

UNOFFICIAL COPY



\*1824917034\*

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

Doc# 1824917034 Fee \$54.00  
RHSP FEE:\$9.00 RPRF FEE: \$1.00  
KAREN A. YARBROUGH  
COOK COUNTY RECORDER OF DEEDS  
DATE: 09/06/2018 02:01 PM PG: 1 OF 9

**DECLARATION OF RESTRICTIVE COVENANT**

This Declaration of Restrictive Covenant ("Declaration") is made this 6th day of September, 2018 by Sustainable LLC, an Illinois limited liability company (herein referred to as "Declarant").

**RECITALS:**

WHEREAS, the Declarant is the contract purchaser of a certain parcel of real estate in Chicago, Cook County, Illinois, commonly known as 1615 North Fairfield Avenue, Chicago, Illinois (and more accurately described on Exhibit A, attached hereto and incorporated herein by reference) (the "Property"); and

WHEREAS, the subject Property is currently improved with a non-required accessory parking lot, and

WHEREAS, Declarant intends that the Property be utilized to build a new three-unit residential building and accessory and related uses ("Intended Use"); and

WHEREAS, the present zoning for the Property is a B2-2 District, and

WHEREAS, in order to accommodate Declarant's Intended Use, Declarant needs the existing B2-2 District to continue; and

WHEREAS, the Property shall be subject to a restrictive covenant being recorded against the Property, restricting the Property to the Intended Use; and

WHEREAS, Declarant, in consideration of the City of Chicago, issuing a building permit for the Intended Use, shall encumber the Property with a restrictive covenant setting forth the aforesaid 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 Property 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 Property or in any part thereof, and upon those claiming under them, with such limitations or exceptions as are herein expressed.
3. While the Property, or any portion thereof is zoned a B2-2, it shall be used solely to build a new three-unit residential building and accessory and related uses, built in substantial conformity with the plans prepared by Hanna Architects Inc., attached hereto as an Exhibit "B".
4. The new three story building will be built with a flat roof with a maximum zoning height of 33'-5" measured from grade to the highest point of the underside of the top floor's ceiling joist (per Section 17-17-0311-A); and within the maximum height of 38'-2" from grade to the top of the parapet.
5. The front elevation of the building shall be constructed of a modular brick and the side elevations of a matching utility brick.
6. 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 Property, but all provisions of this Declaration shall be binding and effective against any owner of any portion of the Property 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 Property so acquired.
7. 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.
8. 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.
9. 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 Property

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and all persons claiming under them until the earlier of (i) twenty (20) years from the date hereof; (ii) the zoning classification of the Property changes from a B2-2 District; or (iii) an instrument signed by a majority of the then owners of the Property and the office of the Alderman which has jurisdiction over the Property is recorded against the Property modifying, amending, or terminating the covenants, conditions, and restrictions contained herein.

10. This Declaration is executed by the Manager of Sustainabuild LLC, an Illinois limited liability company. 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 Manager, in his personal and individual capacity warrants 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.

DECLARANT:

Sustainabuild LLC, an Illinois limited liability company

By:  \_\_\_\_\_

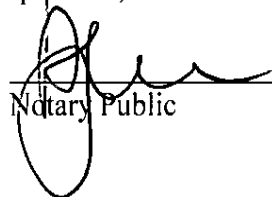
Its Manager

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 Igor Petrushchak, the manager of Sustainabuild LLC, an Illinois limited liability company, 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 6<sup>th</sup> day of September, 2018.



 \_\_\_\_\_  
Notary Public

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## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

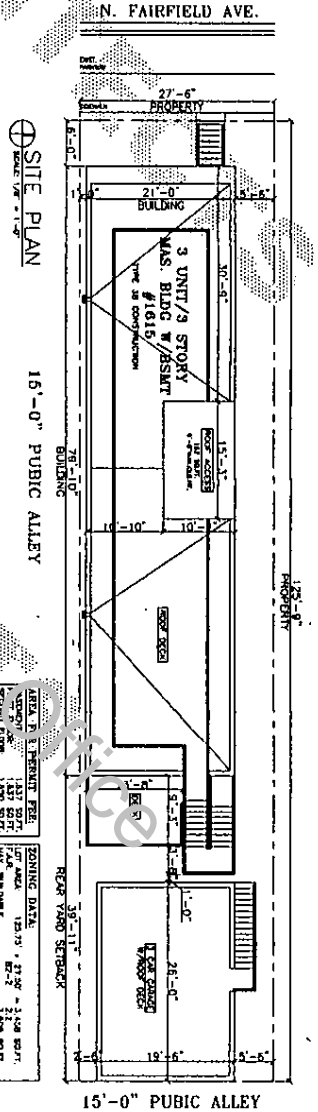
**PROPERTY ADDRESS: 1615 North Fairfield Avenue, Chicago IL 60647**

**PIN: 13-36-426-040-0000**

LOT 30 AND THE SOUTH 2.5 FEET OF LOT 31 IN HOSMER AND RODGERS  
SUBDIVISION OF BLOCK 7 IN BORDEN'S SUBDIVISION OF THE WEST ½  
OF THE SOUTHEAST ¼ OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13,  
EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,  
ILLINOIS.

Property of Cook County Clerk's Office

**GENERAL NOTES:**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.
8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS WITH THE CITY OF CHICAGO.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.
10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS WITH THE CITY OF CHICAGO.



**EXISTING FINISH FLOOR**

1ST FLOOR	1437 SQ FT
2ND FLOOR	1437 SQ FT
3RD FLOOR	1437 SQ FT
BAS. FLOOR	1437 SQ FT
TOTAL	5738 SQ FT

**REQUIRED DATA:**

FLOOR AREA	17287.37 SQ FT
FLOOR AREA	17287.37 SQ FT
FLOOR AREA	17287.37 SQ FT
FLOOR AREA	17287.37 SQ FT
TOTAL	69154.48 SQ FT

**1. GENERAL NOTES:**
1.1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
1.2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO.
1.3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
1.4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
1.5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
1.6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.
1.7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.
1.8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS WITH THE CITY OF CHICAGO.
1.9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.
1.10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS WITH THE CITY OF CHICAGO.

**2. FOUNDATION:**
2.1. FOUNDATIONS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
2.2. FOUNDATIONS SHALL BE CONSTRUCTED ON A LEVEL SURFACE.
2.3. FOUNDATIONS SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
2.4. FOUNDATIONS SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**3. ROOFING:**
3.1. ROOFING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
3.2. ROOFING SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
3.3. ROOFING SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**4. WALLS:**
4.1. WALLS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
4.2. WALLS SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
4.3. WALLS SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**5. FLOORS:**
5.1. FLOORS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
5.2. FLOORS SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
5.3. FLOORS SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**6. CEILING:**
6.1. CEILING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
6.2. CEILING SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
6.3. CEILING SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**7. MECHANICAL, ELECTRICAL, AND PLUMBING (MEP):**
7.1. MEP SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
7.2. MEP SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
7.3. MEP SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**8. EXTERIOR FINISHES:**
8.1. EXTERIOR FINISHES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
8.2. EXTERIOR FINISHES SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
8.3. EXTERIOR FINISHES SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**9. INTERIOR FINISHES:**
9.1. INTERIOR FINISHES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
9.2. INTERIOR FINISHES SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
9.3. INTERIOR FINISHES SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**10. UTILITIES:**
10.1. UTILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
10.2. UTILITIES SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
10.3. UTILITIES SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**11. SIGNAGE:**
11.1. SIGNAGE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
11.2. SIGNAGE SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
11.3. SIGNAGE SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**12. ACCESSIBILITY:**
12.1. ACCESSIBILITY SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
12.2. ACCESSIBILITY SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
12.3. ACCESSIBILITY SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**13. ENERGY CONSERVATION:**
13.1. ENERGY CONSERVATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
13.2. ENERGY CONSERVATION SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
13.3. ENERGY CONSERVATION SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**14. FIRE PROTECTION:**
14.1. FIRE PROTECTION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
14.2. FIRE PROTECTION SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
14.3. FIRE PROTECTION SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**15. SAFETY:**
15.1. SAFETY SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
15.2. SAFETY SHALL BE CONSTRUCTED WITH ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
15.3. SAFETY SHALL BE CONSTRUCTED WITH ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL.

**2018 ELECTRICAL CODE APPLIES TO THIS PROJECT**

**PREPARED BY:** HANNA ARCHITECTS, INC. 2018

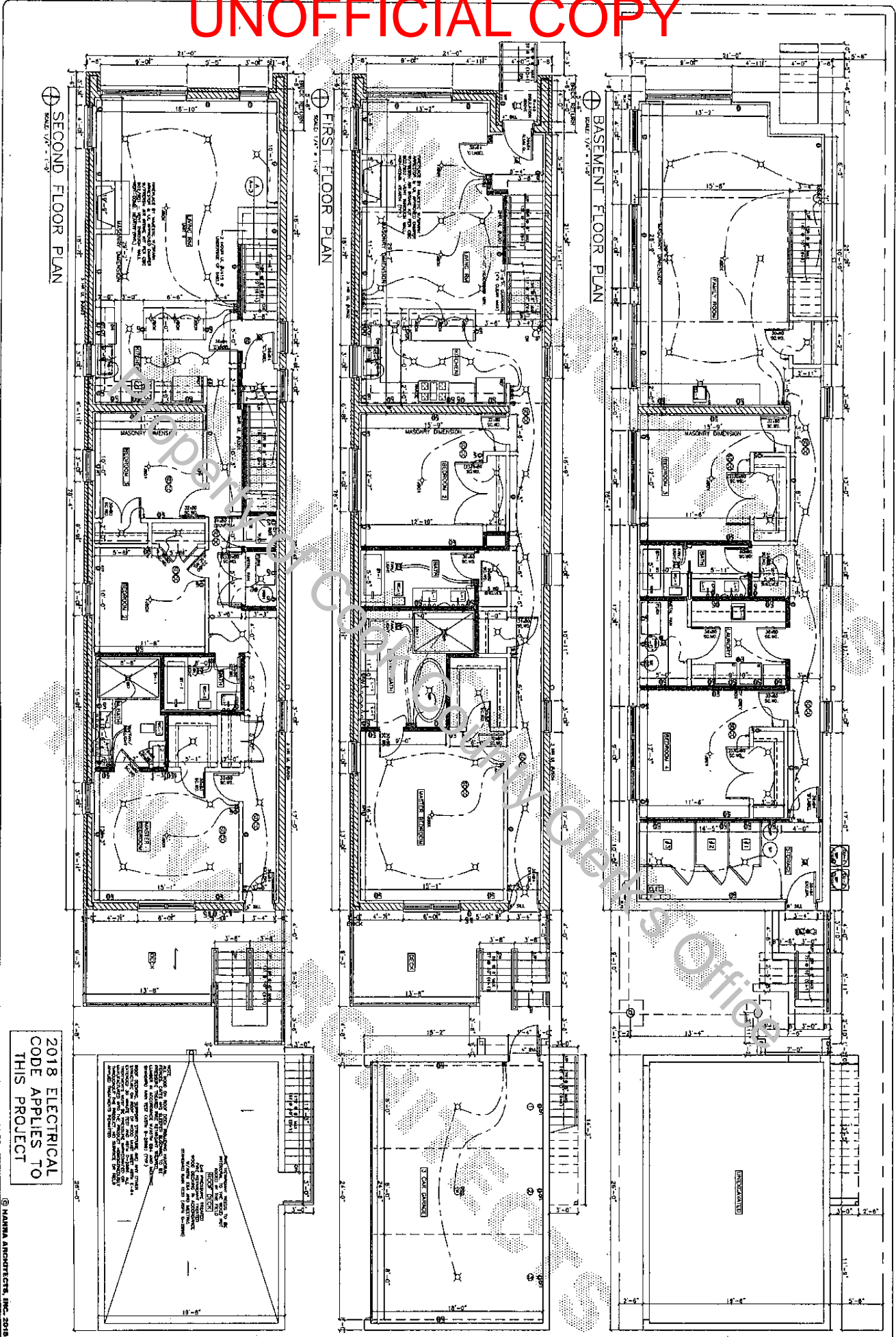
**SHEET TITLE:** 1615 N. FAIRFIELD 9 STORY/3 UNIT BUILDING CHICAGO, ILLINOIS

**SHEET NUMBER:** A-1

**PROFESSIONAL DESIGN FIRM:** HANNA ARCHITECTS, INC. LICENSE NUMBER: 041-01645

**DATE:** 03/10/2018

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2018 ELECTRICAL  
CODE APPLIES TO  
THIS PROJECT

© NARVA ARCHITECTS, INC. 2018

SHEET NUMBER  
A-2

TITLEBLOCK

FLOOR PLANS

PROJECT NAME & ADDRESS  
1615 N. FAIRFIELD  
3 STORY/3 UNIT  
BUILDING  
CHICAGO, ILLINOIS

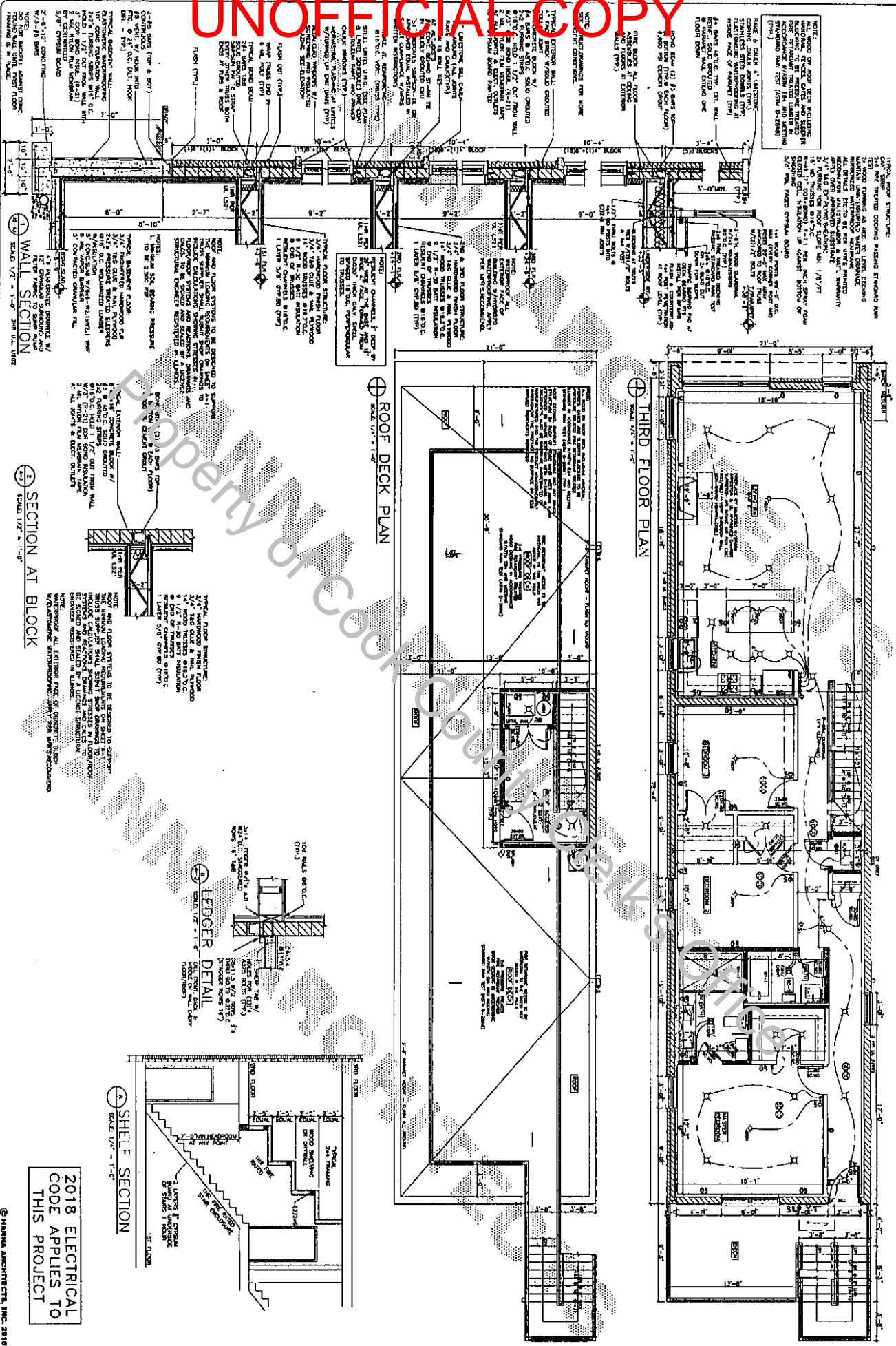


DESIGNED FOR REVIEW  
DATE: 01/11/18  
DRAWN FOR REVIEW  
DATE: 01/11/18  
CHECKED FOR REVIEW  
DATE: 01/11/18  
DESIGNED FOR REVIEW  
DATE: 01/11/18

NOTES:  
1. REFER TO ALL OTHER SHEETS OF THIS SET FOR COMPLETE INFORMATION.  
2. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.  
3. ALL FINISHES ARE UNLESS OTHERWISE NOTED.  
4. ALL MATERIALS ARE UNLESS OTHERWISE NOTED.  
5. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.  
6. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.  
7. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.

**NARVA**  
1615 N. FAIRFIELD  
CHICAGO, ILLINOIS 60610  
PAX (312) 754-8181  
PROFESSIONAL DESIGN FIRM  
ARCHITECT CHICAGO ILLINOIS  
LICENSE NUMBER 044 - 0146

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2018 ELECTRICAL CODE APPLIES TO THIS PROJECT

**PROPERTY OF COOPER & DENNIS ARCHITECTS**

**DEANNA**  
181 N. WASHINGTON  
CHICAGO, ILLINOIS 60602  
P.O. BOX 1750, 801  
PROFESSIONAL DESIGNATION  
ARCHITECT FLOOR PLAN  
LICENSE NUMBER 014 - 018485  
0121 724-1800

**PROJECT NAME & ADDRESS**  
1818 N. PARKFIELD  
3 STORY/2 UNIT  
BUILDING  
CHICAGO, ILLINOIS

**DATE FOR REVIEW:** 01/12/20  
**DESIGNED BY:** [Signature]  
**CHECKED BY:** [Signature]  
**DATE FOR CONSTRUCTION:**

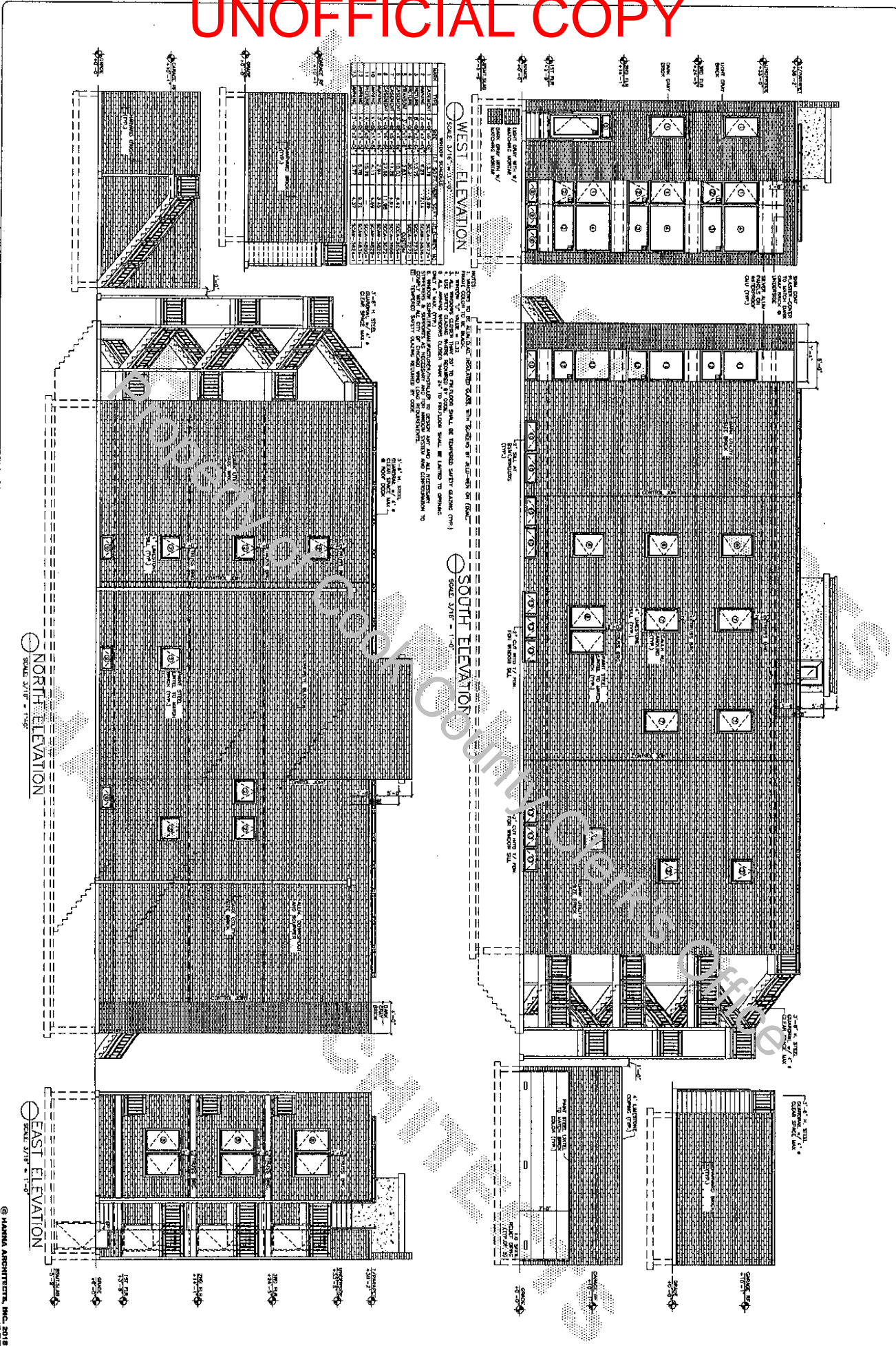
**PROJECT NUMBER:** A-3

**FLOOR PLANS & DETAILS**

**2018 ELECTRICAL CODE APPLIES TO THIS PROJECT**

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**PHYSICIAN NAME & ADDRESS**  
1615 N. FAIRFIELD  
3 STORY / 3 UNIT  
BUILDING  
CHICAGO, ILLINOIS

**ARCHITECT FIRM NAME:** HANNA ARCHITECTS, INC.  
**DESIGNED FOR OWNER:** [Redacted]  
**ISSUED FOR PERMIT:** [Redacted]  
**ISSUED FOR BID:** [Redacted]  
**ISSUED FOR CONSTRUCTION:** [Redacted]

**DATE:** 06/20/18  
**SCALE:** 3/16" = 1'-0"

**PROJECT NAME & ADDRESS**  
1615 N. FAIRFIELD  
3 STORY / 3 UNIT  
BUILDING  
CHICAGO, ILLINOIS

**ARCHITECT FIRM NAME:** HANNA ARCHITECTS, INC.  
**DESIGNED FOR OWNER:** [Redacted]  
**ISSUED FOR PERMIT:** [Redacted]  
**ISSUED FOR BID:** [Redacted]  
**ISSUED FOR CONSTRUCTION:** [Redacted]

**DATE:** 06/20/18  
**SCALE:** 3/16" = 1'-0"

**PHYSICIAN NAME & ADDRESS**  
1615 N. FAIRFIELD  
3 STORY / 3 UNIT  
BUILDING  
CHICAGO, ILLINOIS

**ARCHITECT FIRM NAME:** HANNA ARCHITECTS, INC.  
**DESIGNED FOR OWNER:** [Redacted]  
**ISSUED FOR PERMIT:** [Redacted]  
**ISSUED FOR BID:** [Redacted]  
**ISSUED FOR CONSTRUCTION:** [Redacted]

**DATE:** 06/20/18  
**SCALE:** 3/16" = 1'-0"

© HANNA ARCHITECTS, INC. 2018

**SHEET NUMBER**  
A-4

**ELEVATIONS**

**PHYSICIAN NAME & ADDRESS**  
1615 N. FAIRFIELD  
3 STORY / 3 UNIT  
BUILDING  
CHICAGO, ILLINOIS

**ARCHITECT FIRM NAME:** HANNA ARCHITECTS, INC.  
**DESIGNED FOR OWNER:** [Redacted]  
**ISSUED FOR PERMIT:** [Redacted]  
**ISSUED FOR BID:** [Redacted]  
**ISSUED FOR CONSTRUCTION:** [Redacted]

**DATE:** 06/20/18  
**SCALE:** 3/16" = 1'-0"

**PHYSICIAN NAME & ADDRESS**  
1615 N. FAIRFIELD  
3 STORY / 3 UNIT  
BUILDING  
CHICAGO, ILLINOIS

**ARCHITECT FIRM NAME:** HANNA ARCHITECTS, INC.  
**DESIGNED FOR OWNER:** [Redacted]  
**ISSUED FOR PERMIT:** [Redacted]  
**ISSUED FOR BID:** [Redacted]  
**ISSUED FOR CONSTRUCTION:** [Redacted]

**DATE:** 06/20/18  
**SCALE:** 3/16" = 1'-0"

**PHYSICIAN NAME & ADDRESS**  
1615 N. FAIRFIELD  
3 STORY / 3 UNIT  
BUILDING  
CHICAGO, ILLINOIS

**ARCHITECT FIRM NAME:** HANNA ARCHITECTS, INC.  
**DESIGNED FOR OWNER:** [Redacted]  
**ISSUED FOR PERMIT:** [Redacted]  
**ISSUED FOR BID:** [Redacted]  
**ISSUED FOR CONSTRUCTION:** [Redacted]

**DATE:** 06/20/18  
**SCALE:** 3/16" = 1'-0"



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TOP/PARAPET  
38'-2"

