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. #4940 CG *-96-738962
. COOK COUNTY RECORDER

RESTRICTIVE COVENANT

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WHEREAS, the Ruprecht Company ("Owner"), holds legal title to certain parcels of real property ("Abutting Property") which are located at 1033 to 1057 West Kinzie Street, 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 July 10, 1996, the City Council of the City of Chicago approved an ordinance (C.J. pp. 25338, 25341-44), a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of the south 15.38 feet, more or less, of West Kinzie Street, lying between the east line of North Aberdeen Street and the west line of North Carpenter Street (hereinafter 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 provides that the Subject Premises shall be used only for manufacturing (including production,

BOX 333-CTI

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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 the City, its successors and assigns. The covenant may be released or abandoned only upon

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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 1033 West Kinzie 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.

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

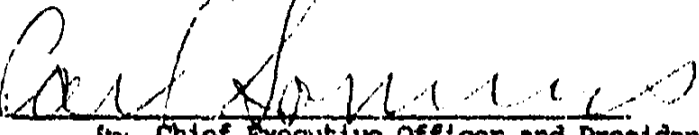
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IN WITNESS WHEREOF, the Owner has caused this Covenant to be duly executed and attested to this 14 day of August, 1996.

THE RUPRECHT COMPANY

By: 
Its: Chief Executive Officer and President

ATTEST:



Its: Secretary-Treasurer

ACCEPTED:

DMD

Commissioner of Planning and Development

APPROVED AS TO FORM AND LEGALITY:


Chief Assistant Corporation Counsel

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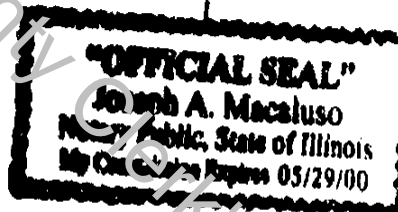
STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that Carl T. Sommers, personally known to me to
be the CEO and President of Ruprecht Company, 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 CEO and President 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 14 day of August, 1996.

Joseph A. Macaluso
Notary Public

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

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EXHIBIT A - VACATION ORDINANCE

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

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25338

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County, Illinois, a certified copy of this ordinance, together with an attached drawing approved by the Superintendent of Maps.

SECTION 5. 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 pages 25339 through 25340 of this Journal.]

VACATION OF PORTION OF WEST KINZIE STREET, BETWEEN NORTH ABERDEEN STREET AND NORTH CARPENTER STREET.

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

CHICAGO, July 3, 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 an ordinance vacating the south 15.38 feet of West Kinzie Street, lying between the east line of North Aberdeen Street and the west line of North Carpenter Street. This ordinance was referred to the committee on July 3, 1996.

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.

(Continued on page 25341)

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REPORTS OF COMMITTEES

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(Continued from page 25338)

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, Tillman, 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, Gabinski, Austin, Colom, Banks, Giles, Allen, Laurino, O'Connor, Doherty, Natarus, Hansen, Levar, Shiller, Schulter, M. Smith, Moore, Stone -- 47.

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 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 1033 to 1057 West Kinzie Street are owned by the Ruprecht Company; and

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WHEREAS, The Ruprecht Company employs fifteen (15) individuals in the meat processing industry; and

WHEREAS, The Ruprecht Company proposes to use the fifteen (15) foot strip portion of the street to be vacated herein for a ten thousand (10,000) square foot meat processing plant expansion 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 part of the public street described in the following ordinance; now, therefore,

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

SECTION 1. All that part of West Kinzie Street lying north of the north line of Lots 1 to 5, both inclusive, lying south of a line drawn from a point on the northerly extension of the east line of Lot 1, 15.38 feet north of the northeast corner of Lot 1 (as measured along the northerly extension of the east line of Lot 1) to a point on the northerly extension of the west line of Lot 5, 15.38 feet, north of the northwest corner of Lot 5 (as measured along the northerly extension of the west line of Lot 5), lying west of the northerly extension of the east line of Lot 1 and lying east of the northerly extension of the west line of Lot 5, all in Block 6 in Carpenter's Addition to Chicago, being a subdivision of the southeast quarter of Section 8, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois, said part of public street herein vacated being further described as the south 15.38 feet, more or less, of West Kinzie Street, lying between the east line of North Aberdeen Street and the west line of North Carpenter Street, as shaded 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 is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. 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 way 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

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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 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 3. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Ruprecht Company 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 4 of this ordinance, approved by the Corporation Counsel, and 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 25344 of this Journal.]

VACATION OF PORTION OF NORTH LAKEWOOD AVENUE ADJACENT TO PUBLIC ALLEY BETWEEN WEST FULLERTON AVENUE AND WEST BELDEN AVENUE.

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

CHICAGO, July 3, 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 an ordinance vacating that part of North Lakewood Avenue being an area of 2.00 feet by 12.53 feet, located along the east side of North Lakewood Avenue, 6.33 feet south of the east/west 16 foot public alley south of West Fullerton Avenue. This ordinance was referred to the committee on July 3, 1996.

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25344

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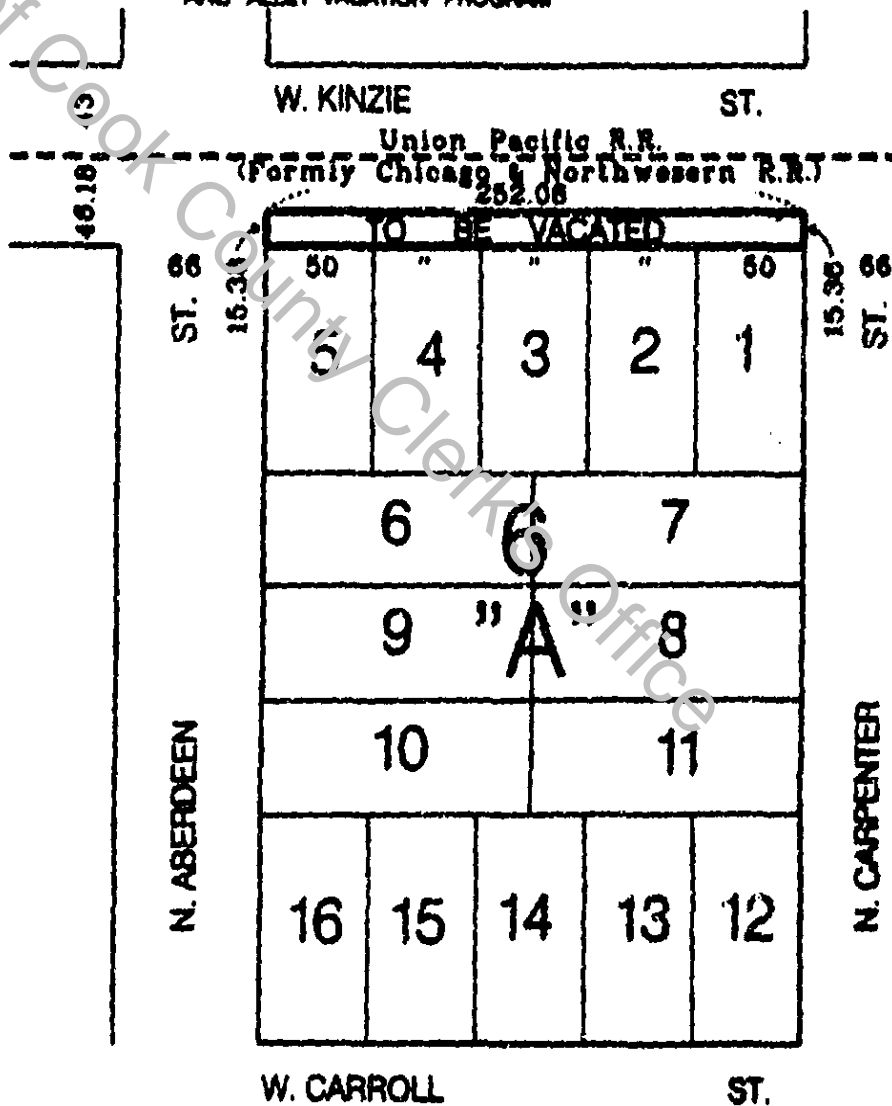
Ordinance associated with this drawing printed on pages 25342 through 25343 of this Journal.

"A"

Carpenter's Addition to Chicago being a Subdivision of the S.E. 1/4 of Sec. 8-35-14.

Dr. No. 8-27-85-2002

Note: This Street is being VACATED Under the INDUSTRIAL STREET AND ALLEY VACATION PROGRAM



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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.937

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