

# UNOFFICIAL COPY

RELEASE OF  
RESTRICTIVE USE COVENANT



\*2034422167\*

Doc# 2034422167 Fee \$88.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 12/09/2020 02:49 PM PG: 1 OF 25

(The Above Space For Recorder's Use Only)

**CITY OF CHICAGO**, an Illinois municipal corporation ("City"), pursuant to an ordinance passed by the City Council of the City of Chicago on May 14, 2008 ("Vacation Ordinance") which ordinance was recorded on September 10, 2008 with the Office of the Cook County Recorder of Deeds as Document Number 0825418122, and is attached hereto as **Exhibit 1**, provided for an Industrial Program street vacation ("Vacation") of a portion of W. Carroll Avenue ("Subject Property").

The Vacation Ordinance provided that the vacation of the Subject Property was conditioned upon the recording of a restrictive use covenant running with the land ("Restrictive Use Covenant"); that required the use of the Subject Property be restricted to manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and similar other uses and facilities."

The Restrictive Use Covenant was recorded on September 10, 2008 with the Office of the Cook County Recorder of Deeds as Document Number 0825418123, and is attached hereto as **Exhibit 2**.

Section 5 of the Vacation Ordinance sets forth that the Restrictive Use Covenant "may be released by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the vacation of the public ways with restrictions on its use."

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The City, upon due investigation and consideration, has determined that the public interest now warrants a release of the Restrictive Use Covenant reserved in Section 5 of the Vacation Ordinance for the payment of such additional compensation which it deems to be equal to the benefits accruing to the Developer because of such release of the Restrictive Use Covenant.

The City hereby releases the Restrictive Use Covenant from the Subject Property, as legally described on Exhibit 3, attached hereto.

COOK COUNTY  
RECORDER OF DEEDS

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IN WITNESS WHEREOF, the City of Chicago has caused this instrument to be duly executed in its name and behalf, by the Commissioner of the Department of Transportation, on or as of the 8<sup>th</sup> day of December, 2020.

CITY OF CHICAGO,  
an Illinois municipal corporation.

By: 

Gia Biagi  
Commissioner  
Department of Transportation

THIS TRANSFER IS EXEMPT PURSUANT TO THE PROVISIONS OF THE REAL ESTATE TRANSFER TAX ACT, 35 ILCS 200/31-45; AND SECTION 3-3 2-030B7(b) OF THE CHICAGO TRANSACTION TAX ORDINANCE.

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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 Gia Biagi, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered as Commissioner, Department of Transportation, the said instrument as her free and voluntary act, and as the free and voluntary act of the City, for the uses and purposes therein set forth.

Given under my hand and official seal, this 8th day of December, 2020.

*Loures Lim*  
Notary Public



THIS INSTRUMENT WAS PREPARED BY:  
Arthur Dolinsky  
Senior Counsel  
City of Chicago, Department of Law  
121 N. LaSalle Street, Room 600  
Chicago, Illinois 60601  
312/744-8731

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**EXHIBIT 1**  
**OF THE RELEASE OF RESTRICTIVE USE COVENANT**

September 10, 2008  
Recorded Vacation Ordinance  
(Attached)

Property of Cook County  
Recorder of Deeds  
Cook County Clerk's Office

COOK COUNTY  
RECORDER OF DEEDS

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Doc#: 0825418122 Fee: \$74.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 09/10/2008 03:35 PM Pg: 1 of 6

The following is said ordinance as passed:

WHEREAS, The City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City has experienced a significant loss of industry and jobs in recent years, accompanied by a corresponding erosion of its tax base, due in part to industrial firms' inability to acquire additional property needed for their continued viability and growth; and

WHEREAS, Many industrial firms adjoin streets and alleys that are no longer required for public use and might more productively be used for plant expansion and modernization, employee parking, improved security, truck loading areas or other industrial uses; and

WHEREAS, The City would benefit from the vacation of these streets and alleys by reducing City expenditures on maintenance, repair and replacement, by reducing fly-dumping, vandalism and other criminal activity; and by expanding the City's property tax base; and

WHEREAS, The City can strengthen established industrial areas and expand the City's job base by encouraging the growth and modernization of existing industrial facilities through the vacation of public streets and alleys for reduced compensation; and

WHEREAS, The properties at 338 to 348 North Peoria Street, the properties at 339 to 353 North Sangamon Street and the properties at 900 to 924 West Carroll Avenue are owned by Nealey Family Limited Partnership; and

WHEREAS, Nealey Family Limited Partnership employ eighty-six (86) full-time employees in food processing; and

WHEREAS, The properties at 901 to 925 West Carroll Avenue are owned by Pioneer Wholesale Meat Company; and

WHEREAS, Pioneer Wholesale Meat Company employs twenty-four (24) full-time employees in wholesale meat processing; and

WHEREAS, Nealey Family Limited Partnership and Pioneer Wholesale Meat Company propose to use the portion of the street to be vacated herein for fenced in parking; and

WHEREAS, The City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of public use and the public interest to be subserved is such as to warrant the vacation of part of public street described in the following ordinance; now, therefore,

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. All that part of West Carroll Avenue lying north of the north line of Lots 1 to 5, both inclusive, in Block 16 in Carpenter's Addition to Chicago, being a subdivision

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DATE 9-10-08 COPIES 6  
OK

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28128

JOURNAL—CITY COUNCIL—CHICAGO

5/14/2008

of the southeast quarter of Section 8, Township 39 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois, lying south of the south line of Lots 19 to 28, both inclusive, in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, lying west of a line drawn from the northeast corner on Lot 1 in Block 16 in Carpenter's Addition to Chicago aforesaid to the southeast corner of Lot 28 in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid and lying east of a line drawn from the northwest corner of Lot 5 in Block 16 in Carpenter's Addition to Chicago aforesaid to the southwest corner of Lot 19 in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, said part of public street herein vacated being further described as that part of West Carroll Avenue lying between the west line of North Peoria Street and the east line of North Sangamon Street, as shaded and indicated by the words "To Be Vacated" on the drawing hereto attached, which drawing for greater certainty is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership and Pioneer Wholesale Meat Company shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrance to that part of the public street hereby vacated, similar to the sidewalk and curb along the west side of North Peoria Street lying between the south line of West Kinzie Street and the north line West Wayman Street. The precise amount of the sum so deposited shall be ascertained by the Office of Emergency Management and Communications -- Traffic Management Authority, Permits Division after such investigation as is requisite and deposited with the Chicago Department of Revenue.

SECTION 3: The vacation herein provided for is made upon the express condition that the Nealey Family Limited Partnership and Pioneer Wholesale Meat Company shall agree to accept and maintain as private sewers all existing sewers and appurtenances thereto which are located in that part of West Carroll Avenue as herein vacated.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and AT&T/SBC, their successors or assigns, an easement to operate, maintain, construct, replace and renew overhead poles, wires and associated equipment and underground conduit, cables and associated equipment for the transmission and distribution of electrical energy and telephonic and associated services under, over and along that part of West Carroll Avenue as herein vacated, with the right of ingress and egress.

SECTION 5. The Commissioner of Transportation is hereby authorized to accept, subject to the approval of the Corporation Counsel as to form and legality, and on behalf of the City of Chicago, the benefits of a covenant or similar instrument restricting the use of the public way vacated by this ordinance to the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking,

P. I. N. : 17-08-405-004-0000  
17-08-413-001-0000

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5/14/2008

REPORTS OF COMMITTEES

28129

and similar other uses and facilities. Such covenant shall be enforceable in law or in equity and shall be deemed to provide for reconveyance of the property to the City upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the vacation of the public way with restrictions on its use.

SECTION 6. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership and Pioneer Wholesale Meat Company shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with a restrictive covenant complying with Section 5 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

SECTION 7. This ordinance shall take effect and be in force from and after its passage.

[Drawing and legal description referred to in this ordinance  
printed on page 28130 of this Journal.]

Cook County Clerk's Office



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28130

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

[Ordinance associated with this drawing and legal description printed on pages 28127 through 28129 of this Journal.]

I FIND NO DEFERRED INSTALLMENTS OF OUTSTANDING UNPAID SPECIAL ASSESSMENTS DUE AGAINST THE LAND INCLUDED IN THE ABOVE PLAT.

DEPT. OF REVENUE-CHICAGO

BY *David Carr*

"A"  
Carpenter's Addition to Chicago, being a Subdivision of the S.E. 1/4 of Section 8-39-14.

"B"  
Subdivision of Blk. 3 of Carpenter's Addition to Chicago etc. (See "A").

"C"  
Vacation for Public Street as provided for in Ordinance Passed Feb. 6, 1899.  
Rec. Jan 9, 1899. Doc. # 2803546  
Rec. Jan 22, 1899. Doc. # 2805173

"D"  
Vacated by Ordinance Passed March 18, 1912.  
Rec. May 17, 1912. Doc. # 4969450

"E"  
Vacated by Ordinance Passed Oct. 25, 1899.  
Rec. Jan. 19, 1900. Doc. # 90031264

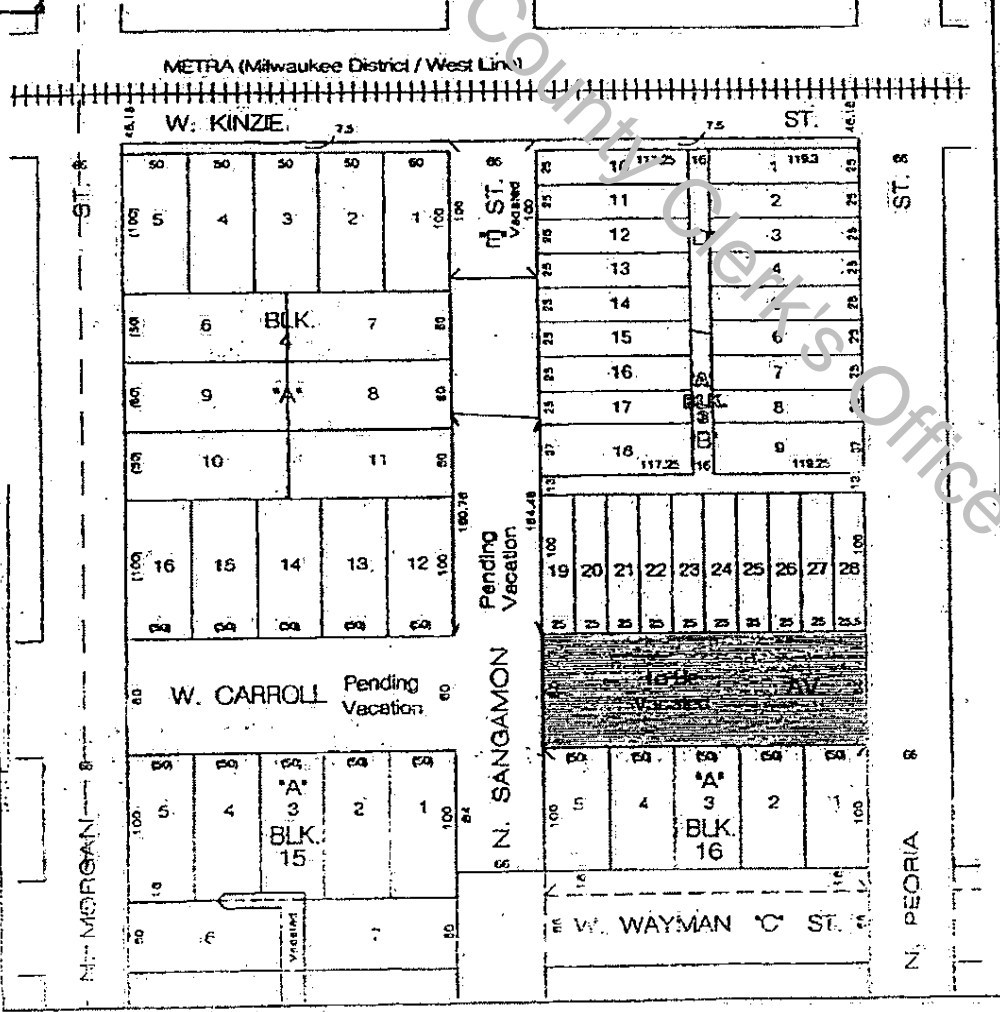
Dr. No. 08-27-07-3001

Note: This Street is being Vacated under the Industrial Street and Alley Vacation Program.

CITY OF CHICAGO  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
*Thomas J. Jones*  
Superintendent of  
August 29, 2008 Maps  
MAPPING EXAMINER  
COOK COUNTY SUBDIVISIONS DIVISION

CURRENT GENERAL TAXES, SPECIAL ASSESSMENTS, LIENS, OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST THE STREETS AND ALLEYS INCLUDED IN THE ABOVE PLAT.

*David Carr*  
COUNTY CLERK  
8-6-08



I hereby certify that this plat is an exact copy of the original filed with me in Cook County.

*Lawrence J. Jones*  
County Clerk of Cook County  
Aug 28, 2008



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**OVERSIZE**

**EXHIBIT  
FORWARD  
TO PLAT COUNTER  
FOR SCANNING**

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Exhibit 2  
OF THE RELEASE OF RESTRICTIVE USE COVENANT

September 10, 2008  
Recorded Restrictive Use Covenant  
(Attached)

Property of Cook County Clerk's Office

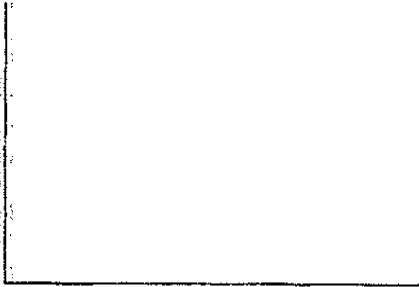
COOK COUNTY  
RECORDER OF DEEDS

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RECORDER OF DEEDS

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Doc#: 0825418123 Fee: \$86.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 09/10/2008 03:38 PM Pg: 1 of 16



## RESTRICTIVE COVENANT

**WHEREAS**, The Nealey Family Limited Partnership and Pioneer Wholesale Meat Company, ("Owners"), hold legal title to certain parcels of real property ("Abutting Property") which are located at 338 to 348 North Peoria Street, 339 to 353 North Sangamon Street, 900 to 924 West Carroll Avenue, and 901 to 925 West Carroll Avenue in the County of Cook, State of Illinois, and which are currently used for the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and other similar uses and facilities; and

**WHEREAS**, on May 14, 2008, the City Council of the City of Chicago approved an ordinance, a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of that part of West Carroll Avenue lying between the west line of North Peoria Street and the east line of North Sangamon Street, (after referred to as "Subject Premises"), the Subject Premises being more particularly described in Exhibit A which is attached and incorporated; and

*16 pgs*

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DATE \_\_\_\_\_ COPIES \_\_\_\_\_  
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WHEREAS, the vacation provided in the Ordinance is conditioned upon the execution and recording by the Owners of a restrictive covenant running with the land that provides that the Subject Premises shall be used only for manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and other similar uses and facilities;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE PASSAGE AND APPROVAL OF THE VACATION ORDINANCE AND THE VESTING OF TITLE IN THE Owners, WITHOUT THE REQUIREMENT THAT THE Owners PAY COMPENSATION TO THE CITY, THE Owners DOES HEREBY AGREE WITH AND COVENANT TO THE CITY OF CHICAGO AS FOLLOWS:

1. **USE.** The Owners hereby covenant to the City of Chicago that the above-described Subject Premises shall not be used for any use or purpose other than those which are set forth in Exhibit B, which is attached and incorporated, and for those uses and purposes which are accessory to such activities, including, but not limited to, the location of necessary and appropriate offices and facilities, storage, employee and customer parking and other similar uses and facilities. The consideration for such covenant, which is deemed and agreed to be valuable and sufficient, is the vacation by the City of Chicago of the Subject Premises for the benefit of Owners without the requirement that the Owners pay compensation to the City.

2. **COVENANT TO RUN WITH THE LAND AND TERM THEREOF.** The burdens of the covenant herein contained shall run with the Subject Premises. The benefits of

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such covenant shall be deemed in gross to the City of Chicago, its successors and assigns. The covenant shall be binding on the Owners, its successors and assigns, and shall be enforceable by the City, its successors and assigns. The covenant may be released or abandoned only upon approval of the City Council of the City of Chicago which may condition its approval upon the payment of such additional compensation by the Owners or any persons claiming under the Owners, which said City Council of the City of Chicago deems to be equal to the benefits accruing because of the release or abandonment of the covenant.

### 3. VIOLATION OF RESTRICTIONS.

(a) Reversion. In the event that the Owners causes or permits a violation of a restriction contained herein, the City of Chicago may serve the Owners with a written notice entitled NOTICE OF VIOLATION setting forth the violations. Such notice shall be sent to Owners a Nealey Family Limited partnership 900 West Fulton Market, Chicago, Illinois 60607 and Pioneer Wholesale Meat Company at 1000 West Carroll Avenue, Chicago, Illinois 60607. Within thirty (30) days of receipt of said Notice of Violation, Owners shall cause the correction of or cure the violations set forth therein. In the event that Owners shall fail or refuse to cause the correction of or cure such violations within the period of thirty (30) days, the City of Chicago may then record with the Cook County Recorder of Deeds a copy of the Notice of Violation, proof of service of the Notice of Violation and a Notice of Reversion. Upon the recording of the aforementioned documents by the City of Chicago, the Subject Premises shall be deemed to be conveyed by Owners to the City of Chicago. In the event that the City does not

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exercise its right of reversion as stated in this Section 3(a) within twenty (20) years from the date of execution and recording of this Covenant, then the provisions of this Section 3(a) shall be deemed null and void.

(b) Enforcement: In addition to the foregoing, this Covenant shall be enforceable by all remedies available in law or in equity, including injunctive relief.

IN WITNESS WHEREOF, the Owners has caused this Covenant to be duly executed and attested to this 7<sup>th</sup> day of July, 2008.

NEALEY FAMILY LIMITED PARTNERSHIP

By: Douglas A. Nealey

Its: President

ATTEST:

Its: \_\_\_\_\_

ACCEPTED: [Signature]  
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY: [Signature]  
Assistant Corporation Counsel



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PIONEER WHOLESALE MEAT COMPANY

By: Walter C. Miller

Its: PRESIDENT

ATTEST:

Its: \_\_\_\_\_

ACCEPTED:

[Signature] 2/11  
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

[Signature]  
Assistant Corporation Counsel

COOK COUNTY  
RECORDER OF DEEDS

COOK COUNTY  
RECORDER OF DEEDS

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No. P.I.N. applicable - document  
affects newly vacated public way

P.I.N.: 17-08-405-004-0000  
17-08-413-001-0000

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RECORDER OF DEEDS

**EXHIBIT A - VACATION ORDINANCE**

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Exhibit "A"

28126

JOURNAL--CITY COUNCIL--CHICAGO

5/14/2008

VACATION OF PORTION OF WEST CARROLL AVENUE  
BETWEEN NORTH PEORIA STREET AND  
NORTH SANGAMON STREET.

The Committee on Transportation and Public Way submitted the following report:

CHICAGO, May 12, 2008.

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body Pass an ordinance for the vacation of part of West Carroll Avenue lying between the west line of North Peoria Street and the east line of North Sangamon Street. This ordinance was referred to the Committee on April 9, 2008.

This recommendation was concurred in unanimously by a viva voce vote of the members of the Committee, with no dissenting vote.

Respectfully submitted,

(Signed) THOMAS R. ALLEN,  
Chairman.

On motion of Alderman Allen, the said proposed ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Flores, Fioretti, Dowell, Preckwinkle, Hairston, Lyle, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, Foulkes, Thompson, Thomas, Lane, Puga, Cochran, Brookins, Muñoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Austin, Colón, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Reilly, Daley, Tunney, Levar, Shiller, Schulter, Moore, Stone -- 48.

Nays -- None.

Alderman Carothers moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

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5/14/2008

REPORTS OF COMMITTEES

28127

WHEREAS, The City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City has experienced a significant loss of industry and jobs in recent years, accompanied by a corresponding erosion of its tax base, due in part to industrial firms' inability to acquire additional property needed for their continued viability and growth; and

WHEREAS, Many industrial firms adjoin streets and alleys that are no longer required for public use and might more productively be used for plant expansion and modernization, employee parking, improved security, truck loading areas or other industrial uses; and

WHEREAS, The City would benefit from the vacation of these streets and alleys by reducing City expenditures on maintenance, repair and replacement; by reducing fly-dumping, vandalism, and other criminal activity; and by expanding the City's property tax base; and

WHEREAS, The City can strengthen established industrial areas and expand the City's job base by encouraging the growth and modernization of existing industrial facilities through the vacation of public streets and alleys for reduced compensation; and

WHEREAS, The properties at 338 to 348 North Peoria Street, the properties at 339 to 353 North Sangamon Street and the properties at 900 to 924 West Carroll Avenue are owned by Nealey Family Limited Partnership; and

WHEREAS, Nealey Family Limited Partnership employs eighty-six (86) full-time employees in food processing; and

WHEREAS, The properties at 901 to 925 West Carroll Avenue are owned by Pioneer Wholesale Meat Company; and

WHEREAS, Pioneer Wholesale Meat Company employs twenty-four (24) full-time employees in wholesale meat processing; and

WHEREAS, Nealey Family Limited Partnership and Pioneer Wholesale Meat Company propose to use the portion of the street to be vacated herein for fenced in parking; and

WHEREAS, The City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of public use and the public interest to be subserved is such as to warrant the vacation of part of public street described in the following ordinance; now, therefore,

*Be It Ordained by the City Council of the City of Chicago:*

**SECTION 1.** All that part of West Carroll Avenue lying north of the north line, of Lots 1 to 5, both inclusive, in Block 16 in Carpenter's Addition to Chicago, being a subdivision

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28.128

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

of the southeast quarter of Section 8, Township 39 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois, lying south of the south line of Lots 19 to 28, both inclusive, in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, lying west of a line drawn from the northeast corner on Lot 1 in Block 16 in Carpenter's Addition to Chicago aforesaid to the southeast corner of Lot 28 in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid and lying east of a line drawn from the northwest corner of Lot 5 in Block 16 in Carpenter's Addition to Chicago aforesaid to the southwest corner of Lot 19 in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, said part of public street herein vacated being further described as that part of West Carroll Avenue lying between the west line of North Peoria Street and the east line of North Sangamon Street, as shaded and indicated by the words "To Be Vacated" on the drawing hereto attached, which drawing for greater certainty is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership and Pioneer Wholesale Meat Company shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrance to that part of the public street hereby vacated, similar to the sidewalk and curb along the west side of North Peoria Street lying between the south line of West Kinzie Street and the north line West Wayman Street. The precise amount of the sum so deposited shall be ascertained by the Office of Emergency Management and Communications - Traffic Management Authority, Permits Division after such investigation as is requisite and deposited with the Chicago Department of Revenue.

SECTION 3. The vacation herein provided for is made upon the express condition that the Nealey Family Limited Partnership and Pioneer Wholesale Meat Company shall agree to accept and maintain as private sewers all existing sewers and appurtenances thereto which are located in that part of West Carroll Avenue as herein vacated.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and AT&T/SBC, their successors or assigns, an easement to operate, maintain, construct, replace and renew overhead poles, wires and associated equipment and underground conduit, cables and associated equipment for the transmission and distribution of electrical energy and telephonic and associated services under, over and along that part of West Carroll Avenue as herein vacated, with the right of ingress and egress.

SECTION 5. The Commissioner of Transportation is hereby authorized to accept, subject to the approval of the Corporation Counsel as to form and legality, and on behalf of the City of Chicago, the benefits of a covenant or similar instrument restricting the use of the public way vacated by this ordinance to the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking,

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08/5418123 Page 12 of 16

5/14/2008

REPORTS OF COMMITTEES

28129

and similar other uses and facilities. Such covenant shall be enforceable in law or in equity and shall be deemed to provide for reconveyance of the property to the City upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the vacation of the public way with restrictions on its use.

SECTION 6. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership and Pioneer Wholesale Meat Company shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with a restrictive covenant complying with Section 5 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

SECTION 7. This ordinance shall take effect and be in force from and after its passage.

[Drawing and legal description referred to in this ordinance  
printed on page 28130 of this Journal.]

VACATION OF PORTIONS OF NORTH SANGAMON  
STREET AND WEST CARROLL AVENUE.

The Committee on Transportation and Public Way submitted the following report:

CHICAGO, May 12, 2008

*To the President and Members of the City Council:*

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body Pass an ordinance for the vacation of that part

(Continued on page 28131)



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28130

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

[Ordinance associated with this drawing and legal description printed on pages 28127 through 28129 of this Journal.]

