

7/25/18
Cook County Clerk's Office

RESTRICTIVE COVENANT

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 September 10, 1997, the City Council of the City of Chicago approved an ordinance (C.J. pp. 51873, 51875-77 and 51879), a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of the south 17.64 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,

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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 15 day of October, 1997.

THE RUPRECHT COMPANY

By: [Signature]
Its: President

ATTEST:

[Signature]
Its: Secretary

ACCEPTED:

[Signature]
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Assistant Corporation Counsel

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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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9/10/97

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, Suarez, Gabinski, Mell, Austin, Colom, Banks, Giles, Allen, Laurino, O'Connor, Doherty, Natarus, Bernardini, Hansen, Levar, Shiller, Schulter, M. Smith, Moore, Stone -- 50.

Nays -- None.

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

The following is said ordinance as passed:

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

SECTION 1. That the Superintendent of Maps, Ex Officio Examiner of Subdivisions, is hereby authorized and directed to approve and accept a Plat of Dedication for street purposes, of a 22 foot by 22 foot triangular parcel of land located at the northeast corner of the intersection of South Kedzie Avenue and West 51st Street running 22.0 feet north along the east line of South Kedzie Avenue and running 22.0 feet east along the north line of West 51st Street from said northeast corner of said intersection as shown on the attached plat, when the necessary certificates are shown on said plat (File Number 12-14-97-2176).

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

[Plat referred to in this ordinance printed on page 51874 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:

(Continued on page 57875)

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(Continued from page 51873)

CHICAGO, September 8, 1997.

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body Pass an ordinance vacating the south 17.64 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 September 8, 1997.

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, Tillman, Freckwinkle, 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, Gabinski, Mell, Austin, Colom, Banks, Giles, Allen, Laurino, O'Connor, Doherty, Natarus, Bernardini, Hansen, Levar, Shiller, Schulter, M. Smith, Moore, Stone -- 50.

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

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51876

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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

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

WHEREAS, The Ruprecht Company proposes to use the seventeen (17), more or less, 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 in 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 vacated West Kinzie Street, vacated by ordinance approved by the City Council of the City of Chicago July 10, 1996 in the Office of the Recorder of Deeds of Cook County, Illinois being described in said ordinance as "a line drawn from a point on the northerly extension of the east line of Lot 1, 15.36 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 south of a line drawn from a point on the northerly extension of the

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east line of Lot 1, 33.00 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, 33.00 feet, north of the northwest corner of Lot 5 (as measured along the northerly extension of the east 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 17.64 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 Transportation 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 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 2 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.

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REPORTS OF COMMITTEES

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Ordinance associated with this drawing printed on pages 51876 through 51877 of this Journal.

"A"

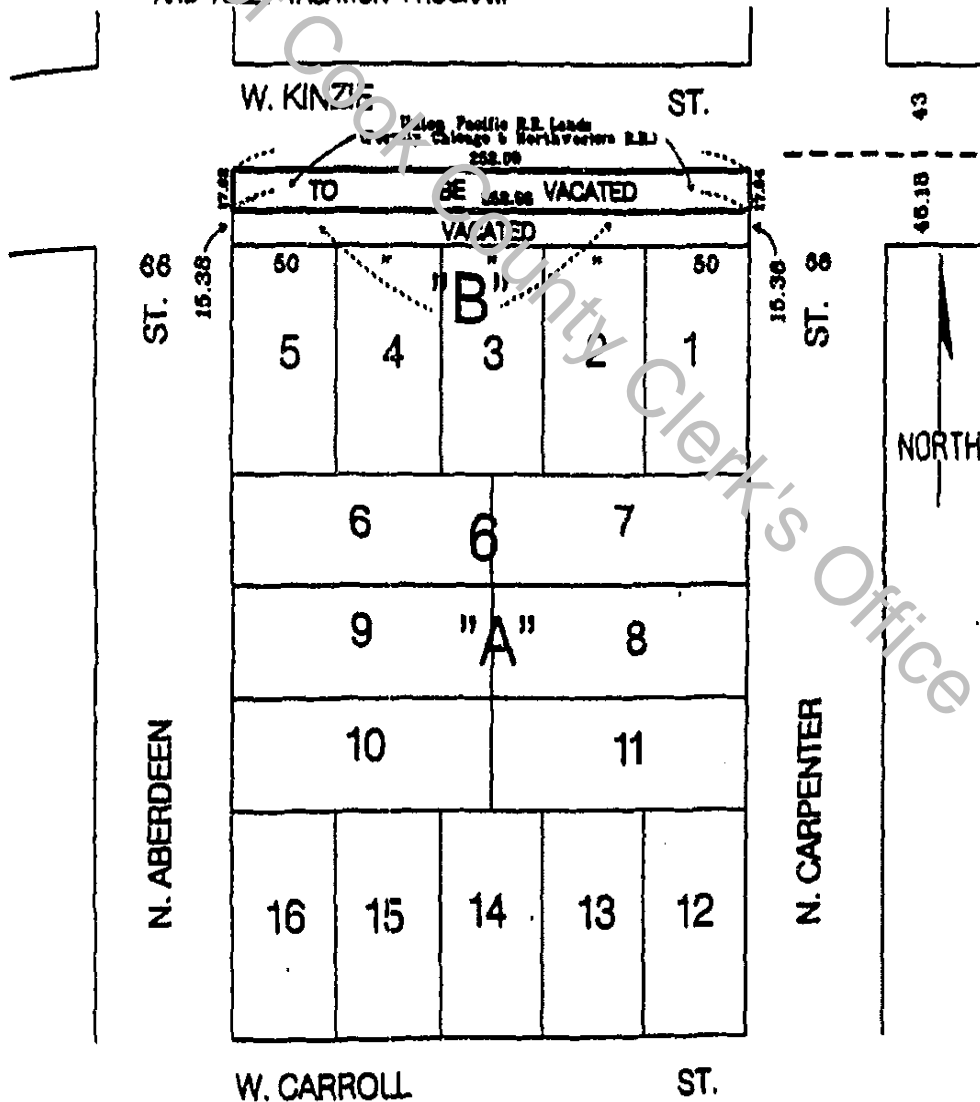
Carpenter's Addition to Chicago being a Subdivision of the S.E. 1/4 of Sec. 8-39-14.

"B"

Ordinance Approved by City Council July 10, 1996.
Rec. Sept. 27, 1996 Doc. No. 96-738961

Dr. No. P-77-95-2078 Rev. Mar. 26, 1997

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.986

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