

# UNOFFICIAL COPY

Prepared By:  
**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**  
CFT NV Developments, LLC  
Attn: Legal Department  
1683 Walnut Grove Avenue  
Rosemead, CA 91770

Doc#: 1724946223 Fee: \$58.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 09/06/2017 11:33 AM Pg: 1 of 6

8984350-Tms (1 of 2)

## Declaration Of Restrictive Covenant

WHEREAS, under the Purchase Agreement dated September 1, 2017 (the "**Agreement**"), MILLBROOK CENTER, L.L.C., an Illinois limited liability company ("**Seller**"), agreed to sell to CFT NV DEVELOPMENTS, LLC, a Nevada limited liability company ("**Buyer**"), real property (the "**Property**") located in the Millbrook Center, located at 9347-9371 North Milwaukee Avenue, in the City of Niles, State of Illinois 60714 (the "**Shopping Center**") as legally described in Exhibit A to this Declaration of Restrictive Covenants and;

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Seller covenants and agrees as follows:

1. Seller shall not allow any real property leased or owned by Seller (including any parent, subsidiary or affiliated entity or agent) within the Restricted Area on or after the Closing to be used (i) for the sale of Asian Food, including without limitation for a "Noodles & Company" restaurant, (ii) for the sale of chicken, noodles, tea or tea-based beverages, or (iii) in a way which interferes with access to the Property or visibility of the Property (including Buyer's building and signs) from streets adjacent to the Property (collectively, the "**Restrictive Covenants**"). The term "**Asian Food**" includes, without limitation, Chinese, Japanese (including sushi), Vietnamese, Thai, Hawaiian, Mongolian, Cajun, Indian and Korean foods, food cooked in a wok, food generally recognized as Chinese food, soy sauce-based food, Asian inspired tea and tea-based beverages, and food in a buffet format. The term "**Restricted Area**" is defined as real property Seller (including any parent, subsidiary or affiliated entity or agent) leases, owns or owned on or after the Closing within the Shopping Center or within a one (1) mile radius of the exterior boundary of the Property as may be shown on Exhibit B to this Declaration of Restrictive Covenant.

2. These restrictions are for the benefit of Buyer and run with the Property and are for the benefit of and binding upon all successive owners and occupants of the Property.

3. This instrument shall be recorded in each county or parish in which the Property is located. Exhibit A and Exhibit B are attached hereto and incorporated herein by this reference.

4. Failure to comply with any of the foregoing restrictions shall be grounds for relief which may include, without limitation, an action to recover damages, injunctive relief or any combination thereof.

*Signatures are on the following page.*

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IN WITNESS WHEREOF, the undersigned has executed this Declaration of Restrictive Covenant as of the date set forth below.

MILLBROOK CENTER, L.L.C.,  
an Illinois limited liability company

By: [Signature]

Name: Ronald B. Grais

Title: Manager

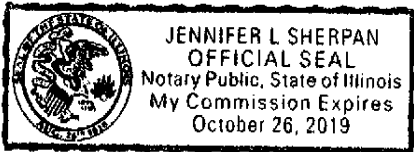
Date: Aug 31, 2017

## NOTARY ACKNOWLEDGMENT

STATE OF ILLINOIS  
COUNTY OF COOK

Before me, on this day personally appeared RONALD B. GRAIS, proved to me through appropriate evidence to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the Manager of MILLBROOK CENTER, L.L.C., and that he executed this instrument in such capacity on behalf of said company.

Given under my hand and seal of office this 31<sup>st</sup> day of August, 2017.



[Signature]  
Notary Public, State of Illinois

My commission expires:  
10-26-2019

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## EXHIBIT A

(To the Declaration of Restrictive Covenant)

### Legal Description of the Shopping Center

THE SOUTHEASTERLY 200.00 FEET AS MEASURED AT RIGHT ANGLES TO THE SOUTHEASTERLY LINE THEREOF, OF THE FOLLOWING DESCRIBED TRACT OF LAND: THAT PART OF THE NORTH 1/2 OF SECTION 14, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF BLOCKS 3 AND 4 OF SUPERIOR COURT COMMISSIONER'S DIVISION OF PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14 BOUNDED BY A LINE DESCRIBED AS FOLLOWS::

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 14, WITH THE CENTER LINE OF MILWAUKEE AVENUE, THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID ROAD, 1047.94 FEET, THENCE NORTHEASTERLY ALONG A LINE DRAWN AT RIGHT ANGLES TO SAID CENTER LINE; 55.22 FEET TO THE NORTHEASTERLY LINE OF MILWAUKEE AVENUE AS SAID LINE IS DESCRIBED IN THAT CASE ENTITLED STATE OF ILLINOIS AGAINST METROPOLITAN LIFE INSURANCE COMPANY, CONDEMNATION CASE 60S9982, THENCE CONTINUING NORTHEASTERLY ALONG SAID LINE DRAWN AT RIGHT ANGLES TO THE CENTER LINE OF MILWAUKEE AVENUE 495.37 FEET TO A POINT ON A LINE DESCRIBED AS BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF THE RESUBDIVISION OF GOLF-MILL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF SAID SECTION 14, SAID POINT BEING A STRAIGHT LINE DRAWN NORTHWESTERLY FROM A POINT WHICH IS 33.16 FEET EAST, AS MEASURED ON THE SOUTH LINE, OF THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 263.41 FEET NORTH, AS MEASURED ON THE WEST LINE, OF THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 14, (SAID POINT BEING 550.0 FEET NORTHEASTERLY, AS MEASURED AT RIGHT ANGLES TO THE CENTER LINE OF MILWAUKEE AVENUE) TO A POINT IN THE SOUTH LINE OF BLOCK 3 IN SUPERIOR COURT COMMISSIONERS' DIVISION AS AFORESAID, WHICH IS 312.09 FEET EAST OF THE SOUTHWEST CORNER OF SAID BLOCK 3 AND 550.0 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES OF THE CENTER LINE OF MILWAUKEE AVENUE AS SHOWN ON THE RECORDED PLAT OF SAID SUPERIOR COURT COMMISSIONERS' DIVISION BEING ALSO THE SOUTHWESTERLY LINE OF CALLERO AND CATINO'S GOLF VIEW GARDENS, BEING A SUBDIVISION IN THE NORTHEAST 1/4 OF SAID SECTION 14 AND SAID LINE EXTENDED NORTHWESTERLY, THENCE NORTHWESTERLY ALONG THE LAST DESCRIBED LINE AND SAID LINE EXTENDED, 1068.53 FEET TO AN INTERSECTION WITH A LINE 512.60 FEET SOUTH, AS MEASURED ALONG THE WEST LINE OF BLOCK 3 OF SUPERIOR COURT COMMISSIONERS' DIVISION, AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 14, THENCE WEST ALONG SAID PARALLEL LINE 149.23 FEET TO A POINT ON THE EAST LINE OF LOT 1 OF FRITZ'S RESUBDIVISION OF LOTS 1 TO 4 INCLUSIVE IN FRITZ' SUBDIVISION A SUBDIVISION IN THE NORTHWEST 1/4 AND IN THE NORTHEAST 1/4 OF SAID SECTION 14, THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1, 35.62 FEET TO THE SOUTHEAST CORNER THEREOF, THENCE WEST ALONG THE SOUTH LINE OF SAID FRITZ'S RESUBDIVISION, BEING ALSO A LINE 100.00 FEET NORTH, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE NORTH LINE OF BLOCK 4 IN SAID SUPERIOR COURT COMMISSIONERS' DIVISION, A DISTANCE OF 137.72 FEET TO A POINT ON SAID LINE, 306.52 FEET EAST OF THE ANGLE POINT, 30.71 FEET NORTHEASTERLY OF THE NORTHEASTERLY LINE OF MILWAUKEE AVENUE IN THE SOUTH LINE OF SAID FRITZ'S RESUBDIVISION THENCE SOUTH PARALLEL WITH THE WEST LINE OF BLOCK 3, 181.14 FEET TO A POINT ON A LINE 81.0 FEET SOUTH, MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE NORTH LINE OF BLOCK 4 OF SUPERIOR COURT COMMISSIONERS' DIVISION AS AFORESAID, THENCE WEST ALONG THE LAST DESCRIBED LINE, 211.26 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF MILWAUKEE AVENUE, SAID NORTHEASTERLY LINE BEING A LINE

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## EXHIBIT A

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### Legal Description of the Shopping Center

[continued]

33.0 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE CENTER LINE OF SAID ROAD AS SHOWN ON PLAT OF SAID SUPERIOR COURT COMMISSIONERS DIVISION, THENCE SOUTHEASTERLY ALONG SAID (NORTHEASTERLY LINE OF MILWAUKEE AVENUE, 218.11 FEET TO AN ANGLE POINT IN SAID NORTHEASTERLY LINE, BEING ALSO THE POINT OF INTERSECTION OF SAID LINE WITH THE NORTHEASTERLY LINE OF MILWAUKEE AVENUE AS PER THE CONDEMNATION, AS AFORESAID, THENCE CONTINUING SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF MILWAUKEE AVENUE AS PER SAID CONDEMNATION, 454.86 FEET TO AN ANGLE POINT IN SAID NORTHEASTERLY LINE, SAID POINT BEING 53.70 FEET NORTHEASTERLY OF THE CENTER LINE OF MILWAUKEE AVENUE AS PER SAID SUPERIOR COURT COMMISSIONERS' DIVISION; THENCE CONTINUING SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF MILWAUKEE AVENUE, 338.12 FEET TO A POINT ON THE SOUTHERLY LINE OF BLOCK 4 OF SAID SUPERIOR COURT COMMISSIONERS DIVISION 56.13 FEET EASTERLY AT THE SOUTHWEST CORNER OF SAID BLOCK 4, THENCE CONTINUING SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF MILWAUKEE AVENUE 94.0 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS

Tax Parcel Identificate Number: 09-14-200-039-000 and 09-14-203-014-0000

The Property includes all easements and other rights appurtenant thereto.

ADDRESS: 9347-9371 N. Milwaukee Ave,  
Niles, IL. 60714

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## EXHIBIT B

(To the Declaration of Restrictive Covenant)

### Legal Description of the Restricted Area

THE SOUTHEASTERLY 200.00 FEET AS MEASURED AT RIGHT ANGLES TO THE SOUTHEASTERLY LINE THEREOF, OF THE FOLLOWING DESCRIBED TRACT OF LAND: THAT PART OF THE NORTH 1/2 OF SECTION 14, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF BLOCKS 3 AND 4 OF SUPERIOR COURT COMMISSIONER'S DIVISION OF PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14 BOUNDED BY A LINE DESCRIBED AS FOLLOWS::

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