

# UNOFFICIAL COPY

# AC08374-DE LM

FIRST AMENDMENT TO  
AGREEMENT FOR THE SALE  
AND REDEVELOPMENT OF  
LAND 16TH - CANAL  
COMMERCIAL DISTRICT  
AND MODIFICATION  
OF DEED

95504907

DEPT. OF RECORDS & CLERKING \$43.00  
740012 1890 5541 02/01/95 13:38:00  
741-3111 8-95-504907  
COOK COUNTY RECORDER

THIS FIRST AMENDMENT TO AGREEMENT AND MODIFICATION OF DEED ("First Amendment") is made as of this 5th day of July, 1995, by and between the CITY OF CHICAGO, an Illinois municipal corporation, having its offices at 121 North LaSalle Street, Chicago, Illinois 60602 ("City"), and OBSERVERS INVESTMENT COMPANY, an Illinois corporation, having its offices at 907 Jackson Street, River Forest, Illinois 60405 ("Purchaser").

## RECITALS

WHEREAS, the City and Purchaser have entered into that certain "Agreement for the Sale and Redevelopment of Land, 16th - Canal Commercial District" dated as of May 29, 1990 ("Agreement"); and

WHEREAS, pursuant to the Agreement, the City conveyed to Purchaser that certain property ("Property") legally described in the Agreement (and on Exhibit A of this First Amendment) by that certain quitclaim deed ("Deed") dated August 7, 1990 and recorded with the Office of the Recorder of Deeds of Cook County, Illinois on August 8, 1990 as document #90385494; and

WHEREAS, the Property is presently improved with three (3) buildings commonly referred to as the Consolidated Wire Building ("Consolidated Wire Building"), the Schoenhofen Brewery Powerhouse ("Powerhouse") and the Administration Building ("Administration Building"); and

WHEREAS, the Powerhouse and Administration Building are listed on the National Register of Historic Places and have been designated as official City landmarks by the Landmarks Commission of the City; and

WHEREAS, pursuant to the terms of the Agreement, Purchaser has completed its obligations under the Agreement and the Deed with respect to the Consolidated Wire Building, including the renovation of the Consolidated Wire Building, as evidenced by the issuance by the City of that certain "Certificate of Completion and Confirmation of Certain Covenants" dated as of June 29, 1995; and

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WHEREAS, pursuant to the terms of the Agreement, Purchaser has completed its obligations under the Agreement and the Deed with respect to the Powerhouse, including, without limitation, the historic restoration of the Designated Feature of the Powerhouse, as evidenced by the issuance by the City of that certain "Certificate of Completion and Confirmation of Certain Covenants" dated as of June 29, 1995; and

WHEREAS, the Illinois State Historic Preservation Officer ("SHPO") has also approved the historic restoration of the Designated Feature of the Powerhouse by letter dated 6/14/95; and

WHEREAS, the City and Purchaser wish to evidence the historic restoration of the Designated Feature of the Powerhouse by written text and photographs attached to this First Amendment, in order to establish that standard for the restoration of the Designated Feature of the Powerhouse, which Purchaser affirmatively agrees to preserve, protect, enhance and perpetuate; and

WHEREAS, the City and Purchaser also wish to extend the term of the Agreement for a period of sixty (60) months in order to facilitate the historic restoration of the Designated Feature of the Administration Building, in accordance with the terms of the Agreement;

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements herein contained, the City and Purchaser agree as follows:

1. Incorporation of Recitals. The recitations set forth above constitute an integral part of the First Amendment and are incorporated herein by this reference with the same force and effect as if set forth herein as agreements of the parties.

2. Restoration of the Designated Feature of the Powerhouse. The restoration of the Designated Feature of the Powerhouse undertaken by Purchaser is described in that certain "Description of Exterior Restoration, Schoenhofen Brewery Powerhouse, 18th Street and Canalport Avenue" dated June 1, 1995, and attached hereto as Exhibit B. The restoration of the Designated Feature of the Powerhouse is further evidenced by that certain photograph of the Designated Feature of the Powerhouse attached hereto as Exhibit C.

3. Covenant to Protect and Perpetuate the Restoration of the Designated Feature of the Powerhouse. Developer affirmatively agrees and pledges that it shall preserve, protect, enhance and perpetuate the Designated Feature of the Powerhouse in accordance with the terms of the Agreement, and any amendments thereto, including, without limitation, Section 11 of the Agreement, and in accordance with the written description of the Designated Feature attached hereto as Exhibit B, and that certain photograph of the Designated Feature attached hereto as Exhibit C.

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4. Modification of Purchaser's Obligations Affecting the Administration Building. Section 7 of the Agreement is hereby amended to extend the term of the Agreement for a period of sixty (60) months commencing with the execution date of the First Amendment, to provide for the historic restoration of the Designated Feature of the Administration Building. Notwithstanding anything to the contrary contained in the Agreement or the Deed, Purchaser's obligations with respect to the Administration Building shall be limited solely to the historic restoration of the Designated Feature of the Administration Building. Furthermore, the Certificate referred to in Section 8 of the Agreement shall be issued by the DPD upon the substantial completion of the historic restoration of the Designated Feature; provided, however, that Purchaser shall comply with its obligations to preserve the Designated Feature of the Administration Building, as further described in Section 11 of the Agreement. The legal description of the Administration Building, of which Purchaser's obligations described in this paragraph pertain, is contained in Exhibit D attached hereto.

5. Certificate of Completion. The parties acknowledge and agree that the City no longer intends to issue a Final Certificate affecting the Property. Section 8 of the Agreement is hereby amended by deleting in its entirety the final paragraph of said Section appearing on page 8 of the Agreement commencing with the phrase "After the DED . . ." and ending with the phrase ". . . by the Agreement." In addition, the references to the Final Certificate contained in paragraphs 12(B)(C), and (D) of the Deed are hereby deleted and the following is substituted, "Until the City issues its Certificate". Notwithstanding anything contained in the Agreement or the Deed to the contrary, the parties acknowledge and agree that, since the City has previously issued a Certificate with regard to the Consolidated Wire Building (and the adjacent property legally described in said Certificate) and the Powerhouse (and the adjacent property legally described in said Certificate), any rights that the City retains with regard to the Consolidated Wire Building (and the adjacent property legally described in said Certificate) and the Powerhouse (and the adjacent property legally described in said Certificate) are contained solely in such respective Certificates, and that any other rights that the City might have possessed with regard to the Consolidated Wire Building (and the adjacent property legally described in said Certificate) and the Powerhouse (and the adjacent property legally described in said Certificate), including any rights the City had until a Final Certificate was to be issued, have been extinguished by the issuance of the Certificates.

6. Successor Department. The Department of Planning and Development is the successor agency to the Department of Economic Development for purposes of the Agreement, and any amendments thereto. The Agreement is therefore amended by substituting "Department of Planning and Development" for "Department of Economic Development" and by substituting "DPD" for "DED", where appropriate. Section 26 captioned "Notices" is also amended by

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deleting the phrase commencing with "Commissioner" and ending with "60605" and substituting the following: Commissioner, Department of Planning and Development, Room 1000, City Hall, 121 North LaSalle Street, Chicago, Illinois 60602". In addition, in Section 26, the following address is substituted for Larry O'Brien: 350 North LaSalle Street, Suite 800, Chicago, Illinois 60610.

7. Terms of the First Amendment Govern. If any provision of the First Amendment conflicts with any provision of the Agreement or the Deed, the provision contained in the First Amendment shall govern.

8. Recordation. Upon execution of the First Amendment by the parties, the City shall have one original recorded with the Office of the Recorder of Deeds of Cook County, Illinois. Purchaser shall be responsible for the payment of all recordation charges.

IN WITNESS WHEREOF, the City and Purchaser have executed the First Amendment as of the date and year first above written.

CITY OF CHICAGO,  
an Illinois municipal corporation

By: Richard M. Daley  
Richard M. Daley  
Mayor

Attest: James J. LaSki  
James J. LaSki  
City Clerk

OBSERVERS INVESTMENT COMPANY,  
an Illinois corporation

By: Lawrence T. O'Brien  
Lawrence T. O'Brien  
President

By: Patrick J. O'Brien  
Patrick J. O'Brien  
Secretary

THIS INSTRUMENT PREPARED BY, AND  
AFTER RECORDING, PLEASE RETURN TO:  
Mark Lenz  
Assistant Corporation Counsel  
City of Chicago  
121 North LaSalle Street, Room 610  
Chicago, Illinois 60602  
(312) 744-1041

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STATE OF ILLINOIS)

COUNTY OF COOK )

I, Toni Dixon, a Notary Public in and for said County, in the State aforesaid, do hereby certify that JAMES J. LASKI, personally known to me to be the City Clerk of the City of Chicago, a municipal corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and being first duly sworn by me acknowledged that as such City Clerk, he signed and delivered the said instrument as his free and voluntary act and as the free and voluntary act and deed of said City, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 3<sup>rd</sup> day of July, 1995.

Toni Dixon  
Notary Public



My commission expires

My Commission Expires 10/09/95

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City Clerk's Office

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2025/01/13 10:00 AM

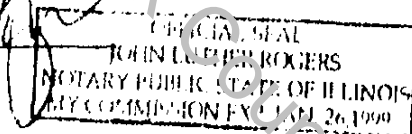
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STATE OF ILLINOIS)  
COUNTY OF COOK )

I, John Luther Rogers, a Notary Public in and for said County, in the State aforesaid, do hereby certify that PATRICK J. O'BRIEN, personally known to me to be the Secretary of Observers Investment Company, an Illinois corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and being first duly sworn by me acknowledged that as such Secretary, he signed and delivered the said instrument as his 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 notarial seal this 27<sup>th</sup> day of June, 1995.

John Luther Rogers  
Notary Public



My commission expires 1-26-99.

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Clerk's Office

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## EXHIBIT A

LOTS 39 TO 50, BOTH INCLUSIVE, TOGETHER WITH THE SOUTH 1/2 OF THE VACATED ALLEY NORTH OF AND ADJOINING SAID LOT 39 AND NORTH AND ADJOINING THE WEST 1/2 OF THE VACATED ALLEY EAST OF AND ADJOINING SAID LOT 39, ALSO THE WEST 1/2 OF THE VACATED ALLEY EAST OF AND ADJOINING SAID LOTS 39 TO 50, BOTH INCLUSIVE, ALL IN C.J. HULL'S SUBDIVISION OF LOT 2 IN BLOCK 44 IN CANAL TRUSTEE'S SUBDIVISION OF THE WEST 1/2 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN AND SO MUCH OF THE SOUTHEAST 1/4 AS LIES WEST OF THE SOUTH BRANCH OF THE CHICAGO RIVER, IN COOK COUNTY, ILLINOIS.

ALSO

LOTS 25 TO 31, BOTH INCLUSIVE, TOGETHER WITH THE WEST 1/2 OF THE VACATED ALLEY LYING EAST AND ADJOINING SAID LOTS, IN HULL AND CLARK'S SUBDIVISION OF LOT 3 IN BLOCK 44 IN CANAL TRUSTEE'S SUBDIVISION, AFORESAID.

ALSO

LOTS 37 TO 46, BOTH INCLUSIVE, TOGETHER WITH THE EAST 1/2 OF THE VACATED ALLEY WEST AND ADJOINING SAID LOTS AND THE WEST 1/2 OF VACATED SOUTH NORMAL AVENUE LYING EAST OF AND ADJOINING SAID LOTS IN JOHN F. IRWIN'S SUBDIVISION OF LOT 1 IN BLOCK 44 IN CANAL TRUSTEE'S SUBDIVISION, AFORESAID.

ALSO

LOTS 29 TO 40, BOTH INCLUSIVE, THE EAST 1/2 OF THE VACATED ALLEY WEST OF AND ADJOINING SAID LOTS 29 TO 40, ALL OF THE VACATED ALLEY SOUTH OF AND ADJOINING SAID LOT 40 AND SOUTH OF AND ADJOINING THE EAST 1/2 OF THE VACATED ALLEY WEST OF AND ADJOINING SAID LOTS 29 TO 40, ALSO THE WEST 1/2 OF SOUTH NORMAL AVENUE LYING EAST OF THE ABOVE DESCRIBED PREMISES, ALL IN ARTEMUS CARTER'S SUBDIVISION OF LOT 4 IN BLOCK 44 IN CANAL TRUSTEE'S SUBDIVISION, AFORESAID.

ALSO

LOTS 44 AND 45 IN ARTEMUS CARTER'S SUBDIVISION AFORESAID.

ALSO

THAT PART OF LOTS 19, 20 AND 21 LYING SOUTH OF A LINE 5.46 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 21 AND WEST OF A LINE 59.25 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOTS 19, 20 AND 21, ALSO THAT PART OF SAID LOT 19 LYING EAST OF THE WEST 59.25 FEET THEREOF AND SOUTH OF THE WESTERLY EXTENSION OF THE CENTERLINE OF THE VACATED ALLEY LYING NORTH OF AND ADJOINING LOTS 11 TO 13, TOGETHER WITH THAT PART OF THE VACATED ALLEY LYING NORTHWESTERLY OF LOTS 13 TO 17 AND SOUTHEASTERLY OF AND ADJOINING SAID LOT 19 AS DESCRIBED, ALSO THAT PART OF THE SOUTH 1/2 OF THE VACATED ALLEY LYING NORTH OF AND ADJOINING LOTS 11 TO 13, ALSO THAT PART OF THE EAST 1/2

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OF VACATED SOUTH NORMAL AVENUE LYING WEST OF AND ADJOINING THE ABOVE  
DESCRIBED PREMISES ALL IN ARTEMUS CARTER'S SUBDIVISION, AFORESAID.

PINS: 17-21-307-082 thru 088

ADDRESS: 1621 to 1701 S. Clinton Street, Chicago, Illinois

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## EXHIBIT A (CONT.)

LOT 10 (EXCEPT THE NORTH 10.00 FEET THEREOF), LOTS 11 TO 18, BOTH INCLUSIVE, ALSO THAT PART OF THE EAST 1/2 OF VACATED SOUTH NORMAL AVENUE LYING WEST OF AND ADJOINING THE ABOVE DESCRIBED PREMISES ALL IN ARTEMUS CARTER'S SUBDIVISION OF LOT 4 IN BLOCK 44 IN CANAL TRUSTEE'S SUBDIVISION OF THE WEST 1/2 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN AND SO MUCH OF THE SOUTHEAST 1/4 AS LIES WEST OF THE SOUTH BRANCH OF THE CHICAGO RIVER, IN COOK COUNTY, ILLINOIS.

### ALSO

ALL THAT PART OF SOUTH CANALPORT AVENUE LYING SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF LOTS 10 TO 18, BOTH INCLUSIVE, LYING WEST OF THE SOUTHWARDLY EXTENSION OF THE EAST LINE OF LOT 10, LYING EAST OF THE SOUTHWARDLY EXTENSION OF THE WEST LINE OF LOT 18 AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF THAT PART OF SOUTH SEWARD STREET VACATED BY ORDINANCE PASSED JUNE 28, 1918 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN COOK COUNTY, ILLINOIS, AS DOCUMENT NO. 6359973, ALL IN ARTEMUS CARTER'S SUBDIVISION OF LOT 4 IN BLOCK 44 IN CANAL TRUSTEE'S SUBDIVISION, AFORESAID.

PINS: 17-21-307-088; (17-21-308-00)

ADDRESS: 500 W. 18th Street, Chicago, Illinois

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EXHIBIT #1 (cont)

## LEGAL DESCRIPTION OF PROPERTY

All that certain parcel or parcels of land located in the City of Chicago, County of Cook, State of Illinois, more particularly described as follows:

LOTS 41 TO 43, INCLUSIVE, ALSO THE WEST 1/2 OF SOUTH NORMAL AVENUE LYING EAST OF THE ABOVE LOT 41, IN ARTEMUS CARTER'S SUBDIVISION OF LOT 4 IN LOT IN BLOCK 44 IN CANAL TRUSTEE'S SUBDIVISION OF THE WEST 1/2 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN AND SO MUCH OF THE SOUTHEAST 1/4 AS LIES WEST OF THE SOUTH BRANCH OF THE CHICAGO RIVER, IN COOK COUNTY, ILLINOIS.

PIN: 17-21-307-087

Address of Property: 530 West 18th Street, Chicago, Illinois

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## EXHIBIT B

June 1, 1995

Schoenhofen Brewery Powerhouse  
18th Street and Canalport Avenue

### DESCRIPTION OF EXTERIOR RESTORATION:

**CANALPORT AVENUE AND SEWARD STREET ELEVATIONS:** Elevations of these two streets were originally fronted with a Bedford limestone base with reddish brick and matching mortar above. The base is extended to create a central arched entry with ornamental carved signage on the Canalport Avenue elevation. A tower rising above the main building is faced in the same brick and mortar as the main body of the building. Ornamental terra cotta copings terminate the masonry of the main building and tower. Windows were of wood in a multi-light configuration. The main arched entry originally framed a steel rolling shutter and was originally used as a loading dock.

All elements of these elevations were restored. All masonry was chemically cleaned to restore its original coloration. Damaged masonry at lintels and parapets were taken down and reset where necessary. Existing masonry was repointed with mortar to match original, returning the building to its original monochromatic appearance. Damaged or missing terra cotta coping elements were replicated and replaced. New wood windows matching the deteriorated originals were installed. The original central loading dock was retrofitted with a new wood entrance screen creating a new main entrance to the building. All elevations of the tower were also restored to their original appearance.

**SIDE ELEVATION:** The side elevation was originally of common brick, and was covered by an adjoining building at the time the building was built. In later years the wall was exposed, and an obtrusive elevator tower erected at the front corner. A significant portion of the upper rear portion of this wall was destroyed during the demolition of other attached buildings in the 1980's.

This wall was completely cleaned, repointed and restored. The non-original elevator tower was removed and the destroyed portions of the wall rebuilt.

**REAR ELEVATION:** The rear elevation was originally similar in treatment to the Canalport and Seward elevations, but was largely of common brick with the ornamental coursing executed in the same reddish brick used in the principal facades. With the later construction of adjoining buildings, this facade was severely damaged, with window openings removed or altered, masonry damaged and missing and other alterations. This damaged wall was fully exposed with the demolition of the adjoining buildings in the 1980's.

This wall was fully restored with the brick cleaned and repaired, window openings defined, and new windows installed duplicating the original window design.

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EXHIBIT C

PHOTOGRAPH OF THE DESIGNATED FEATURE  
OF THE SCHOENHOFEN BREWERY POWERHOUSE

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## EXHIBIT A D

### LEGAL DESCRIPTION OF PROPERTY AND ADMINISTRATION BUILDING

All that certain parcel or parcels of land located in the City of Chicago, County of Cook  
State of Illinois, more particularly described as follows:

LOTS 41 TO 43 INCLUSIVE, ALSO THE WEST 1/2 OF SOUTH NORMAL AVENUE LYING EAST OF THE ABOVE LOT 41, IN ARTEMUS CARTER'S SUBDIVISION OF LOT 4 IN LOT IN BLOCK 44 IN CANAL TRUSTEE'S SUBDIVISION OF THE WEST 1/2 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN AND SO MUCH OF THE SOUTHEAST 1/4 AS LIES WEST OF THE SOUTH BRANCH OF THE CHICAGO RIVER, IN COOK COUNTY, ILLINOIS.

PIN 17-21-307-087

Address of Property 530 West 18th Street, Chicago, Illinois

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