

WAIVER OF AND VARIANCE FROM CERTAIN COVENANTS OF RIVER OAKS WEST BUSINESS PARK

THIS WAIVER OF AND VARIANCE FROM CERTAIN COVENANTS OF RIVER OAKS WEST BUSINESS PARK is granted as of the 18th day of May, 1989, by Steel City National Bank of Chicago, a national banking association, as Trustee under Trust Agreement dated March 1, 1988 known as Trust Number 3024 ("Owner") and the Architectural Review Committee for River Oaks West Business Park ("Committee") to The Region Enterprises, an Indiana general partnership having an office at 1740 West Michigan Street, Indianapolis, Indiana, 46222.

15.00

WITNESSETH:

WHEREAS, under Declaration of Protective Covenants dated December 18, 1974, for RIVER OAKS WEST BUSINESS PARK, COOK COUNTY, ILLINOIS ("Declaration"), said Declaration recorded as Doc # 22971509, with the Cook County Recorder, of Cook County, Illinois, there was created under ARTICLE III, page 5 an ARCHITECTURAL REVIEW COMMITTEE (hereinafter called "Committee"); and

WHEREAS, under and pursuant to said Declaration the following named parties comprise said Committee, namely:

- GEORGE DEVRIES, Chairman
- MICHAEL BONET, Member
- JAMES F. KIRK, Member; and

WHEREAS, Owner is the successor Grantor as referred in said Declaration; and

WHEREAS, Grantee has purchased from Owner the following described parcel:

Lot 14 in River Oaks West Business Park being a subdivision of Part of the E 1/2 of Section 24, Township 36 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

P.I.N. #

Commonly Known as: 29-24-400-033; and 16500 HUNTINGTON, CALUMET CITY, ILL.

WHEREAS, the Committee has heretofore carefully reviewed Grantee's plans and specifications and proposed use of said Lot by Grantee and has determined in accordance with said Declaration that such proposed use is consistent with the covenants contained in such Declaration; and

WHEREAS, the Committee has heretofore carefully reviewed Grantee's plans and specifications and proposed use of said Lot

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by Grantee and has determined in accordance with said Declaration, and in particular Section 5.4 thereof, that, to eliminate any question that such use is consistent with the covenants contained in such Declaration, it can and should grant a variance from the requirements of, and the prohibitions contained in, Sections 4.2(G)(2) and 5.3(A)(5) of the Declaration for the benefit of Grantee, and its successors, assigns, tenants and subtenants; and

WHEREAS, the Owner, for the foregoing reasons, also has determined in accordance with said Declaration, and in particular Section 8.6 thereof, that it can and should waive compliance with the requirements of, and the prohibitions contained in, Sections 4.2(G)(2) and 5.3(A)(5) of the Declaration, and that it is in the best interests of the business park to waive compliance with such provisions, as to Grantee, and its successors, assigns, tenants and subtenants.

NOW, THEREFORE, in consideration of the premises and of the promises and agreements contained in the contract to purchase, and for other valuable consideration, the receipt of which is hereby acknowledged:

1. Grant of Variance and Waiver. The Committee and the Owner hereby perpetually grant unto Grantee, and to its successors, assigns, tenants and subtenants, pursuant to Section 5.4 of the Declaration, a variance from the requirements of, and the prohibitions contained in, Sections 4.2(G)(2) and 5.3(A)(5) of the Declaration, and pursuant to Section 8.6 of the Declaration, a waiver of and from the requirements and the prohibitions contained in Sections 4.2(G)(2) and 5.3(A)(5) of the Declaration, respectively, such variance and waiver limited to the use of said Lot 14 for the construction, reconstruction, operation and maintenance of a multi-purpose office and warehouse building with outside storage facilities (such outside storage facilities for the purpose of storing/warehousing various construction and building materials, supplies and equipment, including company-owned or operated trucks and construction trailers, utilized in connection with the operation of a construction or contracting business); provided, however, while Grantee may install chain link fencing of said Lot, in the event Grantee allows outside storage of the rear portion of said Lot of any such materials, supplies or equipment, including company-owned or operated trucks (other than pick-up trucks) and construction trailers, Grantee shall modify such fencing to provide for screening of such materials, supplies and equipment.

2. Successors and Assigns. The terms and provisions of this instrument shall run with the land and shall be binding upon, and shall inure to the benefit of, the

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parties and their respective successors, personal representatives, heirs and assigns.

IN WITNESS WHEREOF, the Owner and the Committee have executed, by their duly authorized representatives, the foregoing waiver and variance as of the date first above-written, but on the dates below-written.

"Owner"

Steel City National Bank of Chicago, a national banking association, as Trustee under Trust Agreement dated March 1, 1988 known as Trust Number 3024. See Rider Attached Hereto and made a part Hereof;  
By: \_\_\_\_\_

Attest: \_\_\_\_\_

Trust Officer

Assistant Vice President

Dated: \_\_\_\_\_, 1989

Dated: 6/8, 1989

By: George DeVries  
George DeVries, Beneficiary

"Committee"

Dated: 6/8, 1989

By: George DeVries  
George DeVries, Chairman

Dated: 6/8, 1989

By: Michael Bonet  
Michael Bonet, Member

Dated: 6/8, 1989

By: James F. Kirk  
James F. Kirk, Member

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COOK COUNTY, ILLINOIS  
FILED FOR RECORD

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STATE OF ILLINOIS )
)
COUNTY OF COOK ) ss.

I, Cynthia Peri, do hereby certify that George DeVries, Michael Bonet and James F. Kirk, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and office seal this 6th day of June, 1989.

OFFICIAL SEAL
Cynthia Peri
Notary Public, State of Illinois
My Commission Expires April 27, 1991

Cynthia Peri
Cynthia Peri

STATE OF ILLINOIS )
)
COUNTY OF COOK ) ss.

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that the above named Assistant Vice President and Trust Officer of said STEEL CITY NATIONAL BANK OF CHICAGO, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the said instrument as such officers of said Bank and caused the seal of said Bank to be thereunto affixed as their free and voluntary act and as the free and voluntary act and deed of said Bank, as thereunto Trustee aforesaid, for the uses and purposes therein set forth, GIVEN under my hand and Notarial Seal, this \_\_\_\_\_ day of May, A.D., 1989.

Notary Public

This Document prepared by:

James F. Kirk
7646 W. 159th St.
Orland Park, Illinois 60462

BOX 333 - GG

Return to:

BMW Constructors, Inc.
P.O. Box 22210
Indianapolis, Indiana 46222

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COOK COUNTY CLERK  
111 N. LAUREL ST.  
CHICAGO, ILL. 60602  
TEL: 312.603.1000

4/20/2016



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This Waiver and Variance Form is executed by STEEL CITY NATIONAL BANK, not personally, but as Trustee under Trust No. 3024, and it is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the Trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the STEEL CITY NATIONAL BANK or for any of the beneficiaries under said Trust Agreement, on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

DATE: June 8, 1989

STEEL CITY NATIONAL BANK  
as Trustee, and not personally

BY: [Signature]

ATTEST [Signature]  
Trust Officer

CORPORATE SEAL

STATE OF ILLINOIS  
COUNTY OF COOK

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that the above named MARILYN J. DIVINE Vice President - Cashier and Trust Officer of said STEEL CITY NATIONAL BANK, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the said instrument as such officers of said Bank and caused the seal of said Bank to be thereunto affixed as their free and voluntary act and as the free and voluntary act and deed of said Bank, as thereunto Trustee aforesaid, for the uses and purposes therein set forth. GIVEN under my hand and Notarial Seal, this 8th day of June, A.D., 1989.

89-08531

OFFICIAL SEAL  
CARMEN ANAYA  
Notary Public, Cook County  
State of Illinois  
My Commission Expires 9/20/89

[Signature]  
Notary Public

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