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DECLARATION OF PARTY WALLS

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THIS DECLARATION OF PARTY WALLS, made this 27 day of April, 1987, by Front Street, Ltd., an Illinois general partnership ("Declarant").

W I T N E S S E T H:

WHEREAS, Declarant owns three (3) townhouses commonly known as (i) 12109 South Indiana Avenue, Chicago, Illinois, legally described on Exhibit A attached hereto and made a part hereof ("12109"); (ii) 12111 South Indiana Avenue, Chicago, Illinois, legally described on Exhibit B attached hereto and made a part hereof ("12111"); and (iii) 12113 South Indiana Avenue, Chicago, Illinois, legally described on Exhibit C attached hereto and made a part hereof ("12113"), (12109, 12111 and 12113 collectively referred to herein as the "Property"); and

WHEREAS, 12109 and 12111 share a common eight-inch thick wall ("Wall No. 1") located on the east-west property line between said townhouses which is the southern boundary of 12109 and the northern boundary of 12111, all as shown on the surveys of the Property attached hereto as Exhibit D; and

WHEREAS, 12111 and 12113 share a common eight-inch wall ("Wall No. 2") located on the east-west property line between said townhouses which is the southern boundary of 12111 and the northern boundary of 12113, all as shown on the surveys of the Property attached hereto as Exhibit D; and

WHEREAS, ownership of 12109, 12111 and 12113 by separate individuals ("Owners") may hereafter arise and Declarant desires to establish the rights of such Owners with respect to Wall No. 1 and Wall No. 2, and therefore to subject Wall No. 1 and Wall No. 2 to this Declaration for Declarant, its successors and assigns.

NOW, THEREFORE, in consideration of the foregoing recitals, each of which is made a part hereof, Declarant declares as follows:

1. PARTY WALL DECLARATION.

- (a) Wall No. 1 and Wall No. 2 shall constitute party walls.
- (b) From the date of conveyance by Declarant to an Owner of either 12109 or 12111, Declarant and such Owner shall have the right to use Wall No. 1 jointly and shall have all rights and be subject to

Prepared By: Valerie Fisher

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305 Wacker, Ste 2900
Chgo Ill 60606

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all obligations provided for herein. From the date of conveyance by Declarant to an Owner of the remaining townhouse 12109 or 12111, the Owners of 12109 and 12111 shall have the right to use Wall No. 1 jointly and shall have all rights and be subject to all obligations provided for herein.

- (c) From the date of conveyance by Declarant to an Owner of either 12111 or 12113, Declarant and such Owner shall have the right to use Wall No. 2 jointly, and shall have all rights and be subject to all obligations provided for herein. From the date of conveyance by Declarant to an Owner of the remaining townhouse 12111 or 12113, the Owners of 12111 and 12113 shall have the right to use Wall No. 2 jointly, and shall have all rights and be subject to all obligations provided for herein.

2. LIMITATION ON USE.

- (a) Declarant and all Owners of 12109 and 12111 shall have equal rights in all respects to Wall No. 1 and shall not use Wall No. 1 in any manner whatsoever that may interfere with the equal use of Wall No. 1 by the remaining Owner.
- (b) Declarant and all Owners of 12111 and 12113 shall have equal rights in all respects to Wall No. 2 and shall not use Wall No. 2 in any manner whatsoever that may interfere with the equal use of Wall No. 2 by the remaining Owner.
- (c) Neither Declarant nor any Owner shall make any alterations, modifications or changes in the structure of Wall No. 1 or Wall No. 2 or create any openings or windows therein without the written agreement of the Owner sharing rights to such Wall hereunder.

3. REPAIRING OR REBUILDING.

- (a) In the event it becomes necessary or desirable to repair or rebuild the whole or any part of Wall No. 1, the repairing or rebuilding expense shall be borne equally by Declarant and/or any Owners who shall at the time of repair or rebuilding be in title to the premises at 12109 and 12111 respectively, provided that any proceeds received from insurance on account thereof shall first be applied.
- (b) In the event it becomes necessary or desirable to repair or rebuild the whole or any part of Wall No. 2, the repairing or rebuilding expense shall be

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borne equally by Declarant and/or any Owners who shall at the time of repair or rebuilding be in title to the premises at 12111 and 12113 respectively, provided that any proceeds received from insurance on account thereof shall first be applied.

(c) Any repairing or rebuilding of Wall No. 1 or Wall No. 2 shall be on the same location, and of the same size as the original Wall or portion thereof, and of the same or similar or superior material and quality as that used in the original Walls or portions thereof, unless the parties then in title agree otherwise.

(d) Should either of the Walls be damaged or destroyed by the default, negligence or other act or omission of any of the parties then in title, or his guests, agents or invitees, such party shall rebuild or repair the Wall at his sole cost and expense, and shall compensate the Owner sharing rights to such wall hereunder for any damages incurred thereby.

4. ARBITRATION. Any controversy that may arise with respect to the necessity for, or cost of, repairs, or with respect to any other rights or obligations pursuant to this Declaration shall be submitted to the decision of three arbitrators, one to be chosen by each of the parties to the dispute then in title and a third by the two so chosen. The decision of a majority of such arbitrators shall be final and conclusive on the parties.

5. BINDING EFFECT. This Declaration shall be perpetual in effect, and the benefits and obligations of the covenants herein shall run with the land herein described so long as Wall No. 1 or Wall No. 2 or any rebuilt portion thereof continues to exist, and shall bind Declarant, its successors and assigns, including all Owners.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the day and year first above written.

FRONT STREET, LTD., an Illinois
general partnership

By: 
Allan A. Weinstein, General Partner

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EXHIBIT "A"

LEGAL DESCRIPTION

12109 South Indiana
Chicago, Illinois

LOT 28 (EXCEPT THE SOUTH 8.50 FEET THEREOF) AND EXCEPT THE NORTH ONE-HALF FOOT THEREOF) IN BLOCK 8 IN THE RESUBDIVISION OF BLOCKS 5, 6, 7 AND 8 IN MENAGE SUBDIVISION, BEING A RESUBDIVISION OF THE SOUTH ONE-HALF OF BLOCKS 10, 11, 12 AND THE NORTH ONE-HALF OF BLOCKS 14, 15 AND 16 IN FIRST ADDITION TO KENSINGTON (BEING A SUBDIVISION IN SECTIONS 22, 27, AND 28) EXCEPT THAT PART OWNED BY THE BLUE ISLAND RAILROAD COMPANY, SAID BLOCKS LYING IN THE WEST FRACTIONAL ONE-QUARTER OF SECTION 27, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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EXHIBIT "B"

LEGAL DESCRIPTION

12111 South Indiana
Chicago, Illinois

THE NORTH 9.50 FEET OF LOT 27 AND THE SOUTH 8.50 FEET OF LOT 28 IN BLOCK 8 IN MENAGE SUBDIVISION, BEING A RESUBDIVISION OF THE SOUTH ONE-HALF OF BLOCKS 10, 11, 12 AND THE NORTH ONE-HALF OF BLOCKS 14, 15 AND 16 IN FIRST ADDITION TO KENSINGTON (BEING A SUBDIVISION IN SECTIONS 22, 27, AND 28) EXCEPT THAT PART OWNED BY THE BLUE ISLAND RAILROAD COMPANY, SAID BLOCKS LYING IN THE WEST FRACTIONAL ONE-QUARTER OF SECTION 27, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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EXHIBIT "C"

LEGAL DESCRIPTION

12113 South Indiana
Chicago, Illinois

THE NORTH 9.50 FEET OF LOT 27 AND THE SOUTH 8.50 FEET OF LOT 28 IN BLOCK 8 IN THE RESUBDIVISION OF BLOCKS 5, 6, 7 AND 8 IN MENAGE SUBDIVISION, BEING A RESUBDIVISION OF THE SOUTH ONE-HALF OF BLOCKS 10, 11, 12 AND THE NORTH ONE-HALF OF BLOCKS 14, 15 AND 16 IN FIRST ADDITION TO KENSINGTON (BEING A SUBDIVISION IN SECTIONS 22, 27, AND 28) EXCEPT THAT PART OWNED BY THE BLUE ISLAND RAILROAD COMPANY, SAID BLOCKS LYING IN THE WEST FRACTIONAL ONE-QUARTER OF SECTION 27, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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