

This covenant is entered into this January 13, 1992, between AMERICAN NATIONAL BANK AND TRUST COMPANY ("OWNER"), as Trustee under Trust No. 113130-04, the owner of the property legally described on Exhibit 1, and commonly known as 1531 and 1543 North Kingsbury, (THE PROPERTY), for the beneficiaries, heirs, executors and administrators, successors in interest, and assigns, for the benefit of Midwest Zinc Corporation, ("MIDWEST"), the owner of the property legally described on Exhibit "B", and commonly known as 1001 West Weed Street, for itself, successors in interest, and assigns, as follows:

It is understood and agreed that no objection will be raised by the MIDWEST, its successors and assigns, to the rezoning of the property for use for commercial purposes.

In consideration for this agreement, OWNER for himself, beneficiaries, his heirs and assigns, covenants and agrees with MIDWEST, its successors and assigns as follows:

1. The Property shall not be used for any residential uses of any kind or nature, such as but not limited to any building containing dwelling units, homes, apartments, hotels, motels, inns, rooming houses, dormitories, or single room occupancy buildings.

2. OWNER shall provide off-street parking in sufficient numbers to accommodate the planned occupancy of any business or commercial use of the premises.

3. a) OWNER shall not file, cause to be filed, agree to have filed, or in any manner be party to any complaints either as a complainant or witness, against MIDWEST for the use of his property as the operation is substantially conducted on the date of this agreement. This includes, but is not limited to complaints regarding noise, odors, heat, emissions, vibration, traffic, parking and loading.

b) Further, as a specific enumeration, but not limited to, OWNER will take no action to hinder the operation of MIDWEST's loading docks on Kingsbury Street so that it is allowed to continue in the same manner as they are presently operated.

c) Further, if in the event it is ordered by any governmental authority that MIDWEST must either make modifications to its operation of its business or cease operation of its business, due to any commercial or business use established on the Property, other than those uses allowable under the M-1 zoning district, then OWNER, at its sole expense, will take whatever measures are reasonably necessary to insure that MIDWEST will be able to continue its operation, or at OWNER's option, OWNER will modify said new commercial uses or operations so as to negate the need for changes in MIDWEST's operations.

92047302

UNOFFICIAL COPY

20147102

Lots 18 and 19 in J.A. Yale's resubdivision of Block 45 of Elston's addition to Chicago in Section 5, Township 35 North, Range 14 East of the third principal meridian, in Cook County, Illinois.

PARCEL 2:

Beginning at the most southerly corner of said lot on Kingsbury street and running thence Northwesterly along the lot line 15 feet; running thence Northwesterly along a line drawn parallel to the lot line between lots 26 and 27 to the alley; thence Southeasterly along said alley to the most southerly corner of said lot 26 on said alley; thence Southwesterly along lot line to the place of beginning) also lot 2 and that part of lot 1 in the resubdivision of lots 23, 24 and 25 in Yale's resubdivision of Block 45 in Elston's addition to Chicago in the North East 1/4 of Section 5 aforesaid, lying south of a line drawn from a point in the Southwesterly line of said lot, 17.0 feet southerly of the Northwesterly corner thereof to a point in the Northwesterly line of lot 1 aforesaid, 16.62 feet southerly of the Northwesterly corner thereof all in Township 35 North, Range 14 East of the third principal meridian, in Cook County, Illinois.

Lot 26 in Yale's resubdivision of Block 45 in Elston's addition to Chicago in the North East 1/4 of Section 5, Township 35 North, Range 14 East of the third principal meridian, (excepting that part of lot 26, described as follows:

PARCEL 1:

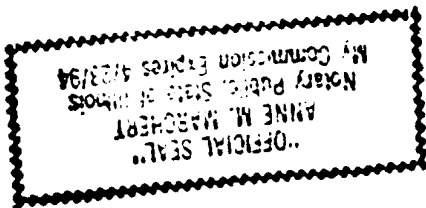
EXHIBIT 1

2 2 0 4 / 3 0 ?

UNOFFICIAL COPY

17-05-213-034 P.I.N.

17-05-213-034  
17-05-213-005  
17-05-213-006  
17-05-213-032



Notary Public

*Anne M. Mascherat*

Subscribed to and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ JAN 21 1992, 1991.

20241026

Property of Cook County

*George S. Kasprzyk*  
INTERNATIONAL BANK AND TRUST  
(COMPANY) as Trustee under Trust  
Agreement 11/31/30-04

MIDWEST, its successors and assigns, shall have the right to prevent breach of this covenant by an injunction, mandatory or otherwise, and to recover damages which have been suffered from any breach. The exercise of any specific remedy or right by MIDWEST to enforce this covenant shall not preclude the exercise of any other remedy or right.

These covenants are to run with the land and shall be binding upon all parties and all persons who may now own or who may later become the owner or owners of any of above-described real estate and all parties claiming under them, for a period of 15 years from the date of this instrument or until such time as the current manufacturing uses on parcel MIDWEST cease for one (1) year; whichever is earlier.

5. Any outdoor use of the Property shall be limited to 1531 N. Kingsbury and shall be sufficiently screened so as not to be visible from Kingsbury Street, or to be able to observe Kingsbury Street from the outdoor use.

4. The operation of any business on the property consisting of the sale of non-packaged alcohol, except incidental to the sale of food, shall be only during the hours of 8:00 p.m. to 2:00 a.m. the following day, except for Saturday night to Sunday morning when the hours of operation shall be limited to 8:00 p.m. to 3:00 a.m.

# UNOFFICIAL COPY

3 2 0 4 7 3 0 1

## EXHIBIT "2"

Legal Description: Lots 1 through 7, inclusive, in Block 46 in Elston's addition to Chicago, being a subdivision of part of Section 5, Township 39 North, Range 14 east of the Third Principal Meridian, in Cook County, Illinois.

### Also Described as

Chicago Land Company's resubdivision of Blocks 36, 37, 46, 47, 48, 55, 56, 62, 63, 70, 71, 74 and 84 together with Lot 1 in Block 50 and in Elston's addition to Chicago in the Northeast Quarter of Section 5, Township 39 North, Range 14 east of the Third Principal Meridian, in Cook County, Illinois.

Permanent Index Numbers: 17-05-212-001  
17-05-212-002  
17-05-212-003  
17-05-212-004  
17-05-212-005

Commonly know as: 1001 W. Weed Street  
Chicago, Illinois 60622

32047301



Bernard I. Citron  
Skelton, Frost & Berg, Ltd.  
222 North LaSalle Suite 1910  
Chicago IL 60601

UNOFFICIAL COPY



Property of Cook County Clerk's Office