

# UNOFFICIAL COPY



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**This Instrument Prepared By:**

Burke, Warren, MacKay & Serritella, P.C.,  
Attn: Julia S. Schenk, Esq.  
330 North Wabash Avenue  
21<sup>st</sup> Floor  
Chicago, IL 60611

Doc# 1936116112 Fee \$88.00

SHSP FEE:\$9.00 RPRF FEE: \$1.00

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 12/27/2019 02:22 PM PG: 1 OF 8

**Upon Recordation Mail To:**

Sherwood Law Group LLC  
Attn: Adam M. Gilbert  
218 N. Jefferson Street, Suite #401  
Chicago, IL 60661

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### SPECIAL WARRANTY DEED

THIS INDENTURE made this 19 day of December 2019 between **THE CATHOLIC BISHOP OF CHICAGO**, an Illinois corporation sole (the "Grantor"), and **EUGENE BENJAMIN PROPERTIES LLC**, an Illinois limited liability company (the "Grantee"), WITNESSETH, that the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable consideration, the receipt whereof is hereby acknowledged, by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the Grantee, and to its successors and assigns, FOREVER, all the following described real estate, situated in the County of Cook and State of Illinois, known and described as follows, to wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of the Grantor, either in law or equity, of, in and to the above-described premises, with the hereditaments and appurtenances. TO HAVE AND TO HOLD the said premises as above described, with the appurtenances upon the Grantee, its heirs and assigns forever.

And the Grantor, for itself, and its successors, does covenant, promise and agree to and with the Grantee, its heirs and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited, and that the said premises, against all persons lawfully claiming, or to claim the same, by, through or under it, it WILL WARRANT AND DEFEND, subject to:

1. PERMITTED EXCEPTIONS SET FORTH ON EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF; AND
2. THOSE RESTRICTIONS SET FORTH ON EXHIBIT C ATTACHED HERETO AND MADE A PART HEREOF.

**PERMANENT INDEX NUMBERS:** 25-34-312-041-0000; 25-34-312-042-0000; 25-34-312-043-0000.

**ADDRESSES OF PROPERTY:** 307, 315 and 325 E. 137<sup>th</sup> Street, Chicago, Illinois 60827.

Box 400

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IN WITNESS WHEREOF, the Grantor has caused its name to be signed to these presents the day and year set forth below.

**THE CATHOLIC BISHOP OF CHICAGO,**  
an Illinois corporation sole

By: *Eric Wollan*  
Name: ERIC WOLLAN  
Title: Attorney-in-fact

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 Eric Wollan, personally known to me or proven to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act, and as the free and voluntary act as the Attorney-in-fact for The Catholic Bishop of Chicago, an Illinois corporation sole, for the uses and purposes therein set forth.

Given under my hand and official seal, this 16<sup>th</sup> day of December, 2019.

Commission expires 8/12, 2021

*Linda Yi Condon*  
Notary Public




**EXEMPT UNDER THE REAL ESTATE TRANSFER TAX ACT 35 ILCS 200/31-45(b) AND THE MUNICIPAL CODE OF CHICAGO, SECTION 3-33-060(B) (C.T.A. PORTION).**



December 16, 2019

*Eric Wollan*  
Seller's Representative (Eric Wollan)

**SEND SUBSEQUENT TAX BILLS TO:**  
Sandra A. Carryl  
Attn: Eugene Benjamin Properties LLC  
147 E. 37<sup>th</sup> Street  
Brooklyn, NY 11203

REAL ESTATE TRANSFER TAX	19-Dec-2019
 CHICAGO:	1,875.00
CTA:	0.00
<b>TOTAL:</b>	<b>1,875.00 *</b>

25-34-312-041-0000 | 20191201671334 | 0-707-974-496  
\* Total does not include any applicable penalty or interest due.

REAL ESTATE TRANSFER TAX	19-Dec-2019
 COUNTY:	125.00
 ILLINOIS:	0.00
<b>TOTAL:</b>	<b>125.00</b>

25-34-312-041-0000 | 20191201671334 | 1-802-483-040

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**EXHIBIT A**  
to  
**Special Warranty Deed**

**LEGAL DESCRIPTION**

Parcel 1:

Lot 5 (except the South 66 feet of the North 766 feet thereof taken for opening 137th Street by the City of Chicago pursuant to order entered in Case No. 39194 CO and also except the North 503 feet thereof) in Dolton's Subdivision of part of the West Half of the Southwest Fractional Quarter, South of the river, Section 34, Township 37 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2:

Lot 7 (except the North 66 feet of the South 445.1 feet there taken for opening 137th Street by the City of Chicago pursuant to order entered in Case No. 39194 CO) in Fick's Subdivision of Lot 6 in Dolton's Subdivision of Part of the West Half of the Southwest Fractional Quarter of Section 34 (except that part thereof taken for opening of 137th Street) Township 37 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 3:

Lots 9, 10, 11, and 12 in Spondly's Subdivision of Lot 7 and the West 74 feet of Lot 8 in Dolton's Subdivision of a part of the West Half of the Southwest Fractional Quarter of Section 34, Township 37 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 4:

Vacated East 137th Street lying South of and adjoining Lots 9 and 10 and North of and adjoining Lots 11 and 12, as vacated by Ordinance recorded April 1, 1927 as Document No. 9599720, in Spondly's Subdivision of Lot 7 and the West 74 feet of Lot 8 in Dolton's Subdivision of a part of the West Half of the Southwest Fractional Quarter of Section 34, Township 37 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Addresses:

307 E. 137<sup>th</sup> Street, Chicago, Illinois 60827;  
315 E. 137<sup>th</sup> Street, Chicago, Illinois 60827; and  
325 E. 137<sup>th</sup> Street, Chicago, Illinois 60827.

PINs:

25-34-312-041-0000;  
25-34-312-042-0000; and  
25-34-312-043-0000.

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**EXHIBIT B**  
to  
**Special Warranty Deed**

**PERMITTED EXCEPTIONS**

1. General real estate taxes for the year 2019 and subsequent years, not yet due and payable.
2. Rights of the Municipality, the State of Illinois, the public and adjoining owners in and to vacated 137<sup>th</sup> street. Affects Parcel 4.
3. Rights of the public and quasi-public utilities, if any, in said vacated 137<sup>th</sup> street for maintenance therein of poles, conduits, sewers and other facilities. Affects Parcel 4.
4. Provision of the ordinance recorded April 1, 1927 as document no. 9599720 that "If any part of the Street herein vacated shall ever be used for other than educational, religious or charitable purposes then the vacation herein provided for shall become null and void and the Ordinance shall be for naught held."
5. Easement in favor of the Peoples Gas Light and Coke Company, and its successors and assigns, to install, operate and maintain all equipment necessary for the purpose of serving the Land and other property, together with the right of access to said equipment, and the provisions relating thereto contained in the Grant recorded December 3, 1917 as document no. 6241552, affecting that part of Parcel 1 of the Land falling in Lot 5 (except the North 767 feet thereof). Affects Parcel 1.
6. Easement in favor of City of Chicago, and its successors and assigns, to install, operate and maintain all equipment necessary for the purpose of serving the Land and other property (sewer purposes), together with the right of access to said equipment, and the provisions relating thereto contained in the Grant recorded August 7, 1928 as document no. 10111535, affecting the West 5 feet of that part of Lot 7 lying North of 137<sup>th</sup> Street. Affects Parcel 2.
7. Easement in favor of Commonwealth Edison Company, and its successors and assigns, to install, operate and maintain all equipment necessary for the purpose of serving the Land and other property, together with the right of access to said equipment, and the provisions relating thereto contained in the Electric Facilities Agreement recorded August 16, 1991 as document no. 91420185, affecting Parcels 2 and 3 of the Land. Affects the Land and other property.
8. Encroachment of a chain link fence over the north line of the land, onto the public way, by 0.46 feet to approximately 2 feet, as disclosed by the survey prepared by Gremley & Biedermann, dated November 20, 2019, Order No. 2019-27386-001.

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**EXHIBIT C**  
to  
**Special Warranty Deed**

**RESTRICTIONS**

Use Restrictions. Grantee agrees and covenants the following ("Use Restrictions"):

- a. Grantee will not use nor permit the use of the name "Roman Catholic Church", "The Catholic Bishop of Chicago", "St. Mary of the Assumption" or any derivative of the aforementioned in connection with any operations or activities on the subject Property unless Grantee obtains Grantor's prior written consent.
- b. Grantee will not use, permit others to use or lease or otherwise transfer the use of the subject Property or any portion thereof to any person who uses or will use the Property or any portion thereof as a facility in which:
  - i. Research, performance, advocacy or counseling in favor of any of the following are conducted:
    1. Abortion;
    2. Sterilization;
    3. In vitro fertilization;
    4. Surrogate motherhood;
    5. Experimentation on human embryos;
    6. Destruction of human embryos;
    7. Human cloning;
    8. Gender reassignment;
    9. Stem cell research where the source of stem cells is either human embryos or fetal tissues and organs from induced abortions;
    10. Euthanasia;
    11. Assisted suicide;
    12. Death by means other than natural cause;
  - ii. Distribution or retail sales of artificial contraception occur; provided, however, this prohibition shall not apply where such distribution or sales are incidental to gross revenues generated by the facility or to the value of an organization's goods and services;
  - iii. Satanism, atheism, recourse to mediums, palm-reading, astrology or related activities are advocated or practiced;
  - iv. Pornographic or soft pornographic media or "adult" items are displayed, sold, rented or available for viewing;
  - v. A restaurant, bar or club that encourages or requires personnel to be shirtless or to wear provocative clothing or a uniform that a reasonable person considers to be sexually offensive, (e.g., so-called hot pants, shorts not covering the entire buttocks, tight fitting or otherwise revealing tank tops or halter tops);
  - vi. Live performances or escort services directed to an adult audience rather than a general audience are operated or conducted;

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- vii. Drug paraphernalia are sold;
- viii. Any activity not listed above which is inconsistent with or contrary to the tenets of the Roman Catholic Church, including canon law, doctrine, moral law or customs, in the sole discretion of the then-sitting Bishop or Archbishop with jurisdiction over the Property; provided, however, that this subsection (b)(viii) shall apply only to the Church building forming part of the Property, so long as such Church building remains standing.

c. Other Prohibitions.

- i. Any facility in which tattoos are provided.
- ii. Any amusement or video arcade, pool or billiard hall.
- iii. Any gambling facility or operation, including but not limited to: off-track or sports betting parlor; table games such as blackjack or poker; slot machines, video poker/blackjack/keno machines or similar devices; provided, however, this prohibition shall not apply to a facility in which the total gross revenues for the aforementioned uses, together with total gross revenues from the sale of alcoholic beverages, are less than a majority of the gross revenues generated from such facility.
- iv. A retail store, tavern, bar, night club, gambling establishment, dance club, dance hall, bowling alley or other entertainment venue is operated in which (A) the sale of alcoholic beverages or marijuana (including medical marijuana) constitutes a majority of the gross revenues generated from such facility; or (B) business hours extend past 11:59 PM.
- v. Any use which emits an obnoxious odor, noise or sound which can be heard or smelled outside of any building.
- vi. An operation primarily used as a storage warehouse operation and any assembling, manufacturing, distilling, refining, smelting, agricultural or mining operation.
- vii. Any pawn shop.
- viii. Any mobile home park, trailer court, junkyard, or stockyard; provided, however, this prohibition shall not be applicable to the temporary use of construction trailers during periods of construction, reconstruction or maintenance.
- ix. Any dumping, disposing, incineration or reduction of garbage; provided, however, this prohibition shall not be applicable to garbage compactors not visible from the street.
- x. Any flea market, fire sale, bankruptcy sale (unless pursuant to a court order) operation.

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- xi. Any central laundry, dry cleaning plant or laundromat; provided, however, this prohibition shall not be applicable to nominal supportive facilities for on-site service oriented to pickup and delivery by the ultimate consumer.
- xii. Any car wash facility; provided, however, this prohibition shall not be applicable to nominal supportive car wash services offered by a parking garage.
- xiii. Any automobile, truck, trailer or recreational vehicle service/repair or body shop repair operation.

d. Grantee shall not allow an Impermissible Production to occur in any of the buildings on the Property. An "Impermissible Production" shall mean any form of artistic production, including live productions, filmed productions or displays of painted, sketched, photograph or sculptural works, that:

- i. portrays theism or Catholicism, Catholic clergy or Catholic religious persons in a negative light;
- ii. condones or portrays atheism or Satanism or recourse to mediums in a favorable light;
- iii. condones or portrays immoral acts or lifestyles, including but not limited to, abortion, euthanasia, prostitution, fornication, adultery, homosexual activity, transsexualism, substance abuse, sexual abuse in a favorable light;
- iv. more specifically, is pornographic, lewd, obscene, of an "adult" or "peep" show nature, or include nudity;
- v. condones or portrays unlawful activity or lifestyles in a favorable light; or
- vi. is otherwise disreputable or immoral or anti-Catholic or antithetical to Catholic teaching in the sole discretion of the then-sitting Bishop or Archbishop with canonical jurisdiction over the Property.

In the event of failure of Grantee, its successors and assigns to comply with any of the Use Restrictions, Grantor may pursue any and all remedies available at law or in equity, including but not limited to the right to obtain temporary, preliminary, and permanent injunctive relief to restrain and enjoin violations of the covenants without requirement of bond. Grantor shall have the right to all costs and expenses, including attorney's fees incurred in the enforcement or defense of these Use Restrictions, and any other damages suffered by Grantor as a result of any breach of these Use Restrictions. For the avoidance of doubt, any enforcement for the violation of the Use Restrictions shall be limited to the then-current owner(s) of the Property at the time of the violation.

Grantee on behalf of herself and her successors and assigns in title waives any claims and defenses as to the enforceability or unenforceability of the abovementioned Use Restrictions.

In the event that any of the above and separate and distinct Use Restrictions or the application thereof shall be deemed invalid or unenforceable under applicable law, such determination shall in no manner affect the other Use Restrictions, which shall remain in full force and effect as if the restriction deemed invalid or unenforceable were not originally a part of this Exhibit.

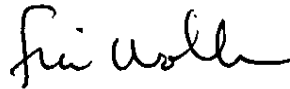


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## STATEMENT BY GRANTOR AND GRANTEE

The grantor or agent affirms that, to the best of his/her knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated: The 16 day of December 2019



Grantor or Agent  
ERIC WOLLAN, Attorney-in-fact

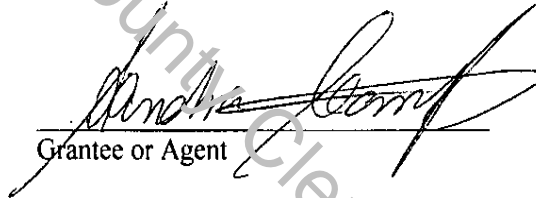
Subscribed and Sworn to before me  
this 16<sup>th</sup> day of December 2019



(Notary Public)

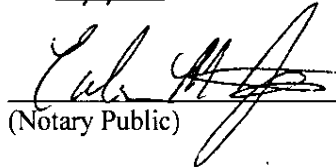
The grantee or agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated: The 19 day of December 2019

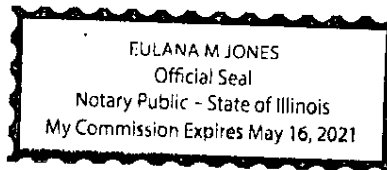


Grantee or Agent

Subscribed and Sworn to before me  
this 19<sup>th</sup> day of December 2019



(Notary Public)



**NOTE:**

**ANY PERSON WHO KNOWINGLY SUBMITS A FALSE STATEMENT CONCERNING THE IDENTITY OF A GRANTEE SHALL BE GUILTY OF A CLASS C MISDEMEANOR FOR THE FIRST OFFENSE AND OF A CLASS A MISDEMEANOR FOR SUBSEQUENT OFFENSES.**