

# UNOFFICIAL COPY

96712133

F	4550	A
P		P
V	4550	V

DEPT-01 RECORDING \$45.00  
 112272 TRAN 5697 09/18/96 14:58:00  
 16030 # 131 # -96-712133  
 COOK COUNTY RECORDER

## RESTRICTIVE COVENANT

WHEREAS, Midway Wire, Inc., ("Owner"), holds legal title to certain parcels of real property ("Abutting Property") which are located at 5401 to 5455 South Kilpatrick Avenue, in the County of Cook, State of Illinois, and which are currently used for the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and other similar uses and facilities; and

WHEREAS, on June 10, 1996, the City Council of the City of Chicago approved an ordinance (C.J. pp. 24137, 24139-43), a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of a certain portion of public way known as the remaining north/south 16 foot public alley, also the east/west 16 foot public alley and the east/west 20 foot public alley in the area bounded by vacated West 54th Street, West 55th Street, South Kilpatrick Avenue and vacated South Knox Avenue, (herein-after referred to as "Subject Premises"), the Subject Premises being more particularly described in Exhibit A which is attached and incorporated; and

WHEREAS, the vacation provided in the Ordinance is conditioned upon the execution and recording by the Owner of a restrictive covenant running with the land that

96712133

UNOFFICIAL COPY

Property of Cook County Clerk's Office

96712183

1987 05 27 10 30

# UNOFFICIAL COPY

provides that the Subject Premises shall be used only for manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and other similar uses and facilities;

**NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE PASSAGE AND APPROVAL OF THE VACATION ORDINANCE AND THE VESTING OF TITLE IN THE OWNER, WITHOUT THE REQUIREMENT THAT THE OWNER PAY COMPENSATION TO THE CITY, THE OWNER DOES HEREBY AGREE WITH AND COVENANT TO THE CITY OF CHICAGO AS FOLLOWS:**

1. **USE.** The Owner hereby covenants to the City of Chicago that the above-described Subject Premises shall not be used for any use or purpose other than those which are set forth in Exhibit B, which is attached and incorporated, and for those uses and purposes which are accessory to such activities, including, but not limited to, the location of necessary and appropriate offices and facilities, storage, employee and customer parking and other similar 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 without the requirement that the Owner pay compensation to the City.

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 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

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

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 of the covenant.

### 3. VIOLATION OF RESTRICTIONS.

a) Reversion. In the event that the Owner violates a restriction contained herein, the City of Chicago may serve the Owner with a written notice entitled NOTICE OF VIOLATION setting forth the violations. Such notice shall be sent to Owner at 4630 West 55th Street, Chicago, Illinois 60632. Within thirty (30) days of receipt of said Notice of Violation, Owner shall cause the correction of or cure the violations set forth therein. In the event that Owner shall fail or refuse to cause the correction of or cure such violations within the period of thirty (30) days, the City of Chicago may then record with the Cook County Recorder of Deeds a copy of the Notice of Violation, proof of service of the Notice of Violation and a Notice of Reversion. 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 and recording of this Covenant, then the provisions of this Section 3(a) shall be deemed null and void.

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

(b) Enforcement. In addition to the foregoing, this Covenant shall be enforceable by all remedies available in law or in equity, including injunctive relief.

IN WITNESS WHEREOF, the Owner has caused this Covenant to be duly executed and attested to this 29<sup>th</sup> day of July, 1996.

MIDWAY WIRE, INC.

By: \_\_\_\_\_

Its: \_\_\_\_\_

Karate Olan  
PRESIDENT

ATTEST:

Its: \_\_\_\_\_

Angelina S. Nevins  
Secretary

ACCEPTED:

[Signature]  
Commissioner of Planning and Development

APPROVED AS TO FORM AND LEGALITY:

[Signature]  
Chief of Assistant Corporation Counsel

Property of Cook County Clerk's Office

96712133

UNOFFICIAL COPY

Property of Cook County Clerk's Office



# UNOFFICIAL COPY

STATE OF ILLINOIS )  
                                  )  
COUNTY OF COOK     )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO  
HEREBY CERTIFY that <sup>Kazuta Oku</sup> Angeline S. Nevins, personally known to me to  
be the President and Secretary of Midway Wire, Inc., a  
Illinois corporation, who is 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 acknowledged  
that as such President and Secretary he/she signed and delivered the said  
instrument, as the free and voluntary act of such corporation, for the uses and purposes therein  
set forth.

GIVEN under my hand and notarial seal this 29th day of July, 1996.

Dawn C. Sullivan

Notary Public  
"OFFICIAL SEAL"  
Dawn C. Sullivan  
Notary Public - State of Illinois  
My Commission Expires 02/24/06

My commission expires \_\_\_\_\_

Prepared by and when recorded, return to:  
John McDonough  
Assistant Corporation Counsel  
121 North LaSalle Street  
Room 610, City Hall  
Chicago, Illinois 60602  
312/744-9827



WILLIAM M. GETZOFF  
330 S. WACKER DRIVE  
SUITE 850  
CHICAGO, IL 60606

96712133

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## EXHIBIT A - VACATION ORDINANCE

Property of Cook County Clerk's Office

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

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

6/10/96

REPORTS OF COMMITTEES

24137

this ordinance, the Hispanic Housing Development Corporation shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owner of the property abutting said public alley hereby vacated, the sum of Five Thousand Five Hundred Forty-four Dollars (\$5,544.00), which sum in the judgment of this body will be equal to such benefits.

SECTION 3. The vacation herein provided for is made upon the express condition that within one hundred twenty (120) days after the passage of this ordinance, the Hispanic Housing Development Corporation shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with an attached drawing approved by the Superintendent of Maps.

SECTION 4. This ordinance shall take effect and be in force from and after its passage.

[Drawing and legal description referred to in this ordinance printed on page 24138 of this Journal.]

---

VACATION OF REMAINING NORTH/SOUTH PUBLIC ALLEY AND PORTIONS OF EAST/WEST PUBLIC ALLEYS IN AREA BOUNDED BY VACATED WEST 54TH STREET, WEST 55TH STREET, SOUTH KILPATRICK AVENUE AND VACATED SOUTH KNOX AVENUE.

The Committee on Transportation and Public Way submitted the following report:

CHICAGO, June 4, 1996.

*To the President and Members of the City Council:*

Your Committee on Transportation and Public Way begs leave to recommend that Your Honorable Body Pass a proposed ordinance vacating the public alleys bounded by vacated West 54th Street, West 55th Street, South Kilpatrick Avenue and vacated South Knox Avenue. This ordinance was referred to the committee on June 4, 1996.

(Continued on page 24139)

96712133

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

6/10/96

REPORTS OF COMMITTEES

24139

(Continued from page 24137)

This recommendation was concurred in unanimously by a viva voce vote of the members of the committee, with no dissenting vote.

Respectfully submitted,

(Signed) PATRICK M. HUELS,  
Chairman.

On motion of Alderman Huels, the said proposed ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

*Yeas* -- Aldermen Granato, Haithcock, Preckwinkle, Holt, Steele, Beavers, Dixon, Shaw, Buchanan, Huels, Frias, Olivo, Burke, Jones, Coleman, Peterson, Murphy, Rugai, Troutman, Evans, Munoz, Zalewski, Chandler, Solis, Ocasio, Burnett, E. Smith, Burrell, Wojcik, Suarez, Mell, Austin, Colom, Giles, Allen, Laurino, O'Connor, Natarus, Bernardini, Hansen, Levar, Shiller, Schuler, M. Smith, Moore -- 45.

*Nays* -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

WHEREAS, The City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City has experienced a significant loss of industry and jobs in recent years, accompanied by a corresponding erosion of its tax base, due in part to industrial firms' inability to acquire additional property needed for their continued viability and growth; and

WHEREAS, Many industrial firms adjoin streets and alleys that are no longer required for public use and might more productively be used for plant expansion and modernization, employee parking, improved security, truck loading areas, or other industrial uses; and

WHEREAS, The City would benefit from the vacation of these streets and alleys by reducing City expenditures on maintenance, repair and

96712133

UNOFFICIAL COPY

Property of Cook County Clerk's Office

COOK COUNTY  
CLERK'S OFFICE



# UNOFFICIAL COPY

24140

JOURNAL--CITY COUNCIL--CHICAGO

6/10/96

replacement; by reducing fly-dumping, vandalism and other criminal activity; and by expanding the City's property tax base; and

WHEREAS, The City can strengthen established industrial areas and expand the City's job base by encouraging the growth and modernization of existing industrial facilities through the vacation of public streets and alleys for reduced compensation; and

WHEREAS, The properties at 5401 to 5455 South Kilpatrick Avenue are owned by Midway Wire, Inc. a subsidiary of the O & K American Corporation; and

WHEREAS, The Midway Wire, Inc. employs sixty (60) individuals in the steel wire processing industry; and

WHEREAS, The Midway Wire, Inc. proposes to limit the use of the alleys to be vacated herein for such manufacturing purposes and other such uses which are reasonably necessary therefore; and

WHEREAS, The City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of public alleys and part of public alley described in the following ordinance; now, therefore,

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. That all of the remaining north/south 16 foot public alley lying west of the west line of Lots 6 to 13, both inclusive, lying east of the east line of Lots 26 to 33, both inclusive, lying south of the south line of the north/south 16 foot public alley vacated by ordinance approved by the City Council of the City of Chicago, October 27, 1992 and recorded in the Office of the Recorder of Deeds of Cook County, Illinois, January 19, 1983 as Document No. 26474942, said line being described in the said recorded ordinance as "the north line of the south 20 feet of Lot 33 produced east to the west line of Lot 6 and lying north of the north line of the north/south 16 foot public alley vacated by ordinance approved by the City Council of the City of Chicago, May 20, 1992 and recorded in the Office of the Recorder of Deeds of Cook County, Illinois, August 12, 1992 as Document No. 92-598912, said line being described in the last recorded ordinance as "the eastwardly extension of the south line of the north 16 feet of Lot 26, all in Block 30 in W. F. Kaiser and Company's Ardale Subdivision of the west half of the southwest quarter and the west three-quarters of the east half of the southwest quarter of Section 10, Township 38 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois,

06712133

UNOFFICIAL COPY

Property of Cook County Clerk's Office

100-111111

# UNOFFICIAL COPY

6/10/96

REPORTS OF COMMITTEES

24141

Also

all of the east/west 20 foot public alley dedicated by plat approved by the City Council of the City of Chicago October 27, 1982 and recorded in the Office of the Recorder of Deeds of Cook County, Illinois January 19, 1983 as Document No. 26474941 and being described on said recorded plat as the south 20 feet of Lot 33 in Block 30 in W. F. Kaiser and Company's Ardale Subdivision of the west half of the southwest quarter and the west three-quarters of the east half of the southwest quarter of Section 10, Township 38 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Also

all of the east/west 16 foot public alley dedicated by plat approved by the City Council of the City of Chicago, May 20, 1992 and recorded in the Office of the Recorder of Deeds of Cook County, Illinois, August 12, 1992 as Document No. 92-598912 and being described on the last recorded plat as the north 16 feet of Lot 26 in Block 30 in W. F. Kaiser and Company's Ardale Subdivision of the west half of the southwest quarter and the west three-quarters of the east half of the southwest quarter of Section 10, Township 38 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, said public alleys and part of public alley herein vacated being further described as the remaining north/south 16 foot public alley, also the east/west 16 foot public alley and the east/west 20 foot public alley in the area bounded by vacated West 54th Street, West 55th Street, South Kilpatrick Avenue and vacated South Knox Avenue as shaded in red and indicated by the words "To Be Vacated" on the drawing hereto attached, which drawing for greater certainty, is hereby made a part of this ordinance, be and the same are hereby vacated and closed, inasmuch as the same are no longer required for public use and the public interest will be subserved by such vacations.

**SECTION 2.** The City of Chicago hereby reserves for the benefit of Commonwealth Edison Company and Ameritech Illinois, their successors or assigns, an easement to operate, maintain, construct, replace, and renew overhead poles, wires, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy and telephonic and associated services under, over, and along the public alleys and part of public alley as herein vacated, with the right of ingress and egress.

**SECTION 3.** The Commissioner of Planning and Development is hereby authorized to accept, subject to the approval of the Corporation Counsel as to form and legality, and on behalf of the City of Chicago, the benefits of a covenant or similar instrument restricting the use of the public ways

96712133

UNOFFICIAL COPY

Property of Cook County Clerk's Office

11/11/11

# UNOFFICIAL COPY

24142

JOURNAL--CITY COUNCIL--CHICAGO

6/10/96

vacated by this ordinance to the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use, including the location of necessary facilities, storage, employee and customer parking, and similar other uses and facilities. Such covenant shall be enforceable in law or in equity and shall be deemed to provide for reconveyance of the property to the city upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released or abandoned by the city only upon the approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the release or abandonment.

SECTION 4. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Midway Wire, Inc., shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrances to the public alleys hereby vacated, similar to the sidewalk and curb in South Kilpatrick Avenue, between vacated West 54th Street and West 55th Street. The precise amount of the sum so deposited shall be ascertained by the Commissioner of Transportation after such investigation as is requisite.

SECTION 5. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Midway Wire, Inc. shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with a restrictive covenant complying with Section 3 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

SECTION 6. This ordinance shall take effect and be in force from and after its passage.

[Drawing and legal description referred to in this ordinance printed on page 24143 of this Journal.]

96722133

UNOFFICIAL COPY

Property of Cook County Clerk's Office

00101003

# UNOFFICIAL COPY

6/10/96

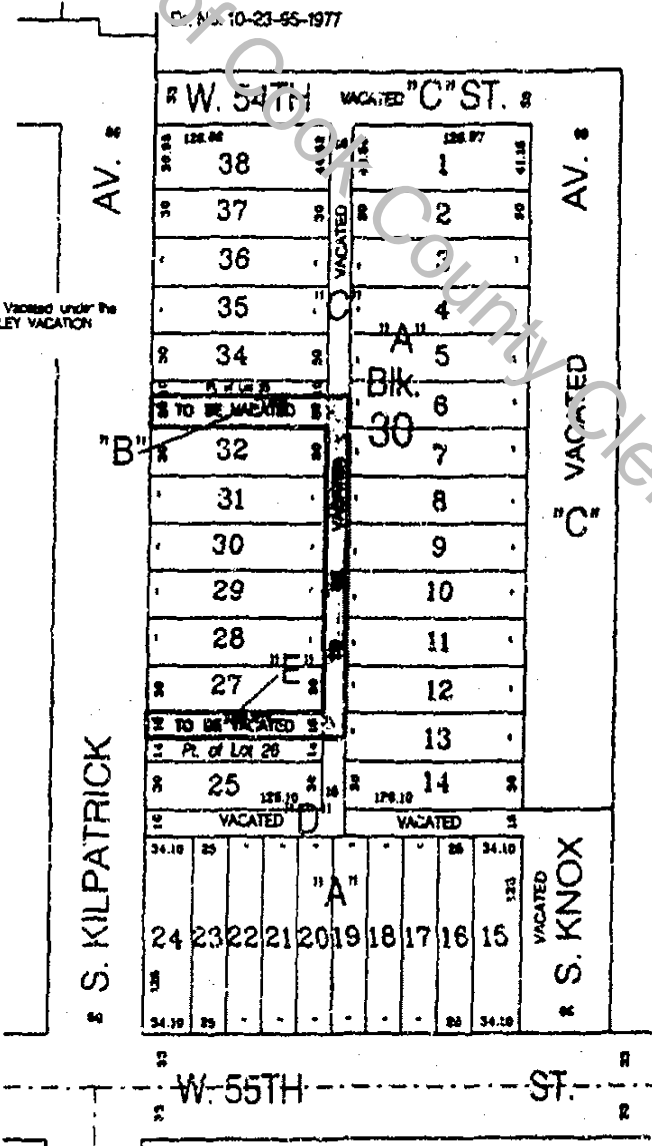
REPORTS OF COMMITTEES

24143

Ordinance associated with this drawing and legal description printed on pages 24140 through 24142 of this Journal.

- "A"  
W. F. Kaiser and Co.'s Ardale Sub. of the W. 1/2 of the S.W. 1/4 and the W. 3/4 of the E. 1/2 of the S.W. 1/4 of Sec. 10-38-13. (exc. R. R. Right of Way) "B"
- Dedicated for Public Alley.  
Rec. Jan. 19, 1983 "C" Doc. No. 26474941
- Vacated by Ordinance Passed Oct. 27, 1982.  
Rec. Jan. 19, 1983 "D" Doc. No. 26474942
- Vacated by Ordinance Passed May 20, 1992.  
Rec. Aug. 12, 1992 "E" Doc. No. 92-598912
- Dedicated for Public Alley.  
Rec. Aug. 12, 1992 Doc. No. 92-598912

NOTE: These Alleys are being Vacated under the INDUSTRIAL STREETS & ALLEY VACATION PROGRAM.



96742133

UNOFFICIAL COPY

Property of Cook County Clerk's Office



# UNOFFICIAL COPY

## EXHIBIT B - PERMITTED USES

1. Manufacturing, production, processing, assembly, fabricating, cleaning, servicing and repair of materials, goods or products, including but not limited to the following:
  - a. Food and Kindred Products
  - b. Tobacco Products
  - c. Apparel and Other Textile Products
  - d. Lumber and Wood Products
  - e. Furniture and Fixtures
  - f. Paper and Allied Products
  - g. Printed and Published Products
  - h. Chemicals and Allied Products
  - i. Petroleum and Coal Products
  - j. Rubber and Miscellaneous Plastics
  - k. Leather and Leather Products
  - l. Stone, Clay and Glass Products
  - m. Primary Metals
  - n. Fabricated Metal Products
  - o. Industrial Machinery and Equipment
  - p. Electronic and Electric Equipment
  - q. Transportation Equipment
  - r. Instruments and Related Products
2. Transportation and wholesale trade, as distinguished from retail trade, of the materials, goods or products listed above.
3. Research and development of prototypes and processes related to the activities listed above.

a:covenant.935

UNOFFICIAL COPY

Property of Cook County Clerk's Office