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On behalf of:  
Village of Western Springs

Property:  
4365 Prospect Avenue  
Illinois 60558  
PIN: 18-06-409-040-0000

RETURN TO:  
Box 324 (MTJ)



Doc# 1830918096 Fee \$48.00

KAREN A. YARBROUGH  
COOK COUNTY RECORDER OF DEEDS  
DATE: 11/05/2018 02:15 PM PG: 1 OF 6

FOR RECORDER'S USE ONLY

## NOTICE OF COVENANTS ON TITLE AND ACKNOWLEDGEMENT OF ALLOWABLE RESIDENTIAL ZONING USES AND PROHIBITED RESIDENTIAL ZONING USES FOR THE SINGLE-FAMILY RESIDENCE LOCATED AT 4365 PROSPECT AVENUE, WESTERN SPRINGS, ILLINOIS

This NOTICE OF COVENANTS ON TITLE AND ACKNOWLEDGEMENT (the "Notice") is dated this 26th day of October, 2018 and has been signed by Martin Scott, Chief Code Officer and Director of Community Development for the Village of Western Springs (the "Village"), as authorized by the corporate authorities of the Village of Western Springs, and by Robert Michael Cabai, the fee simple title owner of the single-family residence and real property located at 4365 Prospect Avenue, Western Springs, Illinois (the "Property Owners"). The Village and the Property Owners are at times collectively referred to as the "Parties" and individually may be referred to as the "Party".

### RECITALS:

- A. The Property Owners' single-family residence (the "Residence") and real property at 4365 Prospect Avenue (the "Property") is located in the Village's R2 - SINGLE-FAMILY RESIDENCE DISTRICT. The legal description and Property Index Number ("PIN") of the Property is marked as Exhibit "A" and attached to and incorporated by reference into this Notice.
- B. The zoning regulations of the R2 - SINGLE-FAMILY RESIDENCE DISTRICT are set forth at Title 10 (Development Control Ordinance), Chapter 6 (Residential District Regulations), Section 10-6-3 (R2 - Single-Family Residence District) of the Western Springs Municipal Code of 1997, as amended (the "DCO"), and those zoning regulations control the use of the Residence and the Property.
- C. The Residence is constructed as a single-family dwelling, which is defined as "a building, or portion thereof designed or used exclusively for residential occupancy."
- D. The R2 - SINGLE-FAMILY RESIDENCE DISTRICT regulations permit the construction and occupancy of structures or buildings for use only as single-family dwellings and prohibit the construction and occupancy of structures or buildings for use as two-family dwellings and multi-family dwellings.

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- E. The R2 - SINGLE-FAMILY RESIDENCE DISTRICT regulations do not allow the construction and occupancy of structures or buildings for use as a "Dwelling, Single-Family Attached", which is defined at Section 10-2-2 (Definitions and Rules of Word Usage) of the DCO as a structure or a building "which is joined to another single-family dwelling at one or both sides by party walls."
- F. The Property Owners have filed a set of preliminary architectural building plans, which are marked as "Cabaj Addition, 4365 Prospect Ave., Western Springs Illinois" and prepared by Jakl Brandeis Architects Ltd. and dated September 14, 2018 (the "Building Plans"), and a building permit application dated October 4, 2018 (the "Building Permit Application"), for a building permit to construct an approximate 1,775 square foot addition to the existing single-family Residence located on the Property (the "Addition"). The Addition is located west of the existing garage at the rear of the Residence.
- G. The Addition, which includes its own separate entrance and exit door, porch, family room, dinette, kitchen, two (2) bedrooms and its own access to the west side of the garage, is capable of being separated from the remainder of the Residence and occupied and used as a second single-family dwelling unit. Accordingly, the Residence and the Addition together are capable of being occupied and used as a two-family dwelling unit building or a multi-family dwelling unit building, which is prohibited under the R2 - SINGLE-FAMILY RESIDENCE DISTRICT regulations.
- H. As a condition of the Village approving the Building Plans and the Building Permit Application and issuing the Building Permit to allow the Property Owners to construct the Addition and use and occupy the Residence and the Addition as a single-family dwelling unit, the Property Owners are:
  - a. Required to use and occupy the Addition and the Residence together as a single-family dwelling unit, and not allow the Addition to be used or occupied as a separate single-family dwelling unit that converts the use and occupancy of the Addition and the Residence into a two-family dwelling unit building or a multi-family dwelling unit building;
  - b. Prohibited from renting or leasing any portion of the Addition or the Residence for use and occupancy as a separate single-family dwelling unit that converts the use and occupancy of the Addition and the Residence into a two-family dwelling unit building or a multi-family dwelling unit building; and
  - c. Required to allow the Village, at the Property Owner's cost, to file a fully executed copy of this Notice against title to the Property with the Office of the Recorder of Deeds of Cook County, Illinois ("CCRD") so that the covenants and zoning restrictions set forth in this Notice regarding the use and occupancy of the Addition and the Residence are conditions of title and are known and construed as covenants running with the land, and are binding upon all future purchasers of the Property and any assignees of and successors in interests of the Property Owners in the Property.

**NOW THEREFORE**, for and in consideration of the above Recitals and the mutual agreements of the Parties and the covenants set forth in this Notice, and such other good and valuable consideration the receipt and sufficiency of which are acknowledged by the Parties, the Property Owners agree and covenant as follows:

Section 1: Incorporation. Each of the paragraphs set forth above in the Recitals of this Notice are incorporated by reference into and made a part of this Section 1 as if fully set forth herein.

Section 2: Use and Occupancy Restrictions. As a condition of the Village approving the Building Plans and the Building Permit Application and issuing the Building Permit to allow the Property Owners to

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construct the Addition and use and occupy the Residence and the Addition as a single-family dwelling unit, the Property Owners agree as follows:

- A. The Addition, which includes its own separate entrance and exit door, porch, family room, dinette, kitchen, two (2) bedrooms and its own access to the west side of the garage, shall not be separated in any manner from the remainder of the Residence and occupied and used as a second single-family dwelling unit, which is prohibited under the R2 - SINGLE-FAMILY RESIDENCE DISTRICT regulations;
- B. The Residence and the Addition together shall not be occupied and used as a two-family dwelling unit building or a multi-family dwelling unit building, which is prohibited under the R2 - SINGLE-FAMILY RESIDENCE DISTRICT regulations;
- C. The Property Owners are required to use and occupy the Addition and the Residence together as a single-family dwelling unit;
- D. The Property Owners shall not convert the Addition to be used or occupied as a separate, second single-family dwelling unit.
- E. The Property Owners shall not convert the Addition and the Residence into a two-family dwelling unit building or a multi-family dwelling unit building;
- F. The Property Owners shall not rent or lease any portion of the Addition or the Residence for use and occupancy as a separate single-family dwelling unit that converts the use and occupancy of the Addition and the Residence into a two-family dwelling unit building or a multi-family dwelling unit building;
- G. The Residence and the Addition shall remain a single-family home as depicted on the final version of the Village-approved Architectural Building Plans prepared by Jakl Brandeis Architects Ltd. with a preliminary plan date of July 28, 2018 and a final plan revision date of September 14, 2018, subject to the Village Plan Review and the Village Chief Code Officer's comments regarding the zoning restrictions on the use and occupancy of the Addition and the Residence;
- H. The Property Owners agree to allow and permit access to the Property, the Residence and the Addition during regular Village business hours on Mondays through Fridays, for the Village's Code Compliance Inspector(s) to conduct interior and exterior inspections of the Property, the Residence and the Addition, as deemed necessary by the Village Chief Code Officer, upon at least forty eight (48) hours prior written notice issued by the Village to the Property Owners;
- I. The Property Owners shall be responsible for reimbursing the Village of Western Springs for all legal fees and CCRD filing fees associated with the preparation and recording of this Notice. All reimbursement must occur prior to any rough framing inspections; and
- J. In the event the Village files any administrative action or legal action in order to enforce the terms of this Notice, or for a declaration of rights hereunder, and/or to collect any Village Code citation(s) issued relative to any non-compliance with any provision of this Notice, the Property Owners shall be responsible for reimbursing the Village of Western Springs for all Village administrative staff time, administrative expenses, administrative hearing expenses, witness fees, court reporter fees, and legal fees and all litigation costs incurred by the Village relative to the administrative action or legal action.

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Section 3: Enforcement Against Future Owners, Assignees and Successors in Interest. In the event the Village files any administrative action or legal action in order to enforce the terms of this Notice, or for a declaration of rights hereunder, and/or to collect any Village Code citation(s) issued relative to any non-compliance with any provision of this Notice, all future purchasers of the Property and any assignees of and successors in interests of the Property Owners in the Property shall be responsible for reimbursing the Village of Western Springs for all Village administrative staff time, administrative expenses, administrative hearing expenses, witness fees, court reporter fees, and legal fees and all litigation costs incurred by the Village relative to the administrative action or legal action.

Section 4: Covenants Running with Property; Filing with CCRD. The Village, at the Property Owner's cost, to file a fully executed copy of this Notice Of Covenants On Title And Acknowledgement Of Allowable Residential Zoning Uses And Prohibited Residential Zoning Uses For The Single-Family Residence Located at 4365 Prospect Avenue, Western Springs, Illinois against title to the Property with the Office of the Recorder of Deeds of Cook County, Illinois ("CCRD") so that the covenants and zoning restrictions set forth in this Notice regarding the use and occupancy of the Addition and the Residence are conditions of title and are known and construed as covenants running with the land, and are binding upon all future purchasers of the Property and any assignees of and successors in interests of the Property Owners in the Property.

**IN WITNESS WHEREOF, this NOTICE OF COVENANTS ON TITLE AND ACKNOWLEDGEMENT** has been executed by the Parties, as set forth below, and it has an effective date of the day, month and year of the last signatory who executed this document below.

Robert Michael Cabaj

Property Owner

By: Robert M. Cabaj

Date: 10-29-18, 2018.

Approved by the Village of Western Springs

By: Martin Scott

Name: Martin Scott

Title: Village Chief Code Officer and  
Director of Community Development

Date: 10-29, 2018.

STATE OF ILLINOIS )

) ss.

COUNTY OF COOK )

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## NOTARY CERTIFICATE FOR Robert Michael Cabaj

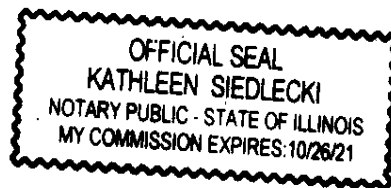
I, the undersigned, a Notary Public, in and for the County and State aforesaid, CERTIFIES, that Robert Michael Cabaj, is personally known and is same person whose name is subscribed to the foregoing instrument, and appeared before me this day in person and acknowledged that he/she voluntarily signed and delivered the said instrument pursuant to his/her own free will, and as his/her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 29 day of October, 2018.

By: Kathleen A. Siedlecki

Notary Public

My Commission Expires: 10-26, 2021.



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## Exhibit "A"

### Legal Description and PIN for the 4365 Prospect Avenue Property

The south 25 feet of Lot 5 and the north 30 feet of Lot 6 in resubdivision of Lots 20 to 24, inclusive in Block 11 in Western Springs resubdivision of part of east Hinsdale, a subdivision of the east ½ of section 6, Township 38 North, Range 12, east of the Third Principal Meridian, together with that part of sections 31 and 32, Township 39 North, Range 12, east of the third principal meridian, lying south of the Chicago and Naperville Highway and west of the east line of said Section 6, Township 38 North, Range 12, east of the third principal meridian, produced north to said highway, according to the plat thereof recorded August 3, 1922 as document number 7598407 in Book 169 of plats, page 29, in Cook County, Illinois.

Common Address: 4365 Prospect Avenue, Western Springs, Illinois 60558

PIN(S): 18-06-409-040-0000