

UNOFFICIAL COPY

98261098

1998-04-02 17:25:47

RESTRICTIVE COVENANT

WHEREAS, the American National Bank and Trust Company of Chicago, as Trustee, Trust No. 63319 ("Owner"), holds legal title to certain parcels of real property ("Abutting Property") which are located at 1900-1940 and 1901-1941 North Kingsbury 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 April 1, 1998, the City Council of the City of Chicago approved an ordinance, a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of the Southeasterly 411.23 feet, more or less, of North Kingsbury Avenue lying between the South line of West Cortland Avenue and the Northwesterly line of North Clifton Avenue (hereinafter referred to as "Subject Premises"), the Subject Premises being more particularly described in Exhibit A which is attached and incorporated; and

RECORDED FOR
CITY OF CHICAGO
APR 2 1998

6/25/98

4-2-98

F	53	A
		B
		C
		D
		E
		F
		G
		H
		I
		J
		K
		L
		M
		N
		O
		P
		Q
		R
		S
		T
		U
		V
		W
		X
		Y
		Z

UNOFFICIAL COPY

Property of Cook County Clerk's Office

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, 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

UNOFFICIAL COPY

Property of Cook County Clerk's Office

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 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 causes or permits a violation of 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 1909 North Clifton Avenue, Chicago, Illinois 60614. 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

UNOFFICIAL COPY

Property of Cook County Clerk's Office

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.

IN WITNESS WHEREOF, the Owner has caused this Covenant to be duly executed and attested to this 12 day of APR 12 1998 1998.

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE, TRUST NO. 66319

By: [Signature]
[Stamp] TRUSTEE

ATTEST:

[Signature]
Its: ASSISTANT SECRETARY

ACCEPTED:

[Signature]
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Assistant Corporation Counsel

Property of Cook County Clerk's Office
This document is a true and correct copy of the original as recorded in the Public Record Office of Cook County, Illinois, on [Date].
[Signature]
[Title]

UNOFFICIAL COPY

Property of Cook County Clerk's Office

STATE OF ILLINOIS)
)
COUNTY OF COOK)

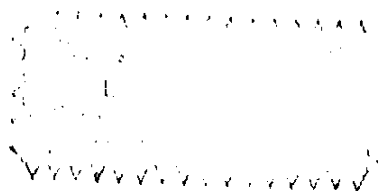
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that MARK DEGRAZIA, personally known to me to
be the TRUST OFFICER of American National Bank and Trust Company of
Chicago, a national banking association, who is personally known to me to be the same person
whose name is subscribed to the foregoing instrument, appeared before me this day in person and
acknowledged that as such TRUST OFFICER he/she signed and delivered
the said instrument, as Trustee as aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this day of APR 02 1998, 1998.

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



UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

98261098

EXHIBIT A - VACATION ORDINANCE

Property of Cook County Clerk's Office

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

INDUSTRIAL STREET VACATION ORDINANCE

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

UNOFFICIAL COPY

Property of Cook County Clerk's Office

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 public alley 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 N. Kingsbury Street lying Southwesterly of the Southwesterly line of Lots 20 to 32, both inclusive, also lying Southwesterly of the Southwesterly line of the Northeasterly-Southwesterly 16 foot alley lying between Lots 16 to 20, both inclusive and Lot 21 in

Resubdivision of Sub-Block 3 of Lots 1 and 2 in Sheffield's Addition to Chicago in Sections 29, 31, 32 and 33 in Township 40 North, Range 14, East of the Third Principal Meridian,

said Lots 20 to 32, both inclusive, and said Northeasterly-Southwesterly 16 foot alley in the Resubdivision of Sub-Block 3 aforesaid having been vacated by instrument recorded January 25, 1901 in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 3057998, said Southwesterly line of Lots 20 to 32, both inclusive, and said alley also being described as the Southwesterly line of Sub-Block 3 of Lots 1 and 2 in Block 8 in Sheffield's Addition to Chicago aforesaid, lying Northeasterly of the Northeasterly line of Lots 1 to 9, both inclusive, in

UNOFFICIAL COPY

Property of Cook County Clerk's Office

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 1900 to 1940 and 1901 to 1941 N. Kingsbury Street are owned by the American National Bank and Trust Company of Chicago, as Trustee, under Trust Agreement dated January 15, 1985 and known as Trust No. 63319; and

WHEREAS, Price-Watson/General Iron Industries, Inc. is the beneficiary of the Trust employing twenty-eight (28) individuals in the shredding and processing of scrap metals; and

WHEREAS, American National Bank and Trust Company of Chicago proposes to use the portion of North Kingsbury Street to be vacated herein for staging and parking of vehicles, consolidation of operations, beautification/landscaping, more efficient processing of materials and other such uses which are reasonably necessary therefore; and

SECTION 2. The City of Chicago hereby reserves N. Kingsbury Street as herein vacated, as a right of way for an existing sewer and for the installation of any additional sewers or other municipally-owned service facilities now located or which in the future may be located in N. Kingsbury Street as herein vacated, and for the maintenance, renewal, and reconstruction of such facilities. It is further provided that no buildings or other structures shall be erected on said right of way herein reserved or other use made of said area, which in the judgment of the respective municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities.

The City of Chicago hereby reserves N. Kingsbury Street as herein vacated, as a right of way for an existing water main and appurtenances thereto, and for the installation of any additional water mains or other municipally-owned service facilities now located or which in the future may be located in N. Kingsbury Street as herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. It is further provided that no buildings or other structures shall be erected on the said right of way herein reserved or other use made of said area, which in the judgment of the municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the

UNOFFICIAL COPY

Property of Cook County Clerk's Office

construction of additional municipally-owned service facilities.

The City of Chicago hereby reserves for the benefit of Commonwealth Edison Company, 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 electric energy under, over, and along N. Kingsbury Street as herein vacated with the right of ingress and egress.

The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Company a right of way to operate, maintain, repair, renew, and replace existing underground facilities and to construct new facilities in all N. Kingsbury Street herein vacated with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on the said right of way herein reserved for The Peoples Gas Light and Coke Company or other use made of said area which would interfere with the construction, operation, maintenance, repair, renewal, or replacement of said facilities, or the construction of additional facilities.

The City of Chicago hereby reserves for the benefit of Soo Line Railroad Company, d/b/a Canadian Pacific Railway, a permanent railroad right of way on, over

and across that portion of North Kingsbury Street as herein vacated, being eight and one-half (8½) feet on either side of the center line of the now existing railroad track in the Line of Railroad (as defined below), which right of way shall be for the use, operation, maintenance, repair, renewal, replacement, and removal of all now existing railroad tracks and facilities and their appurtenances (including, but not limited to, public and private utilities which serve: (a) the subject railroad facilities and (b) railroad facilities along the Line of Railroad) currently located on North Kingsbury Street as herein vacated, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on the said right of way herein reserved for Soo Line Railroad Company d/b/a Canadian Pacific Railway, or other use made of said area which would interfere with the use, construction, operation, maintenance, repair, renewal, or replacement of said railroad tracks and facilities and the appurtenances. This right of way will be automatically extinguished when Soo Line Railroad Company, d/b/a Canadian Pacific Railway, or its successors or assigns, exercises lawful authority (under federal, state, or local law) to abandon rail service across that portion of North Kingsbury Street as herein vacated or either physically removes the railroad tracks and facilities and appurtenances or gives Price-Watson/General Iron Industries, Inc. or its successors or assigns, or the City of Chicago, notice that it has abandoned the railroad tracks and facilities and appurtenances in place. The railroad tracks and facilities on North Kingsbury Street as herein vacated comprise a portion of a line of railroad that extends

UNOFFICIAL COPY

Property of Cook County Clerk's Office

through and beyond North Kingsbury Street as herein vacated, which line of railroad is referred to herein as the "Line of Railroad."

SECTION 3. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE, TRUST NO. 63319 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 entrance to that part of N. Kingsbury Street hereby vacated similar to the sidewalk and curb in N. Clifton Avenue; provided, however, no such removal or construction shall occur within eight and one half (8½) feet of the center line of the existing Soo Line Railroad Company, d/b/a Canadian Pacific Railway, railroad tracks without the prior written consent of Soo Line Railroad Company, d/b/a Canadian Pacific Railway. The precise amount of the sum so deposited shall be ascertained by the Commissioner of Transportation after such investigation as is requisite.

SECTION 4. 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,

UNOFFICIAL COPY

Property of Cook County Clerk's Office

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 5. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE, TRUST NO. 63319 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 6. This ordinance shall take effect and be in force from and after its passage.

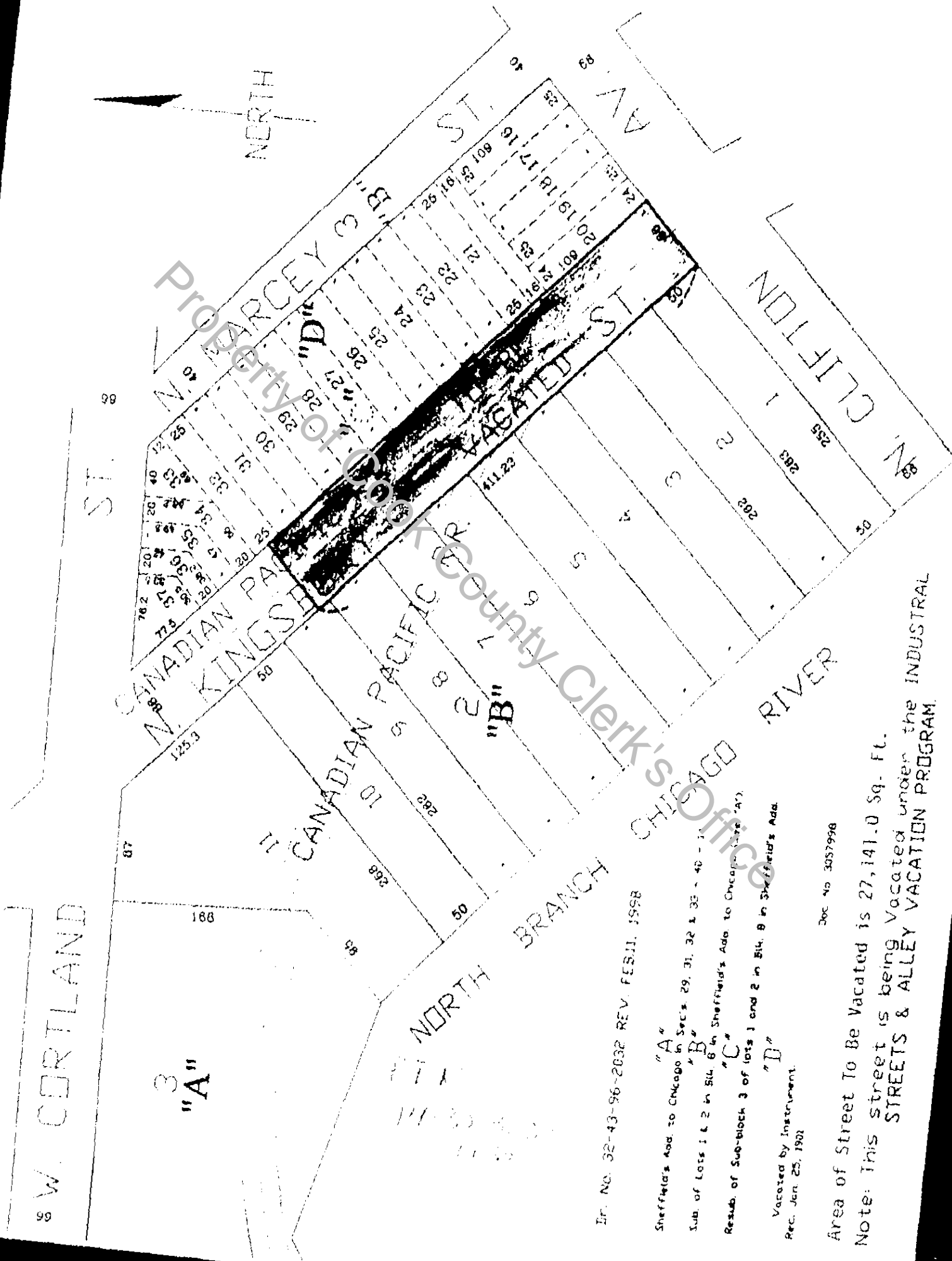
Legal Description Approved:

[Handwritten Signature]
Superintendent of Maps

Approved as to Form and Legality

[Handwritten Signature]
Chief Asst. Corporation Counsel

Property of Cook County Clerk's Office



Tr. No. 32-43-96-2032 REV. FEB. 11, 1998

"A"
 Sheffield's Add. to Chicago in Sec's. 29, 31, 32 & 33 - 40 - 1
 "B"
 Sub. of Lots 1 & 2 in S14, 6 in Sheffield's Add. to Chicago in Sec. 29
 "C"
 Resub. of Sub-block 3 of lots 1 and 2 in S14, 8 in Sheffield's Add.
 "D"
 Vacated by Instrument.
 Rec. Jan. 25, 1901

Doc No 3057996

Area of Street To Be Vacated is 27,141.0 Sq. Ft.
 Note: This street is being Vacated under the INDUSTRIAL
 STREETS & ALLEY VACATION PROGRAM.

UNOFFICIAL COPY

Property of Cook County Clerk's Office

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
 - s. Scrap Metals
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.