

# UNOFFICIAL COPY

85<sup>B</sup> 343 983 3 9 3 3

\$34.00

## CONSERVATION RIGHT

THIS CONSERVATION RIGHT, dated December 26, 1985, by and between 1320 North Astor E.R.T.A. Condominium Association (hereinafter "Grantor"), and Landmarks Preservation Council of Illinois, an Illinois not-for-profit corporation qualified to accept charitable gifts and whose purposes include the preservation of buildings, structures or sites of historical, architectural or cultural significance ("Grantee");

1. The Grantor is a legally constituted Condominium Association organized and existing under the laws of the State of Illinois, which Association controls the real property and improvements thereon (hereinafter called the "real property"), more fully described in Exhibit "A" attached hereto, under the provisions of a document entitled "Declaration of Condominium Ownership and Bylaws" recorded November 29, 1984 in the office of the Recorder of Deeds of Cook County, Illinois as Document #27 353 176, which instrument is not violated by this conveyance. The improvements on said real property consist of a certified historic structure (hereinafter called "the building"), more fully described in Exhibit "B".

The Grantor makes this conveyance pursuant to a properly called meeting of Unit Owners of 1320 North Astor E.R.T.A. Condominium, at which meeting the required two-thirds majority of the Owners directed the Board of Managers that this conveyance be made. Grants of the type made herein are specif-

INSTRUMENT PREPARED BY RJD

MAIL TO:

GEORGE M. COVINGTON  
 ONE FIRST NATIONAL PLAZA  
 CHICAGO, IL 60603

BOX 303

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A 945-307 D2 Weinstein

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ically authorized by the Declaration, at Article XIV, Par. 2 (aa) and Article XV, Par. 4.

2. The building is one of architectural significance, containing features described in greater detail in Exhibit "B" hereto. Furthermore, the building is located in a high visibility location at which its unique appearance and scale of construction are important assets to the City of Chicago and its immediate neighborhood. The Grantor desires to preserve the facade and the structure to prevent the destruction of the building and its replacement with a larger structure, and to prevent alteration of the profile or silhouette of the Building. The Grantor desires to preserve the facade in its present design and condition, subject to appropriate necessary maintenance. Those portions of the building described on Exhibit "B" are hereinafter referred to as "the facade."

3. In consideration of One Dollar (\$1.00) and the mutual covenants and restrictions hereinafter set forth and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby does grant, give, convey, bargain and sell unto Grantee, its successors and assigns, irrevocably forever, a Conservation Right, in perpetuity, in and to the aforesaid real property, for the purposes of preserving the facade.

4. The terms of this Conservation Right are as follows:

A. Grantor's Covenants. In furtherance of the Conservation Right herein granted, Grantor covenants:

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(1) Demolition. That Grantor shall not demolish, remove or raze the building.

(2) Alteration. That without the written permission of Grantee, executed by a duly authorized officer, which written permission or refusal to grant such permission, including a statement of reasons for refusal, shall be delivered to Grantor by Grantee within 14 days of receipt of Grantor's written request for such approval, there shall be:

(a) no partial demolition or removal of any building located on the real property;

(b) no change in the facade, including no alteration, partial removal, construction, remodeling or physical or structural change, or change in color or surfacing with respect to the appearance or construction of the facade;

(c) no addition of signs or addition to the facade, including fences or awnings.

(d) no expansion of the building either horizontally or vertically.

(e) no chemical cleaning or sandblasting of the facade.

(3) Maintenance. Grantor covenants that it shall perform appropriate maintenance on the fa-

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cade to preserve its appearance and structural soundness.

(4) Specification of Materials. Grantor covenants that Grantee in providing its written authorizations for work may specify all materials, methods, cleaning substances and colors to be used in any such work.

(5) Casualty Damage. In the event of casualty damage no repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the property and to protect public safety shall be undertaken by Grantor without the prior written approval of the work by Grantee (which written approval shall be given as provided in paragraph (2) above).

(6) Inspection. Grantor covenants that representatives of Grantee shall be permitted to inspect the building at reasonable times upon reasonable notice for the purpose of determining conformance to this Conservation Right.

(7) Delivery to Condominium Purchasers. Grantor covenants to deliver a copy of this Conservation Right, to each purchaser of any condominium within the building, should a declaration of condominium ownership ever be filed for the building.

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(8) Insurance. Grantor covenants that it will maintain in force standard fire and liability insurance policies. The fire policy shall be adequate to provide for reconstruction of the building and the liability policy shall provide coverage in the amount of \$1,000,000.00. All liability policies shall name the Landmarks Preservation Council of Illinois as a named additional insured and shall provide for prior notice of cancellation by the insurer to the Landmarks Preservation Council of Illinois. A certificate of the insurer so providing shall be delivered by Grantor to the Landmarks Preservation Council of Illinois.

(9) Real Estate Taxes. The Grantor shall promptly pay all real estate taxes assessed and levied against the building on or prior to the due date, regardless of the status of protests or appeals.

(10) Accessibility. The protected portion of the interior, if any, shall be made publicly accessible not less than 4 days (10:00 a.m. to 4:00 p.m.) per calendar year, and public access may be in the form of sponsored, guided tours.

(11) Indemnity. The Grantor covenants that it shall indemnify and hold Grantee harmless for any

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liability, costs, attorneys' fees, judgments or expenses to the Grantee or any officer, employee, agent or independent contractor of the Grantee resulting from actions or claims of any nature by third parties arising from defaults under this Conservation Right by the Grantor, or arising out of the ownership, conveyance, possession or exercise of rights under this Conservation Right, (including any such costs and expenses incurred by Grantee in connection with preserving the validity of this Conservation Right) excepting any such matters arising solely from the negligence of the Grantee.

B. Grantee's Remedies. In the event of a violation of any provision of this Conservation Right, in addition to any remedies now or hereafter provided by law (i) Grantee may, following reasonable notice to Grantor, institute a suit for injunctive relief, specific performance or damages, or (ii) representatives of Grantee may enter upon the real property to correct any such violation, and hold Grantor and Grantor's successors, heirs and assigns in title responsible for the cost thereof, and such cost, until repaid, shall constitute a lien on the real property. In the event Grantor is adjudicated to have violated any of Grantor's obligations herein, Grantor shall reimburse Grantee for any costs or expenses incurred in connection with the enforcement of its rights, including court

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costs and attorneys' fees. The exercise by Grantee of one remedy hereunder shall not have the effect of waiving any other remedy and the failure to exercise any remedy shall not have the effect of waiving the use of such remedy at any other time.

C. Grantee's Covenants.

(1) The Grantee shall periodically, at reasonable intervals, inspect the portions of the property subject to this easement as well as the entire building.

(2) The Grantee shall, prior to the 40th anniversary of the receipt of this Conservation Right, record a claim pursuant to the Illinois Code of Civil Procedure, §13-118, for the purpose of preserving the lien of this Conservation Right in perpetuity.

D. Assignability. Grantor agrees that Grantee may, at its discretion, and without prior notice to Grantor, convey and assign this Conservation Right to any agency of the State of Illinois, to a unit of local government, or to a not-for-profit corporation or trust whose primary purposes include the preservation of buildings of historical, architectural or cultural significance. The parties further agree that this Conservation Right shall not be released to the Grantor or its successors or assigns without the consent of the Illinois Attorney General, which consent shall be appended to such release.

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E. Duration. This Conservation Right shall be effective in perpetuity.

F. Runs with the Land. The obligations imposed by this Conservation Right shall be deemed to run as a binding servitude with the land. This instrument shall extend to and be binding upon Grantor and all persons hereafter claiming under or through Grantor, and the word "Grantor" when used herein shall include all persons. Anything contained herein to the contrary notwithstanding, a person shall have no obligation pursuant to this instrument after such person shall cease to have any interest in the real property by reasons of a bona fide transfer for full value.

G. Eminent Domain. In the event that an eminent domain proceeding is filed against a portion of or all of the real property, the Grantor and the Grantee agree that the Grantee may appear as an additional party in the eminent domain proceeding and may participate fully in the litigation for the purposes of proving and recovering the damages caused to the Grantee by the eminent domain action.

H. Statutory Authority. This instrument is made pursuant to Public Act 80-584, An Act Relating to Conservation Rights in Real Property, Ill. Rev. Stat. ch. 30, §§401 et seq. (1981), but the invalidity of such Act or any part thereof shall not affect the validity and enforceability of this instrument according to its terms, it being the intent of the parties that this instrument constitutes a charitable trust a preservation

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restriction, a common law easement in gross and a restrictive covenant.

I. Notices. Any notice called for herein shall be in writing and shall be mailed postage prepaid by registered or certified mail with return receipt requested, or hand delivered and receipted. If to Grantor, then to E.R.T.A. Development Corp., 4055 North Sheridan Road, Chicago, Illinois 60613, and if to Grantee, then at Landmarks Preservation Council of Illinois, 407 South Dearborn Street, Suite 970, Chicago, Illinois 60605. Each party may change its address set forth herein by a notice to such effect to the other party. The failure to serve a change of address notice shall not waive the notice requirement.

J. Compliance with Applicable Ordinances. Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance relating to building materials, construction methods or use. In the event of any conflict between any such ordinance and the terms hereof, the ordinance shall prevail and the Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the City of Chicago or other appropriate authority to accommodate the purposes of both this instrument and such ordinance.

5. A copy of this Conservation Right shall be recorded with the Cook County Recorder of Deeds and copies shall be furnished by the Grantor to the Illinois Attorney General, Charitable Trust Division and the Illinois Department of Conservation.

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6. The Grantee shall have the right to install a plaque of suitable design, not larger than 12" x 12" on the facade, at a point easily visible by the public, from a public way, which plaque shall name the architect, the date of construction and state that the facade is subject to a Conservation Right held by the Landmarks Preservation Council of Illinois. The Grantor further agrees that Grantee shall have the exclusive right to exploit representations of the facade ~~and \_\_\_\_\_~~ in a tasteful manner on prints, photos, "T" shirts, literature and three dimensional items.

7. The Grantor acknowledges that the subject matter of this conveyance is a perpetual donation to charity which can no longer be transferred, hypothecated or subjected to liens or encumbrances by the Grantor.

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IN WITNESS WHEREOF, on the date first shown above,  
Grantor has caused this Conservation Right to be executed,  
sealed and delivered by its President and attested by  
its Secretary.

GRANTOR:

1320 NORTH ASTOR CONDOMINIUM  
ASSOCIATION

By Michael J. Stevenson  
MICHAEL STEVENSON, PRES.

ATTEST:

Richard S. DeNnen  
6695C RICHARD S. DENNEN, SEC.

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ACCEPTED BY GRANTEE, Landmarks Preservation Council of Illinois, pursuant to the Conservation Rights in Real Property Act, this 26<sup>th</sup> day of December.

By Jessica Rubin  
President

ATTEST:

Susan Pantorini Allen  
Secretary

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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 Michael J. Stevenson personally known to me to be the same person whose name herein subscribed to the foregoing instrument appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given my hand and official seal, this 28 day of December, 1985.

Shel R. Walters  
Notary Public

My commission expires:

My Commission Expires June 28, 1989

COOK COUNTY, ILLINOIS  
FILED FOR RECORD

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STATE OF ILLINOIS    )  
                              )    SS  
COUNTY OF COOK     )

I, the undersigned, Notary Public, appointed in Cook County for the State of Illinois, do hereby certify that Lathain Roberson, President and Susan Janowski Alka, Secretary, personally known to me to be the same persons whose names are, as President and Secretary of Landmarks Preservation Council of Illinois, a not-for-profit corporation of the State of Illinois, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being duly authorized, signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of the corporation and as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 26<sup>th</sup> day of December, A.D., 1985.

[Signature]  
Notary Public

My Commission expires:

8-8-88

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## EXHIBIT "A"

[Legal]

Units: Garden, No. 1, No. 2, No. 3, No. 4

In 1320 North Astor E.R.T.A. Condominium as delineated on a survey of the following described parcel of real estate:

THAT PART OF LOTS 1, 2, AND 3 IN BLOCK 4 IN H.O. STONE'S SUBDIVISION OF ASTOR'S ADDITION TO CHICAGO IN SECTION 3, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH EAST CORNER OF LOT 1 AFORESAID, THENCE RUNNING SOUTHEASTERLY ALONG THE EAST LINE OF LOT 1 63.16 FEET, MORE OR LESS TO A POINT OF INTERSECTION WITH A LINE 62.40 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF LOTS 1 AND 3 TO THE PLACE OF BEGINNING; THENCE RUNNING WESTELRY ALOING SAID LINE 62.40 FEET SOUTH OF AND PARALLEL TO SAID NORTH LINE, AND NORTH LINE EXTENDED WEST, TO THE WEST LINE OF THE EAST 9.00 FEET OF THE VACATED ALLEY LYING WEST OF AND ADJOINING LOT 3 AFORESAID; THENCE RUNNING SOUTHERLY ALONG SAID WEST LINE TO A POINT OF INTERSECTION WITH A LINE 82.87 FEET SOUTH OF AND PARALLEL TO THE AFORESAID NORTH LINE OF LOT 3 EXTENDED WEST; THENCE EASTERLY ALONG SAID LINE 82.87 FEET SOUTHERLY OF SAID NORTH LINE OF LOT 3 TO A POINT ON THE EAST LINE OF LOT 2 AFORESAID; THENCE NORTHWESTELRY ALONG THE EASTERLY LINE OF LOTS 1 AND 2 TO THE PLACE OF BEGINNING IN COOK COUNTY, ILLINOIS.

which survey is attached as Exhibit "A" to the Declaration of Condominium recorded in the office of the Recorder of Deeds of Cook County, Illinois as Document No. 27353176.

Tax Identification Number:  
17-03-106-011

Address of Property:

1320 North Astor Street  
Chicago, Illinois

6695C

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## EXHIBIT B

### CONTENTS

1. Building Elements Protected by this Conservation Right
2. Narrative Description of Building Exterior
3. Photographs of Building Exterior

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Subject to the provisions of the Public Access to Information Act, the information contained in this document is available to the public. The information is provided in accordance with the provisions of the Access to Information Act. The information is provided in accordance with the provisions of the Access to Information Act.

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## EXHIBIT B-1

The elements of the building at 1320 North Astor Street, Chicago, Illinois protected by this Conservation Right (referred in the document as "the building") are as follows:

The entire exterior envelope of the building, including all facades and the roof.

~~Property Identification Number:~~

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FILE NO. 000000

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Court at Chicago, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Clerk of the Court

By \_\_\_\_\_, Deputy Clerk of the Court

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## EXHIBIT B-2

Narrative description of building exterior, from the Historic Preservation Certification Application, filed August 30, 1984.

The building at 1320 North Astor Street is an attached, three-story red stone building on a raised basement with additional living space in the Mansard roof. The building has a full party wall on the north, a partial party wall on the south, with an exposed rear facade of common brick. The narrow, two bay building is dominated by a heavy rounded arched entry springing from clustered pillars with ornate capitals. Above the entry are paired windows on the second and third floors, those on the third floor with rounded arched heads. Between the second and third floors is a decorative Sullivan-esque terra cotta band which extends along the rounded north-east corner of the building. Beneath the Mansard roof a decorative cornice also rounds the corner. The stone is cut with a heavy beading articulating the courses, which lends a very distinctive appearance to the building. The building is in fair condition but has been much altered since its original status as a single family home. In the late 1930's it was converted to a boarding house of small apartments, with additions of bathrooms and kitchens, changes in interior walls, and wiring. In 1969 a building permit discloses that rear doors and fire escapes were added, fireplaces were closed up and the main staircase was enclosed. It was purchased a few years ago by a developer who relocated the staircase (retaining the material and detailing) and removed the interior non-original walls and non-bearing walls. The marble foyer, wainscoting, interior woodwork and fireplaces remain. This is the present condition of the building as purchased by present owner.

Note: Prior to the execution of this Conservation Right, the building has undergone a complete exterior and interior rehabilitation. The rehabilitation work was certified by the National Park Service of the United States Department of the Interior on June 12, 1985.

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## EXHIBIT B-3

### INDEX OF PHOTOGRAPHS

1. East Facade
2. Partial View, East Facade
3. Detail, Basement Window Grill, East Facade
4. West Facade

Negatives for photographs 1-4 are the property of the Landmarks Preservation Council of Illinois.

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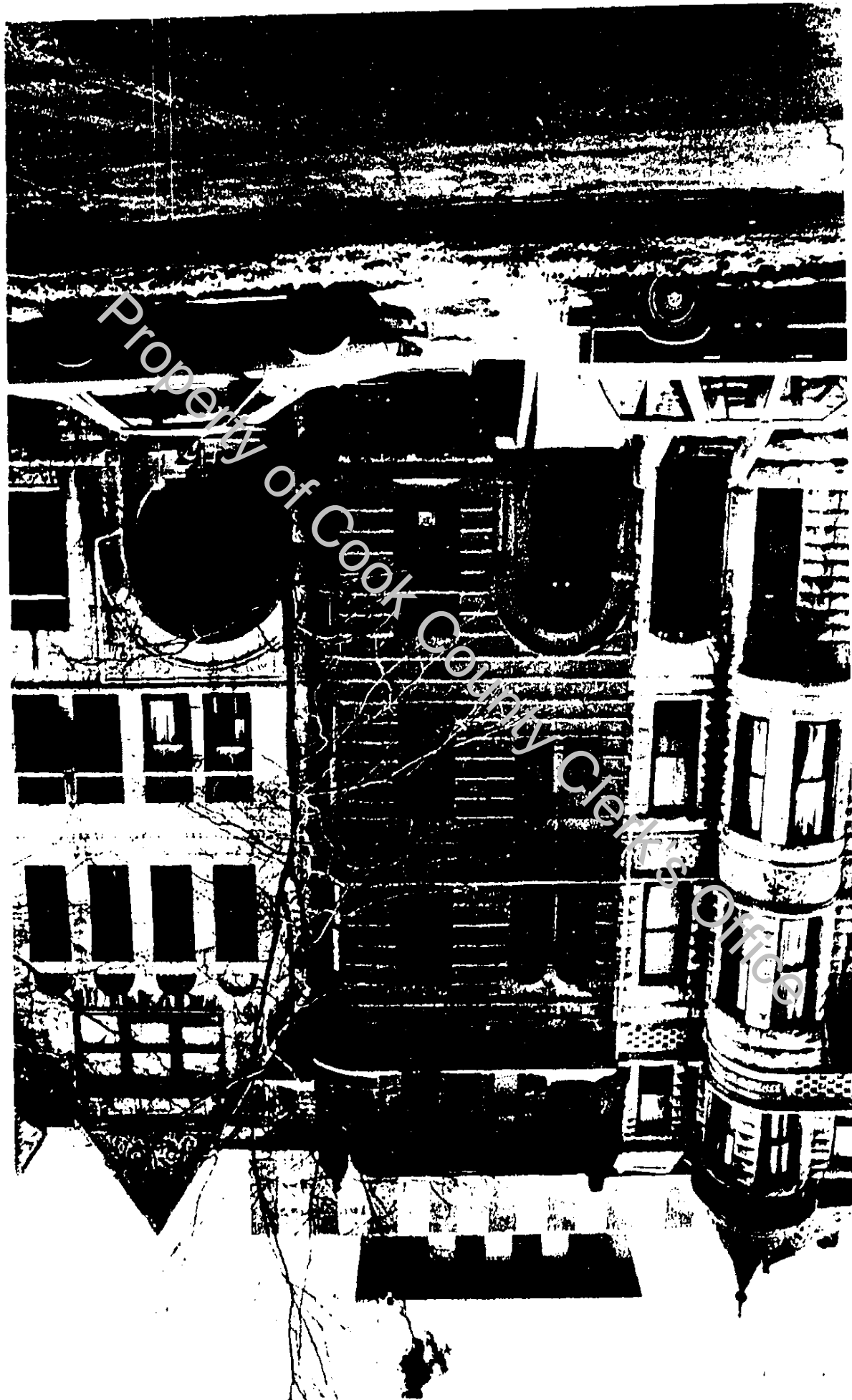
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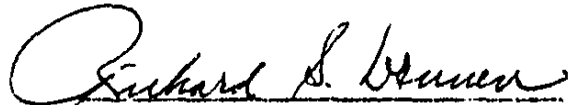
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## MINUTES OF MEETING

### 1320 N. ASTOR E.R.T.A. CONDOMINIUM ASSOCIATION

On August 30 at the hour of 2:00 P.M., pursuant to proper notice, a special meeting of the Owners of Units at 1320 N. Astor Street, Chicago was held by telephone conference through the office of Gilbert Y. Liss, 4065 N. Sheridan Road, Chicago. The Owners of ALL units were contacted. The purpose of the meeting was to approve the granting of a Preservation Easement of the facade of the building to the Landmarks Preservation Council of Illinois for charitable purposes. The consequences of such a grant were explained to the Owners, including the requirement of perpetual maintenance, and the fact that the easement would impose a burden upon all future owners of the property. The costs and benefits were discussed. Following full discussion of the issues, the Unit Owners voted unanimously in favor of making the grant and authorized the Board to execute any necessary documents to accomplish the same.



Richard S. Dennen, Secretary

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STATE OF ILLINOIS )  
                          )ss.  
COUNTY OF C O O K )

I, Michael Stevenson do hereby Certify that I am the duly elected President of the 1320 N. Astor E.R.T.A. Condominium Association, and that the above is a true copy of the minutes of a duly called meeting of the Association at which the granting of a Preservation Easement of the Facade of the Condominium property to The Landmarks Preservation Council of Illinois was approved.

Michael J. Stevenson  
Michael Stevenson, President

Attest:

Richard S. Dennen  
Richard S. Dennen, Secretary

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