

# UNOFFICIAL COPY

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DECLARATION OF USE RESTRICTIONS

91187413

DECLARATION OF USE RESTRICTIONS made as of this 18th day of April, 1991 (the "Execution Date"), by FIRST NATIONAL BANK OF BLUE ISLAND as Trustee under a Trust Agreement dated March 16, 1987 and known as Trust No. 87028.

WITNESSETH:

~~STAMP~~

WHEREAS, Trust No. 87028 owns fee simple title to that certain parcel of real estate in the County of Cook, State of Illinois, legally described on Exhibit A attached hereto and made a part hereof (the "Trust 87028 Property"); and

WHEREAS, the owner of the entire beneficial interest in Trust No. 87028 entered into a Real Estate Sale Contract dated July 16, 1990 with Cracker Barrel Old Country Store, Inc., a Tennessee corporation ("Cracker Barrel"), under the terms of which said beneficial owner agreed to sell and Cracker Barrel agreed to purchase a portion of the Trust 87028 Property, which portion is more particularly described on Exhibit B attached hereto and made a part hereof (the "Cracker Barrel Property"); and

WHEREAS, as a condition to Cracker Barrel's purchase of the Cracker Barrel Property, said beneficial owner agreed to place certain restrictions against the remainder of the property owned or controlled by said beneficial owner in the subdivision of which the Cracker Barrel Property is a part; and

WHEREAS, in order to comply with the requirements set forth in the contract with Cracker Barrel, the owner of said beneficial interest wishes to and by this document intends to have certain restrictions placed upon the Trust No. 87028 Property.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, by execution of this Declaration of Use Restriction, Trust No. 87028 hereby declares that the Trust No. 87028 Property is and shall be held, transferred, sold, conveyed and occupied, subject to the following restrictions on use:

1. Limitation on Use as a Restaurant. The Trust No. 87028 Property shall not be used for the operation of a restaurant doing business under the name "Bob Evans", "Bakers' Square", "Denny's", "Big Boy", "Perkin's Family Restaurant" or "Village Inn Restaurant" (the "Restaurant Restriction").

PREPARED BY & RETURN TO:  
STEPHEN L. GOLAN  
SOPRATH, SHAW, KAWARTHAKA & GOODMAN  
55 EAST DENARD ST  
CHICAGO, IL 60601

EXONERATION PROVISION RESTRICTING ANY LIABILITY OF THE FIRST NATIONAL BANK OF BLUE ISLAND, ATTACHED HERETO OR STAMPED HEREON IS HEREBY EXPRESSLY MADE A PART HEREOF.

BOX 333

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Property of Cook County Clerk's Office

COOK COUNTY CLERK'S OFFICE

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2. Expiration of Restaurant Restriction. The Restaurant Restriction shall automatically expire on the earlier of (i) twenty (20) years from the Execution Date or (ii) upon the Cracker Barrel Property not being used for the operation of a restaurant for a period in excess of six (6) months.

3. Successors and Enforcement. The Restaurant Restriction is only for the benefit of Cracker Barrel, its affiliates, and their successors and assigns, as the owner of the Cracker Barrel Property, who shall have the right to invoke and enforce the restrictions contained herein by any and all means available at law or in equity.

4. Waiver of Restaurant Restriction. The Restaurant Restriction may be waived and modified by the party having the right to invoke and enforce the Restaurant Restriction, by proper written instrument recorded in the Cook County Recorder's Office.

5. Covenant Running With the Land. The Restaurant Restriction shall be a covenant running with the land as a burden upon the Trust No. 87028 Property for the benefit of the Cracker Barrel Property.

6. Governing Law. This Declaration of Use Restriction shall be governed by and construed in accordance with the laws of the State of Illinois.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be signed and sealed as of the date first above written.

EXONERATION PROVISION DETERMINING ANY LIABILITY OF THE FIRST NATIONAL BANK OF BLUE ISLAND, ATTACHED HERETO OR STAMPED HERON IS HERBY EXPRESSLY MADE A PART HEREOF.

FIRST NATIONAL BANK OF BLUE ISLAND,  
as Trustee under Trust Agreement No.  
87028

By: [Signature]  
Its Vice President

ATTEST:

[Signature]  
Assistant Secretary

Executed and delivered by the First National Bank of Blue Island, Ill. not in its individual capacity, but solely in the capacity herein described, for the purpose of binding the herein described property, and it is expressly understood and agreed by the parties herein, anything hereto to the contrary notwithstanding, that all and all of the understandings and agreements herein made, executed and delivered, and all personal understandings and agreements of the parties herein, shall inure to the benefit of the Trustee personally, but executed and delivered by the Trustee solely in the exercise of the powers conferred upon the Trustee herein, and no personal liability or personal responsibility is intended or shall at any time be accepted or enforced against said Trustee or his heirs, or on account of any undertaking by a document, oral or written, either expressed or implied, all such personal liability, if any, here, hereby expressly waived and released by all other parties herein, and those claiming by, through, or under them.

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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 William Thomson, personally known to me to be the Vice President of the First National Bank of Blue Island, and Michael Scudder personally known to me to be the Assistant Secretary of said corporation, and 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 as such Vice President and Assistant Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN, under my hand and official seal this 18th day of April, 1991.



Dolores Krusenobski  
NOTARY PUBLIC

My Commission Expires:  
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COOK County Clerk's Office

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## EXHIBIT A

### TRUST NO 87028 PROPERTY

#### PARCEL 1:

THE SOUTH 1/2 OF THE SOUTH EAST 1/4 OF SECTION 16, LYING EAST OF THE EAST RIGHT OF WAY LINE OF THE SOUTH EXPRESSWAY (F. A. I. 57), EXCEPTING THEREFROM THE EAST 1150.00 FEET OF THE SOUTH 950.24 FEET ALL IN TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### ALSO

THAT PART OF THE NORTH EAST 1/4 OF SECTION 21, LYING EASTERLY AND NORTHERLY OF THE EASTERLY RIGHT OF WAY LINE OF THE SOUTH EXPRESSWAY (F. A. I. 57) AND WESTERLY OF THE FOLLOWING DESCRIBED LINES; COMMENCING ON THE NORTH LINE OF SAID NORTH EAST 1/4 1150 FEET WEST OF THE NORTH EAST CORNER; THENCE SOUTH 813.89 FEET ALONG A LINE 1150 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID NORTH EAST 1/4; THENCE EAST 1080 FEET ON A LINE 516.5 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID NORTH EAST 1/4; THENCE SOUTH 516.5 FEET ON A LINE 70 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID NORTH EAST 1/4 TO SAID LAST NORTH LINE; THENCE SOUTH 89 DEGREES 56 MINUTES 59 SECONDS WEST 525 FEET ON SAID NORTH LINE; THENCE SOUTH 45 DEGREES 40 MINUTES 38 SECONDS WEST 1393.38 FEET; THENCE SOUTH 243.69 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE SOUTH EXPRESSWAY (F. A. I. 57) ALL IN TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, excluding, however,

THAT PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN VENTURE SUBDIVISION (BEING A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 21), AS PER PLAT THEREOF RECORDED IN THE OFFICE OF THE RECORDER'S OF DEEDS OF COOK COUNTY, ILLINOIS ON JUNE 14, 1977 AS DOCUMENT #2398407, (SAID POINT OF BEGINNING BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF I-57) WHICH IS AN ARC OF A CIRCLE CONVEX TO THE SOUTHWEST AND HAVING A RADIUS OF 763.94 FEET); THENCE NORTHWESTERLY ON THE ARC OF SAID CIRCLE, WHICH HAS A CHORD BEARING OF N. 66-52'-44"W. AND A CHORD DISTANCE OF 295.52, FOR A DISTANCE OF 297.39 FEET TO A POINT; THENCE N. 00-00'-00"W. ON A LINE PARALLEL WITH THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 395.93 FEET TO A POINT ON THE ARC OF A CIRCLE CONVEX TO THE SOUTHEAST AND HAVING A RADIUS OF 366.00 FEET; THENCE NORTHEASTERLY ON THE ARC OF SAID CIRCLE WHICH HAS A CHORD BEARING OF N. 84-28'-54" E. AND A CHORD DISTANCE OF 246.52 FEET, FOR A DISTANCE OF 251.43 FEET TO A POINT OF TANGENCY; THENCE N. 64-48'-05" E. ON A LINE TANGENT TO THE LAST DESCRIBED ARC OF A CIRCLE, FOR A DISTANCE OF 220.99 FEET TO A POINT ON THE ARC OF A CIRCLE CONVEX TO THE SOUTHWEST AND HAVING A RADIUS

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OF 431.91 FEET; THENCE SOUTHEASTERLY ON THE ARC OF SAID CIRCLE WHICH HAS A CHORD BEARING OF  $S. 36^{\circ} 57' 34'' E.$  AND A CHORD DISTANCE OF 110.84 FEET, FOR A DISTANCE OF 110.15 FEET TO A POINT ON A LINE 45.00 FEET NORTHWESTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF LOT 1, IN VENTURE SUBDIVISION AFOREDESCRIBED; THENCE S.  $45-40'-40'' W.$  ON THE LAST DESCRIBED LINE FOR A DISTANCE OF 335.72 FEET TO A POINT WHICH IS ON THE NORTHERLY PROLONGATION OF THE WEST LINE OF LOT 1 IN VENTURE SUBDIVISION AFOREDESCRIBED; THENCE S.  $00-00'-00'' E.$  ON THE LAST DESCRIBED LINE, FOR A DISTANCE OF 306.62 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS, (CONTAINING 165,528 SQUARE FEET OR 3 8000 ACRES).

PARCEL II:

THAT PART OF LOT 1 IN VENTURE'S SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE NORTH EAST 1/4 OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 23968407, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH EAST CORNER OF SAID LOT 1; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 57 MINUTES 02 SECONDS WEST (SOUTH 89 DEGREES 56 MINUTES 59 SECONDS WEST RECORD) ON THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 524.66 FEET (525 FEET RECORD) TO A NORTH WEST CORNER OF SAID LOT 1; THENCE SOUTH 45 DEGREES 40 MINUTES 40 SECONDS WEST (SOUTH 45 DEGREES 40 MINUTES 38 SECONDS WEST RECORD) ON THE NORTHWESTERLY LINE OF SAID LOT 1 A DISTANCE OF 314.16 FEET TO THE WEST LINE OF THE EAST 820.00 FEET OF SAID NORTH EAST 1/4; THENCE NORTH 85 DEGREES 29 MINUTES 23 SECONDS EAST 351.05 FEET; THENCE SOUTH 44 DEGREES 20 MINUTES 24 SECONDS EAST 256.21 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 48 SECONDS EAST 221.39 FEET TO THE EAST LINE OF SAID LOT 1; THENCE NORTH 00 DEGREES 09 MINUTES 12 SECONDS WEST (NORTH 00 DEGREES 08 MINUTES 10 SECONDS EAST RECORD) ON SAID EAST LINE, 375.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS

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PARCEL III:

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THE SOUTH 950.24 FEET OF THE EAST 1150.00 FEET (EXCEPT THE EAST 70.00 FEET THEREOF) OF THE SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, excluding, however Lots 1 and 3 of Corporate Lakes Unit Two, and Lots 1 and 2 of Corporate Lakes Unit Three

PARCEL IV:

THE EAST 1150.00 FEET (EXCEPT THE SOUTH 516.50 FEET THEREOF AND EXCEPT THE EAST 70.00 FEET THEREOF) OF THE NORTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 21, TOWNSHIP 33 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS



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EXHIBIT B 91137413

THAT PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN VENTURE SUBDIVISION (BEING A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 21), AS PER PLAT THEREOF RECORDED IN THE OFFICE OF THE RECORDER'S OF DEEDS OF COOK COUNTY, ILLINOIS ON JUNE 14, 1977 AS DOCUMENT #23968407, (SAID POINT OF BEGINNING BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF I-57) WHICH IS AN ARC OF A CIRCLE CONVEX TO THE SOUTHWEST AND HAVING A RADIUS OF 763.94 FEET); THENCE NORTHWESTERLY ON THE ARC OF SAID CIRCLE, WHICH HAS A CHORD BEARING OF N. 66-52'-44" W. AND A CHORD DISTANCE OF 295.52, FOR A DISTANCE OF 297.39 FEET TO A POINT; THENCE N. 00-00'-00" W. ON A LINE PARALLEL WITH THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 395.93 FEET TO A POINT ON THE ARC OF A CIRCLE CONVEX TO THE SOUTHWEST AND HAVING A RADIUS OF 366.00 FEET; THENCE NORTHEASTERLY ON THE ARC OF SAID CIRCLE WHICH HAS A CHORD BEARING OF N. 84-28'-51" E. AND A CHORD DISTANCE OF 246.52 FEET, FOR A DISTANCE OF 251.43 FEET TO A POINT OF TANGENCY; THENCE N. 64-48'-05" E. ON A LINE TANGENT TO THE LAST DESCRIBED ARC OF A CIRCLE, FOR A DISTANCE OF 220.99 FEET TO A POINT ON THE ARC OF A CIRCLE CONVEX TO THE SOUTHWEST AND HAVING A RADIUS OF 431.97 FEET; THENCE SOUTHEASTERLY ON THE ARC OF SAID CIRCLE WHICH HAS A CHORD BEARING OF S. 36-57'-04" E. AND A CHORD DISTANCE OF 110.84 FEET, FOR A DISTANCE OF 111.15 FEET TO A POINT ON A LINE 45.00 FEET NORTHWESTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF LOT 1, IN VENTURE SUBDIVISION AFOREDESCRIBED; THENCE S. 45-40'-40" W. ON THE LAST DESCRIBED LINE FOR A DISTANCE OF 335.72 FEET TO A POINT WHICH IS ON THE NORTHERLY PROLONGATION OF THE WEST LINE OF LOT 1 IN VENTURE SUBDIVISION AFOREDESCRIBED; THENCE S. 00-00'-00" E. ON THE LAST DESCRIBED LINE, FOR A DISTANCE OF 306.62 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS, (CONTAINING 165,528 SQUARE FEET OR 3.8000 ACRES).

PIN # 31-21-202-007-0000

also known as

Lot 1 of Corporate Lakes-Unit Four, pursuant to a Plat of Subdivision Recorded in the Office of the Recorder of Deeds of Cook County, Illinois on March 28, 1991, as Document No. 91138137.

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