

# UNOFFICIAL COPY

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## DECLARATION OF RESTRICTIONS

1. WHEREAS, the title to the real estate consisting of the territory hereinafter described (hereinafter referred to as the "Parcel"), is vested in the Marriott Corporation and the Courtyard by Marriott II Limited Partnership (hereinafter referred to as "Marriott") and <sup>LaSALLE NATIONAL TRUST, N.A. Successor Trustee</sup> La Salle National Bank, as Trustee, under Trust Number 110997 dated June 30, 1986 (hereinafter referred to as "La Salle"), all collectively hereinafter referred to as "Owner", and MKS Enterprises, an Illinois corporation, having its principal office located at 4500 N. Potawatomi, Chicago, Illinois (hereinafter referred to as "Lessee"); and

DEPT-01 RECORDING 447.50  
: 126666 TRAN 1414 09/10/93 11:53:00  
: 28996 \$ \*-93-725111  
COOK COUNTY RECORDER

2. WHEREAS, Parcel is to be commercially developed with a restaurant facility by Lessee; and

3. WHEREAS, Parcel is within the territorial boundaries of the Northfield Woods Sanitary District, a municipal corporation organized and existing under the laws of the State of Illinois (hereinafter referred to as "District"); and

4. WHEREAS, the Owner and Lessee (hereinafter referred to collectively as "Declarant") of said Parcel, hereinafter legally described as follows:

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## Legal Description of "Parcel"

That part of the West Half (1/2) of Section Twenty-nine (29), Township Forty-two (42) North, Range Twelve (12), East and the East Half (1/2) of Section Thirty (30), Township Forty-two (42) North, Range Twelve (12), East of the Third Principal Meridian described as follows:

Beginning at the West Quarter (1/4) Corner of said Section Twenty-nine (29); thence North 00 degrees, 02 minutes, 41 seconds West along the West line of the Northwest Quarter (1/4) of said Section Twenty-nine (29) a distance of 173.26 feet to a point of intersection with the North line of the South 173.26 feet of the Northeast Quarter (1/4) of Section Thirty (30), Township Forty-two (42) North, Range Twelve (12) East of the Third Principal Meridian; thence South 89 degrees, 46 minutes, 08 seconds West along the North line of the South 173.26 feet of the Northeast Quarter (1/4) of said Section 30 a distance of 54.40 feet; thence South 00 degrees, 02 minutes, 41 seconds East 53.00 feet for a place of beginning; thence North 89 degrees, 46 minutes, 08 seconds East 149.86 feet; thence South 12 degrees, 52 minutes, 38 seconds East 234.46 feet to a point on a curve, being the Northerly right of way line of a public roadway heretofore dedicated as West Lake Avenue per Document Number 11200345; thence Westerly along the arc of said curve, being concave to the South, having a radius of 3269.83 feet, having a chord bearing of South 78 Degrees, 32 minutes, 50 seconds West for a distance of 40.76 feet to a point of tangency; thence South 78 degrees, 18 minutes, 59 seconds West along said Northerly right of way line of West Lake Avenue a distance of 165.38 feet; thence leaving said Northerly line of West Lake Avenue and running North 00 degrees, 02 minutes, 41 seconds West 269.54 feet to the place of beginning; commonly known as 4520 W. Lake Avenue, Cook County, Illinois.

### PIN

04-29-100-087  
04-29-100-168  
04-29-100-169  
04-29-300-056  
04-30-202-021  
04-30-202-022  
04-30-401-002  
04-30-401-003

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5. WHEREAS, Declarant is desirous of utilizing the sanitary sewerage system and facilities of the District in accordance with the rules, regulations and ordinances of the District; and

6. WHEREAS, it is in the public interest, and necessary for the proper operation of the sewer system of the District, that discharges into the District's sanitary mains be limited as determined by and in the sole discretion of the Board of Trustees of the District, taking into consideration the recommendations and advice of the District's engineer; and

7. WHEREAS, Declarant has submitted to the District plans for the development of said Parcel, consisting of a restaurant; and, the Declarant represents to the District that the only discharges from the Parcel into the District's system will be those as set forth hereinafter and will be strictly limited to a total maximum flow not to exceed 43.9 gallons per minute and that the maximum permissible fixture count for the Parcel is as follows:

<u>Fixture Description</u>	<u>Quantity</u>	<u>Fixture Units</u>	<u>Total Fixture (#)</u>
Lavatory Sink	8	1	8
Water Closets	7	4	28
Urinals	3	4	12
Dishwasher	1	4	4
Kitchen Sink (3-Comp.)	2	3	6
Pre-Rinse Waste Sink	1	3	3
Water Station Drain	3	1	3
Bar Sink (3-Comp.)	1	2	2
Kitchen Hand Sink	1	1	1
Mop Basin	1	3	3
Floor Trough	1	2	2
Floor Drains	10	1	10
<u>Totals:</u>	<u>39</u>		<u>82</u>

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IN SENATE, January 10, 1901.  
REPORT  
OF THE  
COMMISSIONERS OF THE LAND OFFICE,  
IN RESPONSE TO A RESOLUTION PASSED  
BY THE SENATE, APRIL 11, 1899,  
AND BY THE HOUSE OF REPRESENTATIVES,  
MAY 15, 1899,  
RELATIVE TO THE  
LANDS BELONGING TO THE STATE,  
AND TO THE  
MANNER OF DISPOSING OF THE SAME.  
CHICAGO: THE STATE OF ILLINOIS,  
1901.

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Printed by the State of Illinois,  
1901.

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This fixture count has been provided to the District by the Declarant and Declarant acknowledges that District has utilized this data in establishing the maximum flow rate set forth herein. All discharges shall be in accord with all applicable laws and regulations of all governmental bodies and agencies.

FURTHER, Declarant herein represents to the District that a 1,500 (Fifteen Hundred) gallon grease trap will be installed, in accordance with all applicable District regulations, pursuant to the direction of the District's engineer and inspector, prior to Declarant's connection to the lines of the District; and, said installation shall be maintained in accordance with all applicable ordinances, rules, regulations and provisions of the District. Declarant acknowledges that any change, amendment or modification in use may result, in the District's sole discretion, in the requirement for installation of additional sanitary sewerage facilities. All grease traps shall be continuously maintained by Owner, at Owner's sole expense, in accordance with all District directives, rules, regulations and ordinances, as the same may be, from time-to-time, promulgated by said District; and

8. WHEREAS, predicated upon such representations, the District, concurrently with the execution and delivery of this Declaration, and in complete reliance thereon, has authorized Declarant to connect to the Sanitary Sewerage System of the District.

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NOW, THEREFORE, in consideration of the foregoing, Declarant hereby covenants and warrants as follows:

A. All WHEREAS Paragraphs in the preamble are hereby incorporated as if again recited herein.

B. For the term of fifteen (15) years, commencing MAY 1, 1993, and expiring APRIL 30, 2008, all restrictions recited herein shall be in full force and effect; it being understood that all right and permission to utilize the sewage disposal system of the District is predicated upon the outflow from the Declarant's development, fixtures and drains as hereinbefore recited, and that continuation of such right and permission of use is conditioned upon the maintenance and use of said property in conformance with the limitations and representations set forth in all recitals contained herein, as well as continued compliance with all District directives, rules, regulations and ordinances. Failure to so comply or the creation of any flow rates in excess of those herein set forth may result, upon proper notice and opportunity to be heard, in termination, without liability to the District, of sanitary sewer service to Parcel and all improvements located thereon.

C. All restrictions and conditions of use set forth in this Declaration may only be modified by the District or its successors, Owner having been given proper notice and an opportunity to be heard regarding any such proposed modifications; and

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D. This Declaration shall inure to the benefit of the District and be binding upon the respective successor, assigns and lessees of the property owners; and

E. All costs and expenses of installation, operation, maintenance and enforcement of full compliance with the laws, ordinances and regulations of the District, including all recitations herein set forth, and which costs and expenses shall include, but not be limited to, costs and expenses for engineering, inspection, maintenance and attorney's fees, shall be born by, and be the sole responsibility of, the Lessee and any successors in title thereto; and

F. This document shall be recorded with the Cook County Recorder of Deeds, and the restrictions and recitals herein contained shall constitute covenants running with the land during the term of this Agreement.

G. To the extent this Declaration amends any of the terms and provisions of those certain documents identified as:

(a) Declaration of Restrictions, recorded with the Cook County Recorder of Deeds as Document Number 89-307808 on July 6, 1989;

(b) Declaration of Restrictions recorded with the Cook County Recorder of Deeds as Document Number 90-432409 on September 5, 1990.

the same are hereby amended.

*Handwritten notes:*  
10/15  
M M  
1/19/93  
F. W. W. J.

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H. If any section, paragraph, sentence or clause of this Agreement is, regardless of cause, held invalid or to be unconstitutional, the remaining sections, paragraphs, sentences and clauses shall all continue in force and effect and shall be construed thereafter as being the entire provisions of this Agreement.

IN WITNESS WHEREOF, the undersigned parties have executed this DECLARATION OF RESTRICTIONS on the date below set forth.

MARRIOTT CORPORATION,  
a Delaware corporation

By: Robert B. Morris

Attest: Pamela J. March

CBM TWO CORPORATION, a Delaware  
Corporation, General Partner,  
COURTYARD BY MARRIOTT II LIMITED  
PARTNERSHIP

By: [Signature]

Attest: Pamela J. March

MKS ENTERPRISES, INC.  
an Illinois corporation

By: [Signature]  
President

Attest: [Signature]  
Secretary

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The following is a true and correct copy of the original as shown to me by the person who presented it to me for recording. I have compared the original with this copy and find them to be identical. I have also compared this copy with the original as shown to me by the person who presented it to me for recording and find them to be identical. I have also compared this copy with the original as shown to me by the person who presented it to me for recording and find them to be identical.

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COOK COUNTY CLERK'S OFFICE  
110 N. LAUREL ST. CHICAGO, ILL. 60602  
TELEPHONE: 312-743-3000

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Instrument Execution Rider Attached Hereto And Made A Part Hereof

LA SALLE NATIONAL TRUST, N.A. Successor Trustee to

LA SALLE NATIONAL BANK,  
as Trustee u/t #110997 and not personally

By: *Barney Callow*  
Assistant Vice President

Attest: *Nancya Black*  
ASSISTANT SECRETARY

*Virginia Beckstrom*  
Virginia Beckstrom, Beneficiary  
of La Salle National Bank - Trust  
#110997

*Leonard W. Schultz*  
Leonard W. Schultz, Beneficiary  
of La Salle National Bank - Trust  
#110997

This instrument is executed by LA SALLE NATIONAL TRUST, N.A., not personally but solely as Trustee, as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. All the terms, provisions, stipulations, covenants and conditions to be performed by LA SALLE NATIONAL TRUST, N.A. are assumed by it solely as Trustee, as aforesaid, and not by itself and all instruments herein made are made on information and belief and are to be construed accordingly, and no personal liability shall be asserted or be enforceable against LA SALLE NATIONAL TRUST, N.A. by reason of any of the terms, provisions, stipulations, covenants and/or statements contained in this instrument.

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MARYLAND  
STATE OF ~~ILLINOIS~~ )  
MONTGOMERY SS  
COUNTY OF ~~COOK~~ )

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that Robert B. Morris  
and Pamela J. Murch, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, as Vice President and Assistant Secretary, respectively, of the HARRIOTT CORPORATION, a corporation of the State of Delaware, appeared before me this day in person and severally acknowledge that they, being thereunto duly authorized, signed, sealed with the corporate seal, and delivered the said instrument as the free and voluntary act of said 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 27th day of  
May, 1993.

Luis R. Berles  
Notary Public

My Commission Expires:

October 1, 1995

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MARYLAND

STATE OF ~~XXIXXXXX~~ )  
MONTGOMERY SS  
COUNTY OF ~~XXXX~~ )

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that Christopher  
G. Townsend and Pamela J. Murch, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, as Vice President and Assistant Secretary, respectively, of CBM TWO CORPORATION, a Delaware Corporation, General Partner, COURTYARD BY MARRIOTT II LIMITED PARTNERSHIP, appeared before me this day in person and severally acknowledge that they, being thereunto duly authorized, signed, sealed with the corporate seal, and delivered the said instrument as the free and voluntary act of said 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 27th day of  
May \_\_\_\_\_, 1993.

*Lois R. Berlin*

Notary Public

My Commission Expires:

October 1, 1995

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STATE OF ILLINOIS     )  
  SS  
COUNTY OF COOK        )

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify

that Mathew Manavaa

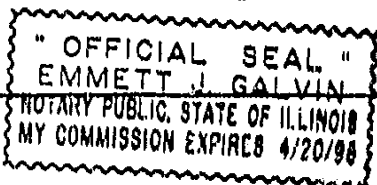
   and Nicholas Sembrakia, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, as President and Secretary, respectively, of M&S ENTERPRISES, INC., an Illinois Corporation, appeared before me this day in person and severally acknowledge that they, being thereunto duly authorized, signed, sealed with the corporate seal, and delivered the said instrument as the free and voluntary act of said 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 23<sup>rd</sup> day of

April, 1993.

Emmett J. Galvin  
Notary Public

My Commission Expires:



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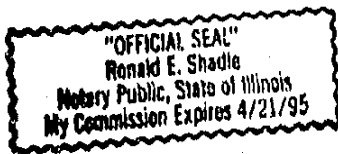


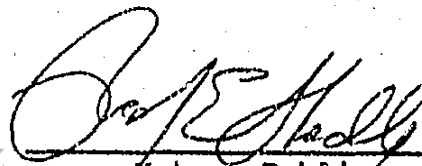
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STATE OF ILLINOIS     )  
  SS  
COUNTY OF COOK        )

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that VIRGINIA BECKSTROM, Beneficiary of La Salle National Bank - Trust #110997, appeared before me this day in person and voluntarily signed said Declaration of Restrictions as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this 23 day of AUG, 1993



  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

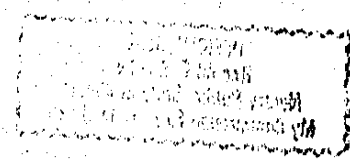
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IN SENATE  
JANUARY 21, 1902

REPORT  
OF THE  
COMMISSIONERS OF THE  
LAND OFFICE  
IN RESPONSE TO A RESOLUTION  
PASSED BY THE SENATE  
MAY 15, 1899

ALBANY, N. Y.:  
J. B. WOODWARD, PRINTERS,  
1899.

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