

# UNOFFICIAL COPY

## RELEASE OF RESTRICTIVE USE COVENANT



Doc# 2317415013 Fee \$88.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 06/23/2023 11:04 AM PG: 1 OF 18

(The Above Space For Recorder's Use Only)

**CITY OF CHICAGO**, an Illinois municipal corporation ("City"), pursuant to a February 5, 1998 ordinance ("Vacation Ordinance"), which Vacation Ordinance was recorded on June 2, 1998, with the Office of the Cook County Recorder of Deeds as Document Number 98455856, and is attached hereto as **Exhibit A**, and provided for an industrial program ("Industrial Program") alley vacation ("Vacation") of all the triangular alley remnant in the block bounded by W. School Street, W. Melrose Street, N. Lakewood Avenue and N. Racine Avenue ("Subject Property"), as legally described on **Exhibit B** attached hereto.

The Vacation Ordinance provided that the Vacation of the Subject Property was conditioned upon a restrictive use covenant running with the and ("Restrictive Use Covenant"), that required the Subject Property be used only 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".

The Restrictive Use Covenant was recorded on June 2, 1998 with the Office of the Cook County Recorder of Deeds as Document Number 98455855, and is attached hereto as **Exhibit C**.

Section 2 of the Vacation Ordinance sets forth that the Restrictive Use Covenant "may be released or abandoned 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 release or abandonment".

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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 2 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 B, attached.

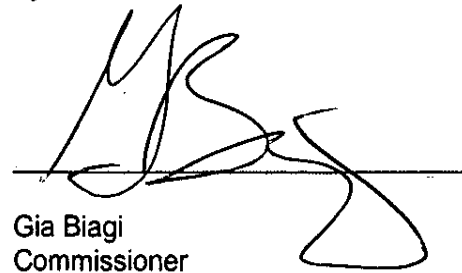
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**IN WITNESS WHEREOF**, the City of Chicago has caused this instrument to be duly executed in its name and behalf, by the Commissioner of the Department of Transportation, on or as of the 6<sup>th</sup> day of June, 2023.

**CITY OF CHICAGO,**  
an Illinois municipal corporation

By:

A handwritten signature in black ink, appearing to read 'G. Biagi', is written over a horizontal line.

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 of the Chicago Department of Transportation, the said instrument as her free and voluntary act, and as the free and voluntary act of the City of Chicago, for the uses and purposes therein set forth.

Given under my hand and official seal, this 10<sup>th</sup> day of June, 2023.

Rachel Decorvo  
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



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

**June 2, 1998**  
**Recorded Vacation Ordinance**  
**(Attached)**

COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387

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COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
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CHICAGO, IL 60602-1387

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EXHIBIT A

90455856

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## INDUSTRIAL ALLEY VACATION ORDINANCE

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

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through the vacation of public streets and alleys for reduced compensation; and

WHEREAS, the properties at 1223 TO 1231 W. School Street are owned by Craftsman Plating and Tinning Corporation and James B. Blacklidge; and

WHEREAS, Craftsman Plating and Tinning Corporation and James B. Blacklidge employs 80 individuals in the manufacture of electroplated metals; and

WHEREAS, Craftsman Plating and Tinning Corporation and James B. Blacklidge proposes to use the portion of the alley to be vacated herein for warehouse expansion and other such uses which are reasonably necessary therefore; and

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

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

SECTION 1. All of the triangular shaped North-South public alley lying West and Southwesterly of the West and Southwesterly lines of 19, lying North of the Westerly extension of the South line of Lot 19 in

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John P. Altgeld's Subdivision of that part of the East ½ of the Southwest ¼ of Section 20, Township 40 North, Range 14, East of the Third Principal Meridian, lying East of the Easterly line of the right of way of the Chicago and Evanston and Lake Superior Railroad presently called the former right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Cook County, Illinois,

lying Southeasterly of the Southeasterly line of the former right of way of the Chicago, Milwaukee St. Paul and Pacific Railroad said Southeasterly former right of way line adjoins the Northwesterly line of Lot 19 in John P. Altgeld's Subdivision aforesaid; said public alley herein vacated being further described as that part of a triangular shaped North-South public alley lying North of the Westerly extension of the North line of the East-Wes. 15 foot public alley and which lies Southeasterly of the Southeasterly line of the former right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad in the block bounded by W. School Street, N. Racine Avenue, N. Lakewood Avenue and W. Melrose Street as colored in red 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 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



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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, 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 or abandoned 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 release or abandonment.

SECTION 3. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the CRAFTSMAN PLATING and TINNING CORPORATION AND JAMES B. BLACKLIDGE 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 2 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

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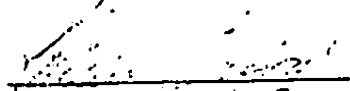
SECTION 4. This ordinance shall take effect and be in force from and after its

passage.

Legal Description Approved:

  
Superintendent of Maps *January 25, 1998*

Approved as to Form and Legality

  
Chief Asst. Corporation Counsel

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"A"

John P. Allgeld's Sub. of that part of the E. 1/2 of the S.W. 1/4 of Sec. 20-40-14, lying E. of the E'y line of the Right of Way of the Chicago and Evanston and Lake Superior R.R.

"B"

Wm. J. Goudy's Sub. of that part of the S.E. 1/4 of the S.W. 1/4 of Sec. 20-40-14, lying W. of the Right of Way of the Chicago and Evanston and Lake Superior R.R.

"C"

Vacated by Ordinance Approved Dec. 22, 1926.  
Rec. Dec. 31, 1926 Doc. No. 9509602

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

DEPT. OF REVENUE CHICAGO

BY

FILED IN THE OFFICE OF THE CLERK OF COOK COUNTY AT THE CLERK'S OFFICE CHICAGO ILL. MAY 29 1998

*Harold D. O'Connell*  
COUNTY CLERK

DATE 5-21-98

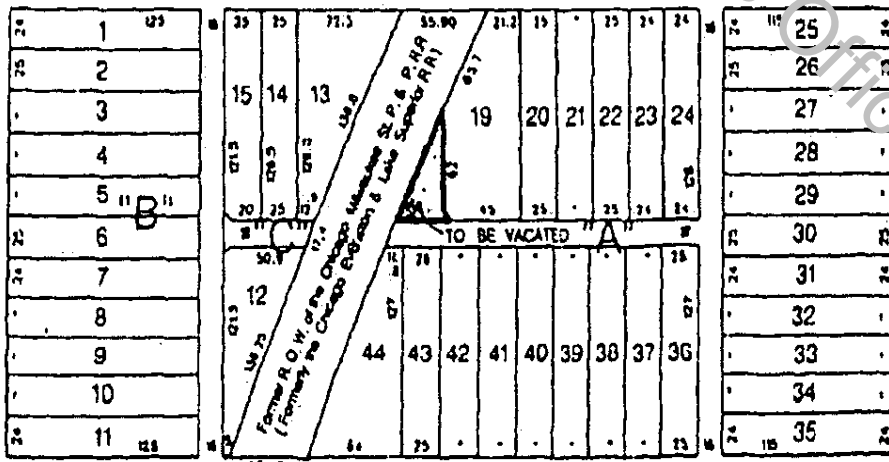
Dr. No. 20-44-97-2161

Note: This Alley is being vacated under the INDUSTRIAL STREET AND ALLEY PROGRAM.

*Lawrence T. Gouvan*  
Superintendent of Maps  
May 29, 1998

NORTH

N. LAKEWOOD AV.



W. SCHOOL ST.

W. MELROSE ST.

ST.

N. RACINE AV.

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STATE OF ILLINOIS, )  
 ) SS.  
 COUNTY OF COOK. )

I, JAMES J. LASKI, City Clerk of the City of Chicago, in the County of Cook and State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of that certain ordinance for the vacation that part of a triangular shaped north south public alley lying north of the westerly extension of the north line of the east-west 16 foot public alley, etc; which ordinance was passed by the City Council of the City of Chicago at the regular meeting held on the fifth (5th) day of February, A.D., 1998.

I DO FURTHER CERTIFY that the vote on the question of the passage of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of said City Council, and that the result of said vote so taken was as follows to wit: yeas 49 nays None

I DO FURTHER CERTIFY that the original, of which the foregoing is a true and correct copy, is on file in my office and that I am the lawful custodian of the same.

WITNESS MY HAND and the corporate seal  
 of the said City of Chicago this eleventh  
 (11th) day of May, A.D. 1998.

  
 \_\_\_\_\_  
 JAMES J. LASKI, City Clerk.

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Document No. 098 287

Property of Cook County Clerk's Office

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|---|
| PASSED BY THE CITY COUNCIL OF THE CITY OF<br>CHICAGO AND DEPOSITED IN THE OFFICE OF THE<br>CLERK OF SAID CITY.<br>FEB - 5 1998<br><i>James J. Dale</i><br>CLERK |
|---|



Dan V. Crowe  
 Room 209  
 Office 14  
 City Hall  
 121 N. LaSalle  
 Chicago, IL 60602

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

**Legal Description  
of  
Subject Property**

**ALL OF THE TRIANGULAR SHAPED NORTH-SOUTH PUBLIC ALLEY LYING WEST AND SOUTHWESTERLY OF THE WEST AND SOUTHWESTERLY LINES OF LOT 19, LYING NORTH OF THE WESTERLY EXENSION OF THE SOUTH LINE OF LOTS 19 IN JOHN P. ALTGELD'S SUBDIVISION OF THAT PART OF THE EAST ½ OF THE SOUTHERWEST ¼ OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE EASTERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND EVANSTON AND LAKE SUPERIOR RAILROAD PRESENTLY CALLED THE FORMER RIGHT OF WAY OF THE CHICAGO, MILMAUKEE ST. PAUL AND PACIFIC RAILROAD, IN COOK COUNTY, ILLINOIS.**

Office of Cook County Clerk's Office

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

June 2, 1998  
Recorded Restrictive Use Covenant  
(Attached)

COOK COUNTY CLERK'S OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387

Property of Cook County Clerk's Office

COOK COUNTY CLERK'S OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
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EXHIBIT C

98455855

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Cook County Recorder 49.50

**RESTRICTIVE COVENANT**

WHEREAS, the Craftsman Plating and Tinning Corporation and James B. Blackledge ("Owners"), hold legal title to certain parcels of real property ("Abutting Property") which are located at 1223-1231 West School Street, 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 February 5, 1998, the City Council of the City of Chicago approved an ordinance (C.J. pp. 62183, 62185 - 62189), 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 a triangular shaped north-south public alley lying north of the westerly extension of the north line of the east-west 16 foot public alley and which lies southeasterly of the southeasterly line of the former right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad in the block bounded by West School Street, North Racine Avenue, North Lakewood Avenue and West Melrose Street (hereinafter referred to as "Subject Premises"), the Subject Premises being more particularly described in Exhibit A which is attached and incorporated; and



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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 DO 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.

1. 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 such covenant shall be deemed in gross to the City of Chicago, its successors and assigns. The

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covenant shall be binding on the Owners, their 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.

## **VIOLATION OF RESTRICTIONS.**

(a) **Reversion.** In the event that the Owners cause or permit 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 at 1250 W. Melrose Street, Chicago, Illinois 60657. 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 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