



Doc# 1726213013 Fee \$72.00

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

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 09/19/2017 10:03 AM PG: 1 OF 5

EASEMENT AGREEMENT

LIGHT AND AIR EASEMENT AGREEMENT (hereinafter referred to as the "Agreement") made this 24th day of April, 2017, at Chicago, Illinois, by WHCP-N 2050 LLC, an Illinois limited liability company (hereinafter referred to as "GRANTOR"), and ORLEANS CLARK HOLDINGS, LLC., an Illinois limited liability company (hereinafter referred to as "GRANTEE");

WITNESSETH:

WHEREAS, Grantor is the owner of land described as per the attached Exhibit A, which is made a part hereof, and hereinafter referred to as Parcel A; and,

WHEREAS, Grantee is the owner of land described as per the attached Exhibit B, which is made a part hereof, and hereinafter referred to as Parcel B; and,

WHEREAS, there is a parking garage erected on Parcel B immediately south and adjacent to Parcel A; and

WHEREAS, Grantee has applied to the City of Chicago Department of Buildings to permit renovation of the existing structure for residential use on Parcel B (the "Project"); and

WHEREAS, the City of Chicago Department of Buildings may approve the application upon the condition, inter alia, that Grantor create an easement for light and air for the benefit of the present and future owners of Parcel B in order to comply with the applicable light and ventilation provisions of Title 13, Chapter 13-172-060 of the Chicago Building Code.

NOW, THEREFORE, good and valuable consideration having been paid and acknowledged by the parties hereto, the Grantor, for itself, its beneficiaries, their heirs, its legal representatives, successors and assigns hereby makes the following grant to Grantee, its shareholders, their heirs, legal representatives, successors and assigns and to any future owner of Parcel B or any portion thereof:

1. The right to light and air over Parcel A within the area specifically described as follows ("Restricted Area"): starting at the southeast corner of the property line and continuing to a point 1 (one) foot north thereof, then continuing west to a point 1 (one) foot north of the southwest corner of the property line, and ending at the southwest corner of the property line, from + fifteen (15) feet Chicago City Datum to the sky, such that no construction, attachment, or protuberance shall occur within the

Bm

Restricted Area of Parcel A which infringes upon the light and air provided to Parcel B. Nothing contained herein will restrict any construction, attachment or protuberance by Grantor on Parcel A other than within the Restricted Area.

2. This Agreement shall run with title to the land, both as to benefit and burden, and shall be binding upon the owners of the respective parcels, their successors, personal representatives, heirs and assigns.
3. Any amendment, modification or termination of this Agreement must be in writing and signed by all Parties.
4. This Agreement shall be construed and governed in accordance with the laws of the State of Illinois.
5. The terms of this Agreement shall remain binding from the date hereof, and continue until the expiration of twenty-five (25) years after the date hereof, and shall automatically renew every ten (10) years thereafter unless the Parties (or their successor condominium boards, if any) amend or terminate same. Notwithstanding anything contained in this paragraph 5 to the contrary, in the event construction for a residential building on Parcel B has not materially begun by December 30, 2018, Grantor shall have the right to record an objection nullifying this Agreement due to Grantee's abandonment of the Project.
6. Either Party may enforce this Agreement by appropriate action and should said Party prevail in such litigation, it shall recover from the other Party its costs and reasonable attorney fees.
7. This Agreement may be signed in counterpart originals, and any one or more of these originals which individually or collectively contain the signatures of all the parties hereto shall be deemed a complete original.

[SIGNATURE PAGE TO FOLLOW]

This Instrument prepared by, and after recording return to:

UNOFFICIAL COPY

GRANTOR:

WHCP-N 2050 LLC, an Illinois limited liability company

By: Radandt Holdings, LLC, a Florida limited liability company, its manager

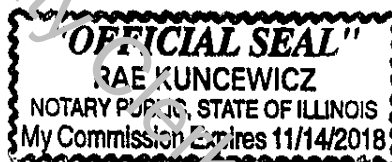
By: [Signature]
Name: Vince Priest
Its: Authorized Signatory

STATE OF ILLINOIS)
)
COUNTY OF Will)

I, Rae Kuncewicz, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that Vince Priest, personally known to me to be an authorized signatory of Radandt Holdings, LLC, a Florida limited liability company, the manager of WHCP-N 2050 LLC, an Illinois limited liability company, is the same person whose name is subscribed to this foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act as aforesaid, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 24 Day of April, 2017

[Signature]
Notary Public

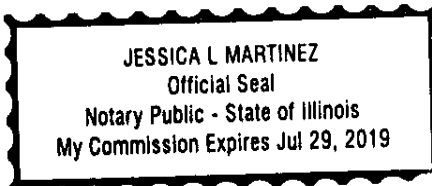


GRANTEE:

Orleans Clark Holdings, LLC., an Illinois limited liability company

By: [Signature]
Name: R. Todd Buffington
Its: Manager and Authorized Signatory

STATE OF ILLINOIS)
)
COUNTY OF COOK)



I, Jessica Martinez, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that R. Todd Buffington, personally known to me to be the Manager of Orleans Clark Holdings, LLC., an Illinois limited liability company, is the same person whose name is subscribed to this foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act as aforesaid, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 22nd Day of May, 2017

Jessica Moroney
 Notary Public

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EXHIBIT A

THAT PART OF LOTS 2 AND 3 LYING EAST OF NORTH LANE PLACE (NOW COMMONLY KNOWN AS NORTH ORLEANS STREET) IN CHRISTIAN KUHN'S SUBDIVISION OF OUT-LOT OF BLOCK 31 IN CANAL TRUSTEES' SUBDIVISION OF THE NORTH 1/2 AND THE NORTH 1/2 OF THE SOUTHEAST 1/4 AND THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 AS THE POINT OF BEGINNING; THENCE WEST ALONG THE NORTH LINE OF LOT 2, 142 FEET, 1 AND 1/8 INCHES TO THE EAST LINE OF LANE PLACE (NOW COMMONLY KNOWN AS NORTH ORLEANS STREET); THENCE SOUTH ALONG THE EAST LINE OF LANE PLACE (NOW COMMONLY KNOWN AS NORTH ORLEANS STREET) 111 FEET 8 AND 3/4 INCHES TO A POINT WHICH IS 34 FEET 9 AND 3/4 INCHES NORTH OF THE INTERSECTION OF THE SOUTH LINE OF LOT 3 WITH THE EAST LINE OF LANE PLACE (NOW COMMONLY KNOWN AS NORTH ORLEANS STREET); THENCE EAST ALONG A STRAIGHT LINE A DISTANCE OF 72 FEET, EXTENSION OF SAID STRAIGHT LINE BEING 121 FEET 3 AND 5/8 INCHES SOUTHEASTERLY OF THE NORTHEAST CORNER OF SAID LOT 2 (AS MEASURED ALONG THE NORTHEASTERLY LINE OF LOTS 2 AND 3); THENCE NORTH PARALLEL WITH THE EAST LINE OF LANE PLACE (NOW COMMONLY KNOWN AS NORTH ORLEANS STREET) 53 FEET 6 INCHES, THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 2, 95 FEET 3 AND 3/4 INCHES, MORE OR LESS, TO THE NORTHEASTERLY LINE OF LOT 2; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF LOT 2, 62 FEET 3 INCHES TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 2050 NORTH CLARK STREET, CHICAGO, ILLINOIS 60614

Permanent Index Nos.: 14-33-208-023-0000; 14-33-208-024-0000

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EXHIBIT B

PARCEL 1:

THE NORTHEAST 1/4 (EXCEPT THAT PART THEREOF TAKEN AND USED FOR LANE PLACE, NOW COMMONLY KNOWN AS NORTH ORLEANS STREET) OF LOT 4 IN CHRISTIAN KUHN'S SUBDIVISION OF BLOCK 31 IN THE CANAL TRUSTEES' SUBDIVISION OF THE NORTH 1/2 AND THE NORTH 1/2 OF THE SOUTHEAST 1/4 AND THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index No. 14-33-208-005-0000

PARCEL 2:

THAT PART OF SUB-LOT 3 LYING EAST OF LANE PLACE (NOW COMMONLY KNOWN AS NORTH ORLEANS STREET) OF THE SUBDIVISION OF LOT 3 IN CHRISTIAN KUHN'S SUBDIVISION OF BLOCK 31 IN THE CANAL TRUSTEES' SUBDIVISION OF THE NORTH 1/2 AND THE NORTH 1/2 OF THE SOUTHEAST 1/4 AND THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

Permanent Index No. 14-33-208-006-0000

COMMON ADDRESS: 2036 NORTH CLARK STREET, CHICAGO, ILLINOIS 60614