISION OF THE NORTH HALF OF THE SOUTHWEST ¼ OF SECTION 23, TOWNSHIP 40 NORTH , RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY ILLINOIS.

Property Address: 3708 West Cornelia Avenue, Chicago

PIN: 13-23-307-034-0000 and 13-23-307-035-0000