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THIS DOCUMENT PREPARED BY
(and after recording mail to):
Gerald P. Callaghan, Esq.
Siemon, Larsen & Purdy
47 West Polk Street
Chicago, Illinois 60605-2030

3831121

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION is made and entered into on the date hereinafter set forth by the **CHICAGO TITLE AND TRUST COMPANY OF CHICAGO**, not personally, but solely as Trustee under Trust Agreement dated January 5, 1989 and known as Trust No. 1092556 (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner and legal title holder of certain real estate in the City of Chicago, County of Cook and State of Illinois, which real estate is legally described in Exhibit "A," attached hereto and by this reference made a part hereof ("Property"); and

WHEREAS, the Carl Sandburg Village Condominium Association No. 7, is the Condominium Association of the property commonly known as 1555 and 1560 North Sandburg Terrace, Chicago, Illinois, and legally described on Exhibit "B," attached hereto and by this reference made a part hereof ("Condominium Property"); and

WHEREAS, the Declarant desires to establish for its own benefit and the mutual benefit of all present and future owners, tenants and occupants of the Condominium Property and any part thereof, certain mutually beneficial restrictions and obligations with respect to the use of the Property.

NOW, THEREFORE, the Declarant hereby declares that the Property shall only be transferred, held, sold, conveyed and accepted subject to this Declaration of Covenants and Restrictions. The Declarant does hereby further declare that the following covenants and restrictions shall: (a) exist at all times hereafter amongst all parties having or acquired right, title or interest in any portions of the Property; (b) be binding upon and inure to the benefit of each record title holder of the Property and Condominium Property, and (c) run with the land subjected to this Declaration, to be held, sold and conveyed subject thereto.

ARTICLE I

Restrictions Relating To Property

Section 1.01. The Property shall be developed pursuant to the restrictions and conditions contained in this Declaration of Covenants and Restrictions.

Section 1.02. The allowable uses of the Property, except as modified in Section 1.03 hereof, shall be as enumerated or described in Exhibit "C," which is attached hereto and made a part hereof. All other uses of the Property are prohibited.

10-6-89 Assoc affords copy on 641352317 & other parties off

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Section 1.03. The allowable uses of the Property are further restricted as follows:

- (a) No convenience-type food stores, such as a 7-Eleven, White Hen Pantry, and their like, shall be established on the Property.
- (b) No full service food store, such as a Jewel, Dominicks, and their like, shall be established on the Property.
- (c) Except for the restaurant described in Exhibit C, no use established on the Property shall entail the preparation of food from its raw state to its cooked state.
- (d) No currency exchange shall be allowed to be established on the Property.
- (e) The sale of liquor and alcoholic beverages on the Property shall be limited to packaged liquors and alcoholic beverages of sizes greater than 500 ml. except that liquor and alcoholic beverages sold for on-site consumption, as permitted and described herein, may be served in containers which are smaller than 500 ml. In no event shall bars, lounges, taverns or night clubs be permitted on the Property except that the restaurant described in Exhibit C may have a bar which shall be no more than six (6) feet in length with seating for no more than 10 patrons and which shall serve only patrons of the restaurant prior to being seated in the restaurant. The sale of liquor and alcoholic beverages for on-site consumption shall only be permitted if such consumption is incidental to the restaurant described in Exhibit C and such liquor and alcoholic beverages are served and consumed in said restaurant.
- (f) Except as provided in Exhibit C no use established on the Property shall entail the sale or preparation of food in its raw or frozen state such as grocery stores, meat markets, fruit and vegetable markets, frozen food stores and fish markets.
- (g) No use shall be established on the Property which is of the "drive-in" type offering goods and services directly to customers waiting in parked motor vehicles.
- (h) No customer parking shall be established on the Property, except as may be required by the City of Chicago, pursuant to an amendment to the Chicago Zoning Ordinance.
- (i) No automotive service-type use shall be established on the Property.
- (j) No use shall be established on the Property unless the building or buildings constructed on the Property contain the following improvements:
 - (i) The southern-most wall shall be constructed of finished materials, limited to face brick and split or fluted block, but not poured concrete or concrete block, and shall contain no signs, doors or other openings except that windows may be placed in said wall provided they are acceptable to the Association.

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- (ii) All garbage dumpsters or receptacles on the Property shall be located within a solid roofed, walled and secure area with a solid floor so as not to be visible from the Condominium Property.
- (iii) The eastern wall of any building on the Property shall contain adequate lighting such that the Sandburg Terrace right-of-way is adequately lighted for pedestrian, vehicular and other security purposes.
- (iv) The Property shall contain a loading area of a minimum of 945 square feet.
- (k) No automated or computerized ticket outlet, such as Ticketron or Ticket Master, shall be established on the Property.
- (l) No seed stores shall be established on the Property.
- (m) All uses on the Property shall be closed, except for maintenance purposes, from at least 2:00 a.m. to 6:00 a.m.
- (n) Only one business establishment on the Property may sell prepared food and that establishment shall be deemed the restaurant described in Exhibit C.
- (o) No uses involving live music shall be established on the Property except that the restaurant described in Exhibit C may provide live background music performed by a single musician playing an unamplified, acoustic instrument.

ARTICLE II

Miscellaneous

Section 2.01. Any owner of the Condominium Property or the condominium association ("Condominium Association") administering the common elements of the Condominium Property shall have the right to enforce, by any proceeding at law or in equity, all restrictions and covenants imposed by the provisions of this Declaration. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2.02. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 2.03. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the owner of the Condominium Property for a term of ten (10) years from the date this Declaration is recorded after which time said covenants shall be automatically extended for successive periods of ten (10) years unless terminated or amended within any ten (10) year period by an instrument signed by the Declarant (or its successors) and the Condominium Association provided that no less than seventy-five (75%) percent of the members of the Condominium Association shall have approved such instrument at a meeting called for that purpose. Such instrument shall be recorded in the Office of the Recorder of Deeds of

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Cook County, Illinois and registered in the Office of the Registrar of Titles of Cook County, Illinois.

Section 2.04. If and to the extent that any of the covenants would otherwise be unlawful or void for violation of (a) the rule against perpetuities, (b) the rule restricting restraints on alienation, or (c) any other applicable statute or common law rule analogous thereto or otherwise imposing limitations upon the time for which such covenants may be valid, then the provision concerned shall continue and endure only until the expiration of a period of twenty-one (21) years after the death of the last to survive of the class of persons consisting of all the lawful descendants of George Bush, President of the United States of America, living at the date of this Declaration.

Section 2.05. All the covenants and restrictions herein contained shall run with the land and shall inure to the benefit of and be binding upon Declarant and each subsequent holder of any interest in any portion of the Property and their grantees, heirs, successors, personal representatives and assigns with the same full force and effect for all purposes as though set forth at length in each and every conveyance of the Property or any part thereof.

Section 2.06. This Declaration is executed by Chicago Title and Trust Company ("CT&T"), as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in its as such Trustee (and CT&T hereby warrants that it possesses full power and authority to execute this instrument). It is expressly understood and agreed by every person, firm or corporation hereafter claiming any interest under this Declaration that CT&T, as Trustee as aforesaid, and not personally, has joined in the execution of this Declaration for the sole purpose of subjecting the title holding interest and the trust estate under said Trust No. 1092556 to the terms of this Declaration; that any and all obligations, duties, covenants and agreements of every nature herein set forth by CT&T, as Trustee as aforesaid, to be kept and performed, are intended to be kept, performed and discharged by the beneficiaries under said Trust No. 1092556 or their successors, and not by CT&T personally; and further, that no duty shall rest upon CT&T, either personally or as such Trustee, to sequester trust assets, rentals, avails or proceeds of any kind, or otherwise to see to the fulfillment or discharge of any obligation, express or implied, arising under the terms of this Declaration, except where Trustee is acting pursuant to direction as provided by the terms of said Trust No. 1092556 and after the Trustee has first been supplied with funds required for the purpose. In the event of conflict between the terms of this paragraph and of the remainder of the Declaration on any questions of apparent liability or obligation resting upon said Trustee, the exculpatory provision hereof shall be controlling.

IN WITNESS WHEREOF, the said Chicago Title and Trust Company, as Trustee as aforesaid, and not individually, has caused its corporate seal to be affixed hereunto and has caused its name to be signed to these presents by its TRIST Vice President and attested by its TRIST Secretary, this 27 day of MARCH, 1989.

CHICAGO TITLE AND TRUST COMPANY,
as Trustee as aforesaid and not personally

By: Monica Sanders
Its: ASST. VICE PRESIDENT

ATTEST: Lynnda S. Barrie
ITS: ASST. SECRETARY

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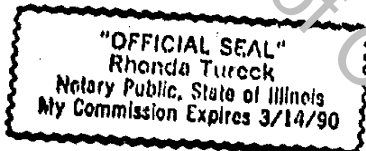
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, RHONDA TURECK, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that MONICA SANDERS, as VICE PRESIDENT of CHICAGO TITLE AND TRUST COMPANY and LYNDA BARRIE, as ASST. VICE PRESIDENT, thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such ASST. SECRETARY and ASST. VICE PRESIDENT, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act of said Trust Company, as Trustee, for the uses and purposes therein set forth; and the said MONICA SANDERS did also then and there acknowledge that he, as custodian of the Corporate Seal of said Trust Company, did affix the said Corporate Seal of said Trust Company to said instrument as his own free and voluntary act, and as the free and voluntary act of said Trust Company, as Trustee, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this MAR 27 1989 day of _____, 1989.



Rhonda Tureck
Notary Public

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JOINDER

The undersigned, on behalf of present and future members, hereby joins in the execution of the foregoing Declaration of Covenants and Restrictions for the purpose of consenting to construction of any improvement permitted within the appropriate zoning classification applicable to the property, as that term is defined in said Declaration, in effect as of the date hereof, except as otherwise prohibited under the terms of said Declaration. The undersigned agrees to execute and deliver at any time and from time to time, at the request of Declarant or Beneficiary, as defined in said Declaration, any and all documents required by any public or quasi-public bodies or by any other interested party, to evidence the consents and approvals herein set forth. This Joinder is binding upon any future Board of Directors of Carl Sandburg Village Condominium Association No. 7, its members and their respective successors and assigns.

CARL SANDBURG VILLAGE CONDOMINIUM ASSOCIATION NO. 7, an Illinois not-for-profit corporation

By: Thom R. Myers
Its: PRESIDENT

ATTEST: [Signature]
ITS: Vice President

STATE OF ILLINOIS)
COUNTY OF COOK) SS

I, Diana R. Clarke, a Notary Public for the County and State aforesaid, DO HEREBY CERTIFY that Thomas R. Meyers, President of Carl Sandburg Village Condominium Association No. 7, an Illinois not-for-profit corporation, and Nathan Swift, ^{Vice President} Secretary thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such President and ^{Vice President} Secretary, respectively, appeared before me this day in person and acknowledged that they signed and delivered the same instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth; and the said ^{Vice President} Secretary did also then and there acknowledge that he, as custodian of the corporate seal of said corporation did affix the said corporate seal of said corporation to said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 27th day of March, 1989.

OFFICIAL SEAL
DIANA R. CLARKE
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. DEC. 29, 1992

Diana R. Clarke
Notary Public

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EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

The North 85.05 feet of Lot 1 (except the East 30 feet thereof) in Chicago Land Clearance Commission No. 3 being a consolidation of lots and parts of lots and vacated alleys in Bronson's Addition to Chicago and certain Resubdivisions, all in the Northeast 1/4 of Section 4, Township 39 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois;

Also

The North 17 feet of Lot 1 (except the West 14 feet and the East 30 feet thereof) in the Subdivision of Lot 108 (except the South 120 feet thereof) in Bronson's Addition, aforesaid, in Cook County, Illinois.

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EXHIBIT B

LEGAL DESCRIPTION OF CONDOMINIUM PROPERTY

Lot 1 (except the North 85.05 feet and the East 30.00 feet thereof); Lot 2 (except the South 56.30 feet of the West 175.50 feet thereof); Lot 3 and that portion of Germania Place lying West of the West line of the said East 30.00 feet of Lot 1 extended South the North line of said lot 2, all in Chicago Land Clearance Commission No. 3, being a consolidation of Lots and parts of Lots and Vacated Alleys in Bronson's Addition to Chicago and certain Resubdivisions, all in the Northeast Quarter of Section 4, Township 39 North, Range 14 East of the Third Principal Meridian, also providing for certain streets and alley dedications, in Cook County, Illinois.

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EXHIBIT C

This document is a part of that certain Declaration of Covenants and Restrictions by Chicago Title and Trust Company, as Trustee under Trust No. 1092556.

The allowable uses of the Property listed below, except as otherwise limited by this Declaration, shall be retail or service business establishments dealing directly with consumers, except for wholesale establishments where storage of merchandise is limited to samples only, and shall be conducted within completely enclosed buildings except for loading and automated teller machines:

- (1) Bakeries, provided goods are baked off of the Property.
- (2) Barber Shops and beauty parlors provided that the Owner shall take any and all actions, and impose any and all means and methods, necessary to insure that odors and smells from such barber shops and beauty parlors remain within the building on the Property.
- (3) Clothes Pressing Establishments, provided all cleaning and dry cleaning is done off of the Property.
- (4) Colleges and Universities, but not business colleges or trade schools.
- (5) Delicatessens, provided that food is not cooked or prepared on the Property.
- (6) Drug Stores.
- (7) Dry Cleaning and Laundry Receiving Stations, processing to be done off of the Property.
- (8) Day care centers.
- (9) Shoe and Hat Repair Stores.
- (10) Signs.
- (11) Temporary Buildings for Construction Purposes, for a period not to exceed the duration of such construction.
- (12) Variety Stores.
- (13) Antique Shops.
- (14) Art and School Supply Stores.
- (15) Banks and Financial Institutions.
- (16) Bicycle Sales, Rental and Repair Stores, when such bicycles are not motor-driven.
- (17) Books and Stationary Stores.

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- (18) Candy, Frozen Yogurt and Ice Cream Stores.
- (19) Camera and Photographic Supply Stores.
- (20) Carpet and Rug Stores.
- (21) China and Glassware Stores.
- (22) Coin and Philatelic Stores.
- (23) Custom Dressmaking.
- (24) Department Stores.
- (25) Dry Goods Stores.
- (26) Electrical and Household Appliance Stores, including radio and television sales.
- (27) Florist Shops and Conservatories.
- (28) Furrier Shops, including the incidental storage and conditioning of furs.
- (29) Furniture Stores, including upholstering when conducted as part of the retail operations and secondary to the principal use.
- (30) Garden Supply.
- (31) Gift Shops.
- (32) Haberdasheries.
- (33) Hardware Stores.
- (34) Hobby Shops, for retail of items to be assembled or used away from the premises.
- (35) Interior Decorating Shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
- (36) Jewelry Stores, including watch repair.
- (37) Leather goods and Luggage Stores.
- (38) Liquor Stores, Package goods only.
- (39) Loan Offices.
- (40) Medical and Dental Clinics.
- (41) Millinery Shops.

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- (42) Musical Instrument Sales and Repair.
- (43) Offices, business and professional.
- (44) Office Supply Stores.
- (45) Optometrists.
- (46) Paint and Wallpaper Stores.
- (47) Photography Studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
- (48) Post Offices.
- (49) Record, Tape and Compact Disc Stores.
- (50) One restaurant limited in size to 2,500 square feet of total area, including kitchen and storage areas, provided that the Owner shall take all precautions necessary to insure that no obnoxious or adverse impacts result from the establishment and operation of the restaurant and provided further that the Owner shall take any and all actions, and impose any and all means and methods, necessary to insure: 1) that garbage and refuse from the restaurant are disposed of in a sanitary and sightly manner such that no rodents and/or insects infiltrate or infest the Property or the surrounding area and 2) that odors and smells from the restaurant remain within the building on the Property.
- (51) Sewing Machine Sales and Service, household machines only.
- (52) Shoe Stores.
- (53) Sporting Goods Stores.
- (54) Tailor Shops.
- (55) Telegraph Offices.
- (56) Tobacco Shops.
- (57) Toy Shops.
- (58) Travel Bureaus and Transportation Ticket Offices.
- (59) Video Tape Sale and Rental Stores.
- (60) Wearing Apparel Shops.
- (61) Accessory Uses.
- (62) Any uses not listed above which are consistent with and of the same type, intensity and character as the above-

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listed uses. Such uses shall include uses which do not presently exist or which are not presently contemplated but which may exist in the future due to technological or market changes, provided that such uses are consistent with and of the same type, intensity and character as the above-listed uses and provided that they otherwise conform to the provisions of the Declaration of Covenants and Restrictions.

Paragraph (62) above is included herein because the uses described in paragraphs (1) through (61) are not intended to be the exclusive uses permitted by the Declaration of Covenants and Restrictions, provided that such additional uses otherwise conform to and are permitted by the provisions of said Declaration.

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1989 OCT -6 PH 3: 28
CAROL MOSELEY BRAUN
REGISTRAR OF TITLES

IDENTIFIED
No.
3831121
REGISTRAR OF TITLES
CAROL MOSELEY BRAUN
ILL.

INTERCOUNTY TITLE CO. OF ILLINOIS
120 WEST MADISON
CHICAGO, ILLINOIS 60601
BOX 92

#22393

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