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## RESTRICTIVE COVENANT AGREEMENT

WHEREAS, A. FINKL & SONS, CO., a Delaware Corporation, (hereinafter referred to as "Owner") holds legal title to certain property in the City of Chicago, County of Cook, State of Illinois, which property (hereinafter referred to as "Abutting Property") is currently used in the manufacture of steel ingots and forgings, and,

WHEREAS, on October 7, 1993, the City of Chicago, approved Ordinance C.J. pp 39316 - 39321 (hereinafter referred to as the "Ordinance" or as the "Vacation Ordinance") vacating a certain portion of Public Way known as West Armitage Avenue, North Southport Avenue and certain portions of adjacent public alleys (hereinafter referred to as "Subject Premises") said Subject Premises being more particularly described as follows, to-wit:

THAT PART OF NORTH SOUTHPORT AVENUE LYING EAST OF THE EAST LINE OF LOTS 1 TO 4, BOTH INCLUSIVE, IN BLOCK 5 IN W.F. DOMINICK'S SUBDIVISION OF LOTS 1, 2 AND 3 IN BLOCK 14 OF SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN; LYING EAST OF THE EAST LINE OF LOT 1 IN BLOCK 1 IN J.F. LAWRENCE'S SUBDIVISION OF LOT 4 IN BLOCK 14 IN SHEFFIELD'S ADDITION AFOREMENTIONED; LYING EAST OF THE EAST LINE OF LOT 1 IN BLOCK 2 IN J.F. LAWRENCE'S SUBDIVISION AFOREMENTIONED; LYING EAST OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 4 IN BLOCK 5 IN W.F. DOMINICK'S SUBDIVISION AFOREMENTIONED TO THE NORTHEAST CORNER OF LOT 1 IN

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BLOCK 1 IN J.F. LAWRENCE'S SUBDIVISION AFOREMENTIONED; LYING EAST OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 1 IN BLOCK TO THE NORTHEAST CORNER OF LOT 1 IN BLOCK 2 IN J.F. LAWRENCE'S SUBDIVISION AFOREMENTIONED; LYING EAST OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 1 IN BLOCK 1 IN J.F. LAWRENCE'S SUBDIVISION AFOREMENTIONED TO THE NORTHEAST CORNER OF LOT 5 IN BLOCK 14 IN SHEFFIELD'S ADDITION TO CHICAGO AFOREMENTIONED; LYING EAST OF THE EAST LINE OF LOT 5 IN BLOCK 14 IN SHEFFIELD'S ADDITION TO CHICAGO AFOREMENTIONED; LYING WEST OF THE WEST LINE OF LOTS 43, 44, 45, 48, 49 AND THE WEST LINE OF LOTS 51 TO 53, BOTH INCLUSIVE; LYING WEST OF A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 61 TO THE NORTHWEST CORNER OF LOT 60; LYING WEST OF A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 45 TO THE NORTHWEST CORNER OF LOT 44 (SAID LINE BEING THE WEST LINE OF WEST CROOKED STREET VACATED BY ORDINANCE PASSED JUNE 10, 1960 AND RECORDED AUGUST 22, 1960 AS DOCUMENT NO. 17943252) ALL IN BLOCK 1 IN SUBDIVISION OF BLOCK 13 IN SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, LYING NORTH OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 5 IN BLOCK 14 IN SHEFFIELD'S ADDITION TO CHICAGO AFOREMENTIONED TO THE SOUTHWEST CORNER OF LOT 43 IN BLOCK 1 IN SUBDIVISION OF BLOCK 13 AFOREMENTIONED; AND LYING SOUTH OF THE EASTWARDLY EXTENSION OF THE NORTH LINE OF LOT 1 IN BLOCK 5 IN W.F. DOMINICK'S SUBDIVISION AFOREMENTIONED;

ALSO

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THAT PART OF WEST ARMITAGE AVENUE LYING SOUTH OF THE SOUTH LINE OF LOTS 1 TO 15, BOTH INCLUSIVE, IN BLOCK 1; LYING NORTH OF THE NORTH LINE OF LOTS 1 TO 14, BOTH INCLUSIVE, IN BLOCK 2; LYING WEST OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 1 IN BLOCK 1 TO THE NORTHEAST CORNER OF LOT 1 IN BLOCK 2; AND LYING EASTERLY OF A LINE DRAWN FROM A POINT ON THE SOUTH LINE OF LOT 15 IN BLOCK 1 WHICH IS 346.58 FEET WEST OF THE WEST LINE OF NORTH SOUTHPORT AVENUE, AS MEASURED ON THE NORTH LINE OF WEST ARMITAGE AVENUE, TO A POINT ON THE NORTH LINE OF LOT 13 IN BLOCK 2 WHICH IS 331.58 FEET WEST OF THE WEST LINE OF NORTH SOUTHPORT AVENUE AS MEASURED ON THE SOUTH LINE OF WEST ARMITAGE AVENUE, ALL IN J.F. LAWRENCE'S SUBDIVISION AFOREMENTIONED;

ALSO

ALL THAT PART OF THE EAST/WEST TWELVE (12) FOOT PUBLIC ALLEY LYING SOUTH OF THE SOUTH LINE OF LOTS 4, 5, 6 AND 7 AND SOUTH OF A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 4 TO THE SOUTHEAST CORNER OF LOT 5 IN BLOCK 5 IN W.F. DOMINICK'S SUBDIVISION AFOREMENTIONED; LYING NORTH OF THE NORTH LINE OF LOTS 1 TO 8, BOTH INCLUSIVE IN BLOCK 1 IN J.F. LAWRENCE'S SUBDIVISION AFOREMENTIONED; LYING WEST OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 4 IN BLOCK 5 IN W.F. DOMINICK'S SUBDIVISION AFOREMENTIONED TO THE NORTHEAST CORNER OF LOT 1 IN BLOCK 1 IN J.F. LAWRENCE'S SUBDIVISION AFOREMENTIONED; AND LYING EASTERLY OF A CURVED LINE CONVEX TO THE NORTHEAST HAVING A

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RADIUS OF 177.53 AND INTERSECTING THE SOUTH LINE OF LOT 7 IN BLOCK 5 IN W.F. DOMINICK'S SUBDIVISION AFOREMENTIONED AT A POINT WHICH IS 5.57 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 7 AND INTERSECTING THE NORTH LINE OF LOT 8 IN BLOCK 1 IN J.F. LAWRENCE'S SUBDIVISION AFOREMENTIONED AT A POINT WHICH IS 14.17 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 3;

ALSO

ALL THAT PART OF THE NORTH/SOUTH 16 FOOT PUBLIC ALLEY LYING WEST OF THE WEST LINE OF LOT 4; LYING EAST OF THE EAST LINE OF LOT 5; LYING NORTH OF A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 4 TO THE SOUTHEAST CORNER OF LOT 5; AND LYING SOUTH OF THE WESTWARDLY EXTENSION OF THE NORTH LINE OF LOT 4 BEING THE SOUTH LINE OF THE PUBLIC ALLEY VACATED BY ORDINANCE PASSED JANUARY 30, 1905 AND RECORDED FEBRUARY 27, 1905 AS DOCUMENT NO. 3658389 ALL IN BLOCK 5 IN W.F. DOMINICK'S SUBDIVISION AFOREMENTIONED;

ALSO

ALL THAT PART OF THE EAST/WEST AND NORTHWESTERLY/SOUTHEASTERLY 16 FOOT PUBLIC ALLEYS LYING NORTH AND NORTHEASTERLY OF THE NORTH AND NORTHEASTERLY LINES OF LOT 60; LYING SOUTH OF THE SOUTH LINE OF LOT 61; LYING SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF LOT 67; LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF LOTS 68 AND 69; LYING EAST OF A LINE DRAWN FROM THE SOUTHWEST CORNER OF

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LOT 61 TO THE NORTHWEST CORNER OF LOT 60; AND LYING NORTHERLY OF A LINE DRAWN FROM A POINT ON THE EASTERLY LINE OF LOT 60 WHICH IS 5.5 FEET NORTHWESTERLY OF THE SOUTHEAST CORNER OF SAID LOT 60, AS MEASURED ON SAID EASTERLY LINE THEREOF, TO A POINT ON THE SOUTHWESTERLY LINE OF LOT 69 WHICH IS 7.0 FEET NORTHWESTERLY OF THE SOUTHWEST CORNER OF SAID LOT 69, AS MEASURED ON SAID SOUTHWESTERLY LINE THEREOF (SAID LINE BEING THE NORTHERLY LINE OF THE PUBLIC ALLEY VACATED BY ORDINANCE PASSED JUNE 14, 1951 AND RECORDED JULY 20, 1951 AS DOCUMENT NO. 15128221), ALL IN BLOCK 1 IN SUBDIVISION OF BLOCK 13 AFOREMENTIONED; SAID PART OF PUBLIC STREETS AND PART OF PUBLIC ALLEYS HEREIN VACATED BEING FURTHER DESCRIBED AS THE VACATION OF WEST ARMITAGE AVENUE LYING BETWEEN THE WEST LINE OF NORTH SOUTHPORT AVENUE AND THE EAST LINE OF THE NORTH BRANCH OF THE CHICAGO RIVER; ALSO NORTH SOUTHPORT AVENUE BETWEEN THE SOUTH LINE OF WEST MCLEAN AVENUE AND THE NORTH LINE OF WEST CORTLAND STREET TOGETHER WITH ALL OF THE REMAINING ALLEYS IN THE AREA BOUNDED BY WEST MCLEAN AVENUE, WEST ARMITAGE AVENUE, NORTH SOUTHPORT AVENUE, AND NORTH DOMINICK STREET EXTENDED AND THE REMAINING EAST/WEST AND NORTHWESTERLY/SOUTHEASTERLY 16 FOOT PUBLIC ALLEYS RUNNING EAST AND SOUTHEASTERLY FROM NORTH SOUTHPORT AVENUE BETWEEN WEST MCLEAN AVENUE EXTENDED EAST AND WEST ARMITAGE AVENUE EXTENDED EAST, ALL IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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WHEREAS, said Ordinance is conditioned upon the execution and recording by the Owner of a restrictive covenant running with the land that provides that the Subject Premises shall be used only for the manufacturing of materials, goods and products and for those structures and additional uses which are reasonably necessary to permit such activities including, but not limited to, the location of production, distribution and service facilities, storage, employee and customer parking and similar uses and facilities; and,

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE APPROVAL OF THE VACATION ORDINANCE, OWNER AND THE CITY OF CHICAGO DO HEREBY AGREE AND COVENANT UNTO EACH OTHER AS FOLLOWS:

1. USE. Owner hereby covenants to the City of Chicago that the above-described Subject Premises shall be used only for the manufacturing of materials, goods and products and for those structures and additional uses which are reasonably necessary to permit such activities, including, but not limited to, the location of production, distribution and service facilities, storage, employee and customer parking and similar other uses and facilities. The consideration for such covenant, which is deemed and agreed to be valuable and sufficient, is the vacation by the City of Chicago of the Subject Premises for the benefit of Owner.

2. COVENANT TO RUN WITH THE LAND AND TERM THEREOF.

The burdens of the covenant herein contained shall run with the Subject Premises. The benefits of such covenant shall be deemed

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in gross to the City of Chicago, its successors and assigns. The covenant shall be binding on the Owner, its successors and assigns, and shall be enforceable by the City, its successors and assigns. The covenant may be released or abandoned only upon approval of the City Council of the City of Chicago which may condition its approval upon the payment of such additional compensation by the Owner or any persons claiming under the Owner, which said City Council of the City of Chicago deems to be equal to the benefits accruing because of the release or abandonment.

3. VIOLATION OF RESTRICTIONS. (a) Reversion. In the event that Owner violates a restriction contained herein, the City of Chicago may serve a written notice entitled, NOTICE OF VIOLATION, to Owner setting forth the violations. [All notices shall be sent to Mr. Bruce C. Ljimatainen, President, A. Finkl & Sons Co., 2001 Southport Avenue, Chicago, Illinois 60614]. Within Thirty (30) days of receipt of said Notice of Violation, Owner shall correct, comply or otherwise conform to the violations set forth therein. In the event that Owner shall fail to correct, comply or otherwise conform to the violations set forth within the period of Thirty days (30), the City of Chicago may then record the following documents with the Cook County Recorder: a copy of the Notice of Violation, proof of personal service of the Notice of Violation and a Notice of Reversion. However, such documents shall not be recorded until after the expiration of the Thirty (30) day period as set forth above.

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Upon the recording of the aforementioned documents by the City of Chicago, the Subject Premises shall be deemed to be conveyed by Owner to the City of Chicago. In the event that the City does not exercise its right of reversion as stated in this Section 3(a) within twenty (20) years from the date of execution of this Agreement, then the provisions of this Section 3(a) shall be deemed null and void.

(c) Enforcement. In addition to the foregoing, this Agreement shall be enforceable by all remedies available in law or in equity, including specific performance.

IN WITNESS WHEREOF, the Owner has caused this Agreement to be duly executed and attested to this 5 day of January, 1994.

A. FINKL & SONS, CO.

BY:

Bruce C. Luimatainen  
Bruce C. Luimatainen

Its: President

Attest:

(Assistant) Secretary

ACCEPTED:

Wanda M. Katz  
Commissioner of Planning and Development  
APPROVED AS TO FORM AND LEGALITY:

Stephen R. Sanford  
Chief Assistant Corporation Counsel

FINKL & SONS

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## WARRANTY

The undersigned warrants that the aforementioned Owner holds title in or to the Subject Premises described in the Restrictive Covenant Agreement and is authorized to enter into and make such Agreement binding on and enforceable against the Subject Premises, the Owner, and any person or entity holding any interest in or possession of the Subject Premises, including but not limited to any assignee, mortgagee, lessees, easement holder, trustee or beneficiary. The undersigned further warrants that the person executing above on behalf of the Owner has been duly authorized and directed by Owner to execute the Restrictive Covenant Agreement on the Owner's behalf.

  
\_\_\_\_\_  
BRUCE C. LIIMATAINEN

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STATE OF ILLINOIS     )  
                                  )SS  
COUNTY OF COOK        )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that BRUCE C. LIIMATAINEN personally known to me to be the President of the A. FINKL & SONS, CO., a Delaware corporation, and Joseph C. Cui personally known to me to be the X 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 President and X Secretary, they signed and delivered the said instrument as President and V Secretary of said corporation, 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 5th day of January, 1994.

OFFICIAL SEAL  
Snjezana Jakic  
Notary Public, State of Illinois  
My Commission Expires 10/7/96  
Commission expires

10/7, 1996

Snjezana Jakic  
Notary Public

No. P.I.N. applicable - document affects newly vacated public way

Prepared by and when recorded, return to:  
John McDonough  
Assistant Corporation Counsel  
121 N. LaSalle St. - Room 610  
Chicago, Illinois 60602

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RETURN TO

JOHN J. GEORGE, Esq.

100 West Monroe St.

Suite 500

Chicago, IL 60603



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