



City of Chicago



O2016-4875

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 6/22/2016

Sponsor(s): Burnett (27)

Type: Ordinance

Title: Release of use restriction covenant regarding vacation of public way(s) in block bounded by W Randolph St, W Washington Blvd, N Aberdeen St and N Carpenter St

Committee(s) Assignment: Committee on Transportation and Public Way

**ORDINANCE
FOR RELEASE OF
USE RESTRICTION COVENANT**

WHEREAS, on February 16, 2000 the City Council of the City of Chicago ("City Council") passed a certain ordinance (C.J. pp. 25954, 25956-25960), (referred to herein as the "Vacation Ordinance"), which ordinance provided for an industrial program ("Industrial Program") alley vacation ("Vacation") of all of the east-west 10 foot wide public alley in the block bounded by W, Randolph Street, W. Washington Boulevard, N. Aberdeen Street and N. Carpenter Street ("Subject Property"); and

WHEREAS, the Vacation Ordinance provided that the Vacation of the Subject Property was conditioned upon a restrictive use covenant running with the land ("Restrictive Use Covenant"), that required the Subject Property 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."; and

WHEREAS, the Restrictive Use Covenant was recorded on August 8th, 2000 with the Office of the Cook County Recorder of Deeds as Document Number 00604709, and is attached hereto as Exhibit A; and

WHEREAS, the Vacation Ordinance was recorded on August 8th, 2000 with the Office of the Cook County Recorder of Deeds as Document Number 00604708, and is attached hereto as Exhibit B; and

WHEREAS, Section 4 of the Vacation Ordinance sets forth that the Restrictive Use 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"; and

WHEREAS, 110 N. Carpenter, LLC, a Delaware Limited Liability Company ("Developer"), is the current titleholder of the vacated Subject Property subject to the Restrictive Use Covenant; and

WHEREAS, the Developer intends to use the area adjacent to the Vacation for corporate office space and has requested a release of the Restrictive Use Covenant; and

WHEREAS, the City, upon due investigation and consideration, has determined that the public interest now warrants a release of the Restrictive Use Covenant reserved in Section 4 of the Vacation Ordinance for the payment of such additional compensation which it deems to be equal to the benefits accruing to the Developer because of the release of the Restrictive Use Covenant; now, therefore,

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

SECTION 1. The recitals above are incorporated herein.

SECTION 2. The release of the Restrictive Use Covenant, in its entirety, appearing in Section 4 of the Vacation Ordinance is hereby approved upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the Developer the amount ~~Five hundred sixty thousand~~ \$560,000.00 which sum in the judgment of this body will be equal to such benefits.

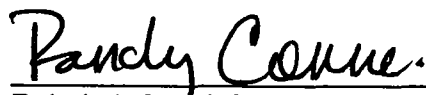
SECTION 3. The release of the Restrictive Use Covenant herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer, shall file or cause to be filed in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance.

SECTION 4. The Commissioner of the Department of Transportation is hereby authorized to execute, subject to the approval of the Corporation Counsel, a Release of Restrictive Use Covenant, in substantially the form attached as Exhibit C, and such other supporting documents as may be necessary or appropriate to carry out and comply with the provisions of the Release of Restrictive Use Covenant, with such changes, deletions and insertions as shall be approved by the persons executing the Release of Restrictive Use Covenant.

SECTION 5. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

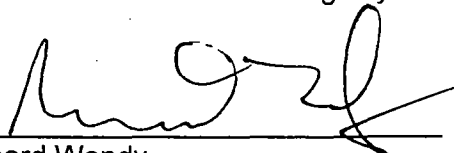
SECTION 6. This ordinance shall take effect upon its passage and approval.

Release of Restrictive Use Covenant
Approved:

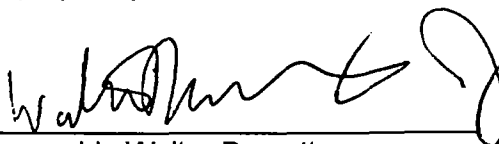


Rebekah Scheinfeld
Commissioner
Department of Transportation

Approved as to Form and Legality



Richard Wendy
Deputy Corporation Counsel



Honorable Walter Burnett
Alderman, 27th Ward

EXHIBIT A

August 8, 2000
Recorded Restrictive Use Covenant
(Attached)

PREPARED BY AND RETURN TO:

MARY T. HECCIA
Assistant Corporation Counsel
30 NORTH LA SALLE ST.
Room 1610, CITY HALL
CHICAGO, IL 60602
312/742-3932

Ⓚ

00604709

2000-08-08 16:20:12
Cook County Recorder

RESTRICTIVE COVENANT

WHEREAS, Dora Dastice, Michael N. Dastice, Harpo Studios, Ltd. Partnership and American National Bank and Trust Company, as Trustee, Trust Number 106074-06 ("Owners"), hold legal title to certain parcels of real property ("Abutting Property") which are located at 1033 to 1057 West Randolph Street, 1032 to 1042 and 1048 to 1056 West Washington Boulevard, 101 to 137 North Aberdeen Street and 100 to 136 North Carpenter Street, located 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 February 16, 2000, the City Council of the City of Chicago approved an ordinance (C.J. pp. 25954, 25956 - 25960), a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of the east-west 10 foot public alley in the block bounded by West Randolph Street, as widened, West Washington Boulevard, North Aberdeen Street and North Carpenter Street (hereinafter referred to as "Subject

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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, 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 C, 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 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 Owners at the addresses attached as Exhibit B. 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.

IN WITNESS WHEREOF, the Owners have caused this Covenant to be duly executed and attested to this ____ day of _____, 2000.

DORA DASTICE
Dora Dastice

MICHAEL N. DASTICE, as Trustee of the
Michael N. Dastice Declaration of
Trust Agreement dated September 17, 1992
Michael Dastice

HARPO STUDIO, LTD. PARTNERSHIP
By: _____
Its: _____

ATTEST:

Its: _____

AMERICAN NATIONAL BANK AND TRUST COMPANY
AS TRUSTEE, TRUST NUMBER 106974-06
By: _____
Its: _____

ATTEST:

Its: _____

ACCEPTED:

Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

Assistant Corporation Counsel

City does not exercise its right of reversion as stated in this Section 3(a) within ⁰⁰⁶⁰⁴⁷⁰⁹
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 Owners have caused this Covenant to be duly executed
and attested to this ___ day of _____, 2000.

DORA DASTICE

MICHAEL N. DASTICE, as Trustee of the
Michael N. Dastice Declaration of
Trust Agreement dated September 17, 1992

HARPO STUDIO, LTD. PARTNERSHIP

By: [Signature]
Its: CFO / TREASURER OF HARPO STUDIO, LTD. GENERAL PARTNER

ATTEST:

Its: Successor Trustee
AMERICAN NATIONAL BANK AND TRUST COMPANY
AS TRUSTEE, TRUST NUMBER 106074-06 AS TRUSTEE AND NOT INDIVIDUALLY

By: [Signature]
Its: Assistant Vice President

ATTEST: [Signature]
Its: ASSISTANT SECRETARY

ACCEPTED: [Signature]
Commissioner of Transportation


APPROVED AS TO FORM AND LEGALITY: [Signature]
Assistant Corporation Counsel

00604709

STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that Dora Davice and Michael Davice are personally known
to me to be the same persons whose names are subscribed to the foregoing instrument, appeared
before me this day in person and acknowledged that as such _____ they
signed and delivered the said instrument, as _____ as aforesaid, for the
uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 27th day of July, 2000.



Notary Public



My commission expires 3-2-01

Prepared by and when recorded, return to:
Mary T. Meccia
Assistant Corporation Counsel
30 North LaSalle Street
Room 1610, City Hall
Chicago, Illinois 60602
312/742-3932

00604703

STATE OF ILLINOIS)
)
COUNTY OF COOK)

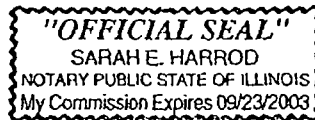
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that DOUG PATTISON, personally known to me to
be the CEO of Harpo Studio, Ltd., Partnership who is personally
known to me to be the same person whose name is subscribed to the foregoing instrument,
appeared before me this day in person and acknowledged that as such

_____ he/she signed and delivered the said instrument, as
_____ as aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 18th day of July, 2000.

Sarah E. Harrod
Notary Public

My commission expires 09/23/03.



Prepared by and when recorded, return to:
Mary T. Meccia
Assistant Corporation Counsel
30 North LaSalle Street
Room 1610, City Hall
Chicago, Illinois 60602
312/742-3932

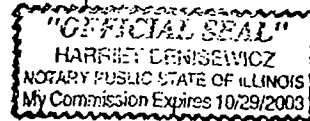
STATE OF ILLINOIS)
)
COUNTY OF COOK)

00804703

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that NANCY A. CARLIN and DEBORAH BOND, are personally known
to me to be the same persons whose names are subscribed to the foregoing instrument, appeared
before me this day in person and acknowledged that as such Assistant Vice President they
signed and delivered the said instrument, as LaSalle Bank National Association
as aforesaid, for the
uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 25th day of July, 2000.

Harriet Denisevicz
Notary Public



My commission expires _____

Prepared by and when recorded, return to:
Mary T. Meccia
Assistant Corporation Counsel
30 North LaSalle Street
Room 1610, City Hall
Chicago, Illinois 60602
312/742-3932

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 the public alley hereby vacated, similar to the sidewalk and curb along the southerly line of West Columbus Avenue between the west line of South Western Avenue and the northerly right-of-way line of the Chicago Western Indiana Belt Railroad. The precise amount of the sum so deposited shall be ascertained by the Commissioner of Transportation after such investigation as is requisite.

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 Forest Park National Bank, as Trustee, Trust Number 981100 and Maywood-Providence State Bank, as Trustee, Trust Number 7997 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 referred to in this ordinance printed
on page 25955 of this Journal.)

AUTHORIZATION OF VACATION OF PUBLIC ALLEY IN BLOCK
BOUNDED BY WEST RANDOLPH STREET, WEST WASHINGTON
BOULEVARD, NORTH ABERDEEN STREET AND
NORTH CARPENTER STREET.

The Committee on Transportation and Public Way submitted the following report

CHICAGO, February 10, 2000.

To the President and Members of the City Council:

(Continued on page 25956)

(Continued from page 25954)

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body *Pass* an ordinance for the vacation of east/west 10 foot public alley in the block bounded by West Randolph Street, widened, West Washington Boulevard, North Aberdeen Street and North Carpenter Street. This ordinance was referred to the committee on January 12, 2000.

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

Respectfully submitted,

(Signed) THOMAS R. ALLEN,
Chairman.

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

Yeas -- Aldermen Granato, Haithcock, Tillman, Preckwinkle, Hairston, Lyle, Beavers, Dixon, Beale, Pope, Balcer, Frias, Olivo, Burke, Thomas, Coleman, Peterson, Murphy, Troutman, DeVille, Munoz, Zalewski, Chandler, Solis, Ocasio, Burnett, E. Smith, Carothers, Wojcik, Suarez, Matlak, Mell, Austin, Colom, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Natarus, Daley, Hansen, Levar, Shiller, Schuler, M. Smith, Moore, Stone -- 49.

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

2/16/2000

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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 Randolph Street, 1032 to 1042 and 1048 to 1056 West Washington Boulevard, 101 to 137 North Aberdeen Street and 100 to 136 North Carpenter Street are owned by Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank & Trust Co., as Trustee, Trust Number 106074-06; and

WHEREAS, Harpo Studio, Ltd. Partnership employs three hundred (300) individuals in the production of locally and nationally distributed television programming; and

WHEREAS, Harpo Studio, Ltd. Partnership proposes to use the portion of the alley to be vacated herein for the staging of vehicles and the transportation of rolling stock, 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 public use and the public interest to be subserved is such as to warrant the vacation of public alley described in the following ordinance; now, therefore,

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

SECTION 1. All that part of the east/west 10 foot public alley as dedicated deed, shown on the official map records of the City of Chicago and used as alleysaid alley being described as: That part of the Lot 6 lying north of the north line the south 19 feet of Lot 6 and the north 10 feet of Lot 7 in Block 42 in Carpenter Addition to Chicago being a subdivision of the southeast quarter of Section Township 39 North, Range 14, East of the Third Principal Meridian in Cook County Illinois; said public alley herein vacated being further described as the east/west 10 foot public alley in the block bound by West Randolph Street, as widened, West Washington Boulevard, North Aberdeen Street and North Carpenter Street 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 City of Chicago hereby reserves the public alley 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 the alley 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.

SECTION 3. The City of Chicago hereby reserves for the benefit of 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 telephonic and associated services under, over and along the public alley as herein vacated, with the right of ingress and egress.

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, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the

2/16/2000

REPORTS OF COMMITTEES

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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 one hundred eighty (180) days after the passage of this ordinance, Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank and Trust Company, as Trustee, Trust Number 106074-04 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 alley hereby vacated similar to the sidewalk and curb along the east side of North Aberdeen Street and the west side of North Carpenter Street between West Randolph Street, as widened and West Washington Boulevard. The precise amount of the sum so deposited shall be ascertained by the Commissioner of Transportation after such investigation as is requisite.

SECTION 6. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank and Trust Company, as Trustee, Trust Number 106074-04 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 7. This ordinance shall take effect and be in force from and after its passage.

[Drawing referred to in this ordinance printed on page 25960 of this Journal.]

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Agreement in Lieu of Escrow
Industrial Street Vacation Program

Re: Vacation of the east-west 10 foot public alley in the block bounded by West Randolph Street as widened, West Washington Boulevard, North Aberdeen Street and North Carpenter Street

With respect to the above referenced vacation, Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank and Trust Company Trust Number 106074-06 ("Applicant"), through its duly authorized agent who has executed this Agreement below, hereby acknowledges receipt of the fully executed and accepted original of the Restrictive Covenant document, a copy of which is attached. In lieu of the requirement of entering into and paying the cost of an escrow agreement, the Applicant agrees as follows:

1. To record such original document with the Cook County Recorder of Deeds; and
2. To provide and pay for an endorsement to a policy of title insurance issued by a title insurance company acceptable to the City which policy shall name the City as an additional insured in an amount not less than TEN THOUSAND DOLLARS (\$10,000.00) and shall insure that the Restrictive Covenant is a valid obligation running with the land subject only to encumbrances acceptable to the City; and
3. To deliver to the City evidence of compliance with this Agreement within thirty (30) days of date executed below.

In the event the Applicant fails or refuses to comply with this Agreement, the Applicant hereby agrees to cause the Subject Premises (as defined in the Restrictive Covenant) to be rededicated to the City of Chicago for public use.

AGREED:
DORA DASTICE

Date: _____

MICHAEL N. DASTICE, as Trustee of the Michael N. Dastice Declaration of Trust Agreement dated September 17, 1992

Date: _____

Harpo Studio, Ltd. Partnership

By: [Signature] CFO/TREASURER OF HARPO
STUDIO'S AND GENERAL PARTNER

Date: 7/16/00

American National Bank and Trust Company
as Trustee, Trust Number 106074-06

By: _____

Date: _____

The City of Chicago

By: [Signature]

Date: 8/8/00

EXHIBIT B

**August 8, 2000
Recorded Vacation Ordinance
(Attached)**

00604708

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

PIN : 17-08-437-015

2/16/2000

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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 Randolph Street, 1032 to 1042 and 1048 to 1056 West Washington Boulevard, 101 to 137 North Aberdeen Street and 100 to 136 North Carpenter Street are owned by Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank & Trust Co., as Trustee, Trust Number 106074-06; and

WHEREAS, Harpo Studio, Ltd. Partnership employs three hundred (300) individuals in the production of locally and nationally distributed television programming; and

WHEREAS, Harpo Studio, Ltd. Partnership proposes to use the portion of the alley to be vacated herein for the staging of vehicles and the transportation of rolling stock, 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 public use and the public interest to be subserved is such as to warrant the vacation 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 the east/west 10 foot public alley as dedicated by deed, shown on the official map records of the City of Chicago and used as alley, said alley being described as: That part of the Lot 6 lying north of the north line of the south 19 feet of Lot 6 and the north 10 feet of Lot 7 in Block 42 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 public alley herein vacated being further described as the east/west 10 foot public alley in the block bound by West Randolph Street, as widened, West Washington Boulevard, North Aberdeen Street and 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 City of Chicago ~~hereby reserves the~~ public alley 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 the alley 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.

SECTION 3. The City of Chicago hereby reserves for the benefit of 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 telephonic and associated services under, over and along the public alley as herein vacated, with the right of ingress and egress.

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, 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 one hundred eighty (180) days after the passage of this ordinance, Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank and Trust Company, as Trustee, Trust Number 106074-04 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 alley hereby vacated similar to the sidewalk and curb along the east side of North Aberdeen Street and the west side of North Carpenter Street between West Randolph Street, as widened and West Washington Boulevard. The precise amount of the sum so deposited shall be ascertained by the Commissioner of Transportation after such investigation as is requisite.

SECTION 6. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank and Trust Company, as Trustee, Trust Number 106074-04 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 7. This ordinance shall take effect and be in force from and after its passage.

[Drawing referred to in this ordinance printed on
page 25960 of this Journal.]

25960

JOURNAL--CITY COUNCIL--CHICAGO

2/16/2000

I DO HEREBY CERTIFY THAT THE ABOVE DRAWING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ASSESSMENT MAP AS FILED IN THE OFFICE OF THE COUNTY CLERK OF COOK COUNTY, ILLINOIS, AND THAT THE SAME IS SUBJECT TO THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHICAGO, ILLINOIS, AND IS SUBJECT TO THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHICAGO, ILLINOIS, AND IS SUBJECT TO THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHICAGO, ILLINOIS.

County Clerk
A. J. ...

DATE 25 July 2000

Ordinance associated with this drawing printed on pages 25958 through 25959 of this Journal.

"A"

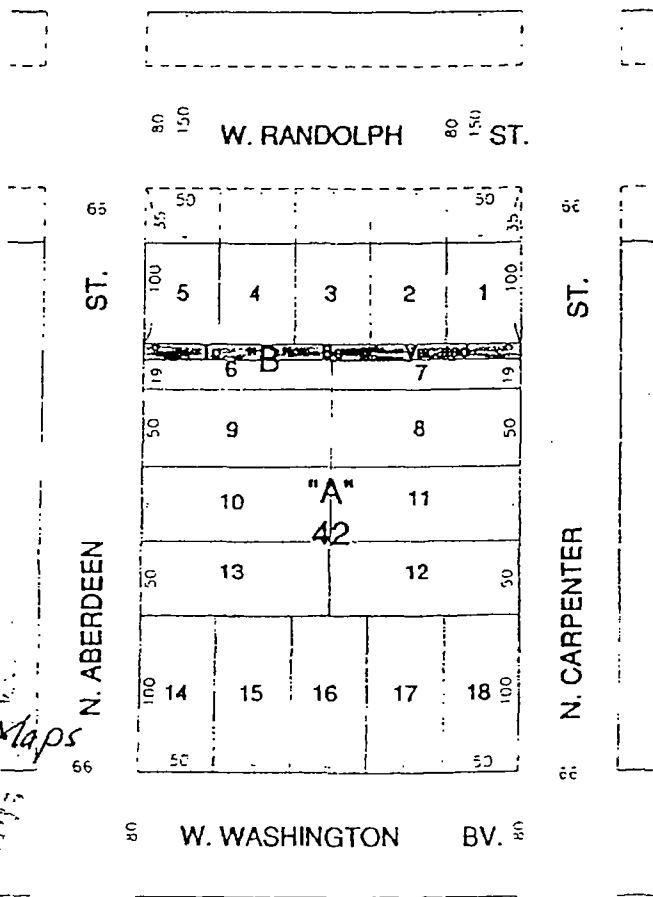
Carpenter's Addition to Chicago being a Subdivision of the S.E. 1/4 of Sec. 8-39-14.

"B"

Deed for Public Alley (no date available).

This Alley Vacation is being made under the Street and Alley Vacation Program-Industrial

Dr. No. 8-27-98-2286



I FIND NO DEFERRED INSTALLMENTS OF OUTSTANDING UNPAID SPECIAL ASSESSMENTS DUE AGAINST THE LAND INCLUDED IN THE ABOVE PLAT.

DEPT. OF REVENUE - CHICAGO

BY _____

CITY OF CHICAGO
APPROVED
Lawrence T. Rowe
Superintendent of Maps
July 27, 2000
EXAMINER
OF
SUBDIVISIONS
ILLINOIS

00604708

STATE OF ILLINOIS,
County of Cook

I, JAMES J. LASKI, City Clerk of the City of Chicago in the County of Cook and State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of that certain ordinance now on file in my office for the authorization of vacation of public alley in block bounded by West Randolph Street, West Washington Boulevard, North Aberdeen Street and North Carpenter Street.

I DO FURTHER CERTIFY that the said ordinance was passed by the City Council of the said City of Chicago on the sixteenth (16th) day of February, A. D. 2000, and deposited in my office on the sixteenth (16th) day of February, A. D. 2000.

I DO FURTHER CERTIFY that the vote on the question of the passage of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of the said City Council, and that the result of said vote so taken was as follows, to wit:

Yeas 49, Nays None.

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the passage thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor failed to return the said ordinance to the said City Council with his written objections thereto at the next regular meeting of the said City Council occurring not less than five (5) days after the passage of the said ordinance.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the County and State aforesaid, this twenty-first (21st) day of July, A. D. 2000

(L. S.)

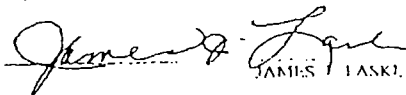

JAMES J. LASKI, City Clerk

EXHIBIT C

FORM OF
RELEASE OF
RESTRICTIVE USE COVENANT
(Attached)

RELEASE OF
RESTRICTIVE USE COVENANT

(The Above Space For Recorder's Use Only)

CITY OF CHICAGO, an Illinois municipal corporation ("CITY"), pursuant to a February 16, 2000 ordinance ("Vacation Ordinance") which Ordinance was recorded on August 8, 2000 with the Office of the Cook County Recorder of Deeds as Document Number 00604708, and is attached hereto as **Exhibit A**, and provided for an industrial program ("Industrial Program") alley vacation ("Vacation") of all of the east-west 10 foot public alley in the block bounded by W, Randolph Street, W. Washington Boulevard, N. Aberdeen Street and N. Carpenter Street ("Subject Property"), as legally described on **Exhibit B** attached hereto.

The Vacation Ordinance provided that the Vacation of the Subject Property was conditioned upon a restrictive use covenant running with the land ("Restrictive Use Covenant"), that required the Subject Property "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".

The Restrictive Use Covenant was recorded on August 8, 2000 with the Office of the Cook County Recorder of Deeds as Document Number 00604709 and is attached hereto as **Exhibit C**.

Section 4 of the Vacation Ordinance sets forth that the Restrictive Use 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".

The City, upon due investigation and consideration, has determined that the public interest now warrants a release of the Restrictive Use Covenant reserved in Section 4 of the Vacation Ordinance for the payment of such additional compensation which it deems to be equal to the benefits accruing to the Developer because of such release of the Restrictive Use Covenant.

The City hereby releases the Restrictive Use Covenant from the Subject Property, as legally described on Exhibit B, attached.

THIS TRANSFER IS EXEMPT PURSUANT TO THE PROVISIONS OF THE REAL ESTATE TRANSFER TAX ACT, 35 ILCS 200/31-45; AND SECTION 3-33-060.B OF THE CHICAGO TRANSACTION TAX ORDINANCE.

IN WITNESS WHEREOF, the City of Chicago has caused this instrument to be duly executed in its name and behalf, by the Commissioner of the Department of Transportation, on or as of the ____ day of _____, 2016.

CITY OF CHICAGO,
an Illinois municipal corporation

By: _____
Rebekah Scheinfeld
Commissioner
Department of Transportation

THIS TRANSFER IS EXEMPT PURSUANT TO THE PROVISIONS OF THE REAL ESTATE TRANSFER TAX ACT, 35 ILCS 200/31-45; AND SECTION 3-3 2-030B7(b) OF THE CHICAGO TRANSACTION TAX ORDINANCE.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Rebekah Scheinfeld, 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 she signed, sealed and delivered as Commissioner, Department of Transportation, the said instrument as her free and voluntary act, and as the free and voluntary act of the City, for the uses and purposes therein set forth.

Given under my hand and official seal, this _____ day of _____, 2016.

Notary Public

THIS INSTRUMENT WAS PREPARED BY:

Karen Bielarz
Senior Counsel
City of Chicago, Department of Law
121 N. LaSalle Street, Room 600
Chicago, Illinois 60601
312/744-6910

THIS TRANSFER IS EXEMPT PURSUANT TO THE PROVISIONS OF THE REAL ESTATE TRANSFER TAX ACT, 35 ILCS 200/31-45; AND SECTION 3-3 2-030B7(b) OF THE CHICAGO TRANSACTION TAX ORDINANCE.

EXHIBIT A TO RELEASE

August 8, 2000
Recorded Vacation Ordinance
(Attached)

00604708

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

PIN: 17-08-437-015

2/16/2000

REPORTS OF COMMITTEES

25957

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 Randolph Street, 1032 to 1042 and 1048 to 1056 West Washington Boulevard, 101 to 137 North Aberdeen Street and 100 to 136 North Carpenter Street are owned by Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank & Trust Co., as Trustee, Trust Number 106074-06; and

WHEREAS, Harpo Studio, Ltd. Partnership employs three hundred (300) individuals in the production of locally and nationally distributed television programming; and

WHEREAS, Harpo Studio, Ltd. Partnership proposes to use the portion of the alley to be vacated herein for the staging of vehicles and the transportation of rolling stock, 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 public use and the public interest to be subserved is such as to warrant the vacation 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 the east/west 10 foot public alley as dedicated by deed, shown on the official map records of the City of Chicago and used as alley, said alley being described as: That part of the Lot 6 lying north of the north line of the south 19 feet of Lot 6 and the north 10 feet of Lot 7 in Block 42 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 public alley herein vacated being further described as the east/west 10 foot public alley in the block bound by West Randolph Street, as widened, West Washington Boulevard, North Aberdeen Street and 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 City of Chicago ~~hereby reserves the public alley 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 the alley 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.

SECTION 3. The City of Chicago hereby reserves for the benefit of 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 telephonic and associated services under, over and along the public alley as herein vacated, with the right of ingress and egress.

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, 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 one hundred eighty (180) days after the passage of this ordinance, Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank and Trust Company, as Trustee, Trust Number 106074-04 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 alley hereby vacated similar to the sidewalk and curb along the east side of North Aberdeen Street and the west side of North Carpenter Street between West Randolph Street, as widened and West Washington Boulevard. The precise amount of the sum so deposited shall be ascertained by the Commissioner of Transportation after such investigation as is requisite.

SECTION 6. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank and Trust Company, as Trustee, Trust Number 106074-04 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 7. This ordinance shall take effect and be in force from and after its passage.

[Drawing referred to in this ordinance printed on
page 25960 of this Journal.]

Ordinance associated with this drawing printed on pages 25958 through 25959 of this Journal.

"A"

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

"B"

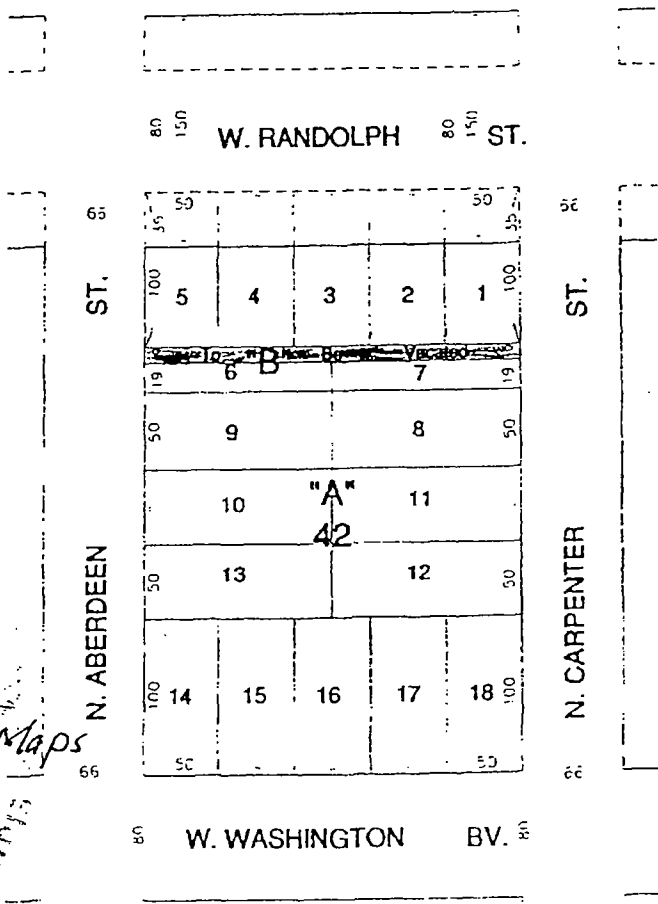
Deed for Public Alley (no date available).

This Alley Vacation is being made under the Street and Alley Vacation Program-Industrial

Dr. No. 8-27-98-2286

IF YOU FIND THIS DRAWING TO BE IN ERROR, PLEASE ADVISE THE COUNTY CLERK OF ANY CORRECTIONS TO BE MADE. SPECIAL ASSESSMENTS WILL BE MADE AGAINST THE LANDOWNER FOR ANY SPECIAL ASSESSMENTS AGAINST THE LAND IN THIS DRAWING. SPECIAL ASSESSMENTS INCLUDED IN THE ABOVE PLAT.

DATE 25 July 2000
COUNTY CLERK



CITY OF CHICAGO
APPROVED
Lawrence T. Jones
Superintendent of Maps
July 27, 2000
SEAL OF THE BOARD OF SUPERVISORS OF THE CITY OF CHICAGO
ILLINOIS

I FIND NO DEFERRED INSTALLMENTS OF OUTSTANDING UNPAID SPECIAL ASSESSMENTS DUE AGAINST THE LAND INCLUDED IN THE ABOVE PLAT.
DEPT. OF REVENUE - CHICAGO
BY _____

STATE OF ILLINOIS,
County of Cook.

I, JAMES J. LASKI, City Clerk of the City of Chicago in the County of Cook and State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of that certain ordinance now on file in my office for the authorization of vacation of public alley in block bounded by West Randolph Street, West Washington Boulevard, North Aberdeen Street and North Carpenter Street.

I DO FURTHER CERTIFY that the said ordinance was passed by the City Council of the said City of Chicago on the sixteenth (16th) day of February A. D. 2000 and deposited in my office on the sixteenth (16th) day of February A. D. 2000.

I DO FURTHER CERTIFY that the vote on the question of the passage of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of the said City Council, and that the result of said vote so taken was as follows, to wit:

Yeas 49, Nays None.

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the passage thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor failed to return the said ordinance to the said City Council with his written objections thereto at the next regular meeting of the said City Council occurring not less than five (5) days after the passage of the said ordinance.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the County and State aforesaid this twenty-first (21st) day of July A. D. 2000

[L. S.]


JAMES J. LASKI, City Clerk

EXHIBIT B TO RELEASE

Legal Description
Of
Subject Property

ALL OF THAT PART OF THE EAST/WEST 10 FOOT PUBLIC ALLEY AS DEDICATED BY DEED, SHOWN ON THE OFFICIAL MAP RECORDS OF THE CITY OF CHICAGO AND USED AS ALLEY, SAID ALLEY BEING DESCRIBED AS:

THAT PART OF THE LOT 6 LYING NORTH OF THE NORTH LINE OF THE SOUTH 19 FEET OF LOT 6 AND THE NORTH 10 FEET OF LOT 7 IN BLOCK 42 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 PUBLIC ALLEY HEREIN VACATED BEING FURTHER DESCRIBED AS THE EAST/WEST 10 FOOT PUBLIC ALLEY IN THE BLOCK BOUNDED BY WEST RANDOLPH STREET, AS WIDENED, WEST WASHINGTON BOULEVARD, NORTH ABERDEEN STREET AND NORTH CARPENTER STREET AS SHADED AND INDICATED BY THE WORDS 'TO BE VACATED' ON THE DRAWING HERETO ATTACHED, WHICH DRAWING FOR GREATER CERTAINTY, IS 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.

EXHIBIT C TO RELEASE

August 8, 2000
Recorded Restrictive Use Covenant
(Attached)

PREPARED BY AND RETURN TO:

MARY T. HECCIA
Assistant Corporation Counsel
30 NORTH LA SALLE ST.
ROOM 1610, CITY HALL
CHICAGO, IL 60602
312/742-3932

Q

00604709

2000-08-08 16:20:12
Cook County Recorder

RESTRICTIVE COVENANT

WHEREAS, Dora Dastice, Michael N. Dastice, Harpo Studios, Ltd. Partnership and American National Bank and Trust Company, as Trustee, Trust Number 106074-06 ("Owners"), hold legal title to certain parcels of real property ("Abutting Property") which are located at 1033 to 1057 West Randolph Street, 1032 to 1042 and 1048 to 1056 West Washington Boulevard, 101 to 137 North Aberdeen Street and 100 to 136 North Carpenter Street, located 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 February 16, 2000, the City Council of the City of Chicago approved an ordinance (C.J. pp. 25954, 25956 - 25960), a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of the east-west 10 foot public alley in the block bounded by West Randolph Street, as widened, West Washington Boulevard, North Aberdeen Street and North Carpenter Street (hereinafter referred to as "Subject

RECORDING FEE 55⁰⁰
DATE 8/8/00 COPIES 0
BY GM 18/00

00604709

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, 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 C, 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 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 Owners at the addresses attached as Exhibit B. 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.

IN WITNESS WHEREOF, the Owners have caused this Covenant to be duly executed and attested to this ____ day of _____, 2000.

DORA DASTICE
Dora Dastice

MICHAEL N. DASTICE, as Trustee of the
Michael N. Dastice Declaration of
Trust Agreement dated September 17, 1992
Michael Dastice

HARPO STUDIO, LTD. PARTNERSHIP
By: _____
Its: _____

ATTEST:

Its: _____

AMERICAN NATIONAL BANK AND TRUST COMPANY
AS TRUSTEE, TRUST NUMBER 106974-06
By: _____
Its: _____

ATTEST:

Its: _____

ACCEPTED:

Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

Assistant Corporation Counsel

City does not exercise its right of reversion as stated in this Section 3(a) within ⁰⁰⁶⁰⁴⁷⁰⁹
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 Owners have caused this Covenant to be duly executed
and attested to this ____ day of _____, 2000.

DORA DASTICE

MICHAEL N. DASTICE, as Trustee of the
Michael N. Dastice Declaration of
Trust Agreement dated September 17, 1992

PEARPO STUDIO, LTD. PARTNERSHIP

By: [Signature]
(is: CFO / TREASURER OF PEARPO STUDIO INC GENENT PARTNER)

ATTEST:

Its: [Signature]
Successor trustee
AMERICAN NATIONAL BANK AND TRUST COMPANY
AS TRUSTEE, TRUST NUMBER 106074-06

By: [Signature]
(is: Assistant Vice President)

ATTEST: [Signature]
ASSISTANT SECRETARY

ACCEPTED: [Signature]
Commissioner of Transportation


APPROVED AS TO FORM AND LEGALITY:
[Signature]
Assistant Corporation Counsel

00604709

STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that Dora Davice and Michael Davice are personally known
to me to be the same persons whose names are subscribed to the foregoing instrument, appeared
before me this day in person and acknowledged that as such _____ they
signed and delivered the said instrument, as _____ as aforesaid, for the
uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 27th day of July, 2000.



Notary Public



My commission expires 3-2-01

Prepared by and when recorded, return to:
Mary T. Meccia
Assistant Corporation Counsel
30 North LaSalle Street
Room 1610, City Hall
Chicago, Illinois 60602
312/742-3932

00604703

STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that DOUG PATTISON, personally known to me to
be the CEO of Harpo Studio, Ltd., Partnership 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

_____ he/she signed and delivered the said instrument, as

_____ as aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 18th day of July, 2000.

Sarah E. Harrod
Notary Public

My commission expires 09/23/03



Prepared by and when recorded, return to:
Mary T. Meccia
Assistant Corporation Counsel
30 North LaSalle Street
Room 1610, City Hall
Chicago, Illinois 60602
312/742-3932

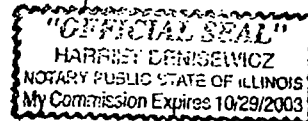
STATE OF ILLINOIS)
)
COUNTY OF COOK)

00604709

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that NANCY A. CARLIN and DEBORAH BERG, are personally known
to me to be the same persons whose names are subscribed to the foregoing instrument, appeared
before me this day in person and acknowledged that as such Assistant Vice President they
LaSalle Bank National Association
signed and delivered the said instrument, as _____ as aforesaid, for the
uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 25th day of July, 2000.


Notary Public



My commission expires _____

Prepared by and when recorded, return to:
Mary T. Meccia
Assistant Corporation Counsel
30 North LaSalle Street
Room 1610, City Hall
Chicago, Illinois 60602
312/742-3932

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 the public alley hereby vacated, similar to the sidewalk and curb along the southerly line of West Columbus Avenue between the west line of South Western Avenue and the northerly right-of-way line of the Chicago Western Indiana Belt Railroad. The precise amount of the sum so deposited shall be ascertained by the Commissioner of Transportation after such investigation as is requisite.

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 Forest Park National Bank, as Trustee, Trust Number 981100 and Maywood-Provident State Bank, as Trustee, Trust Number 7997 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 referred to in this ordinance printed
on page 25955 of this Journal.)

AUTHORIZATION OF VACATION OF PUBLIC ALLEY IN BLOCK
BOUNDED BY WEST RANDOLPH STREET, WEST WASHINGTON
BOULEVARD, NORTH ABERDEEN STREET AND
NORTH CARPENTER STREET.

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

CHICAGO, February 10, 2000.

To the President and Members of the City Council:

(Continued on page 25956)

(Continued from page 25954)

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body Pass an ordinance for the vacation of east/west 10 foot public alley in the block bounded by West Randolph Street, widened, West Washington Boulevard, North Aberdeen Street and North Carpenter Street. This ordinance was referred to the committee on January 12, 2000.

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

Respectfully submitted,

(Signed) THOMAS R. ALLEN,
Chairman.

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

Yeas-- Aldermen Granato, Haithcock, Tillman, Preckwinkle, Hairston, Lyle, Beavers, Dixon, Beale, Pope, Balcer, Frias, Olivo, Burke, Thomas, Coleman, Peterson, Murphy, Troutman, DeVille, Munoz, Zalewski, Chandler, Solis, Ocasio, Burnett, E. Smith, Carothers, Wojcik, Suarez, Matlak, Mell, Austin, Colom, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Natarus, Daley, Hansen, Levar, Shiller, Schuller, M. Smith, Moore, Stone -- 49.

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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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 Randolph Street, 1032 to 1042 and 1048 to 1056 West Washington Boulevard, 101 to 137 North Aberdeen Street and 100 to 136 North Carpenter Street are owned by Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank & Trust Co., as Trustee, Trust Number 106074-06; and

WHEREAS, Harpo Studio, Ltd. Partnership employs three hundred (300) individuals in the production of locally and nationally distributed television programming; and

WHEREAS, Harpo Studio, Ltd. Partnership proposes to use the portion of the alley to be vacated herein for the staging of vehicles and the transportation of rolling stock, 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 public use and the public interest to be subserved is such as to warrant the vacation of public alley described in the following ordinance; now, therefore,

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

SECTION 1. All that part of the east/west 10 foot public alley as dedicated deed, shown on the official map records of the City of Chicago and used as said alley being described as: That part of the Lot 6 lying north of the north line the south 19 feet of Lot 6 and the north 10 feet of Lot 7 in Block 42 in Carpenter Addition to Chicago being a subdivision of the southeast quarter of Section 4 Township 39 North, Range 14, East of the Third Principal Meridian in Cook County Illinois; said public alley herein vacated being further described as the east/west 10 foot public alley in the block bound by West Randolph Street, as widened, West Washington Boulevard, North Aberdeen Street and North Carpenter Street and 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 City of Chicago hereby reserves the public alley 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 the alley 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.

SECTION 3. The City of Chicago hereby reserves for the benefit of 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 telephonic and associated services under, over and along the public alley as herein vacated, with the right of ingress and egress.

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, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the

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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 one hundred eighty (180) days after the passage of this ordinance, Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank and Trust Company, as Trustee, Trust Number 106074-04 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 alley hereby vacated similar to the sidewalk and curb along the east side of North Aberdeen Street and the west side of North Carpenter Street between West Randolph Street, as widened and West Washington Boulevard. The precise amount of the sum so deposited shall be ascertained by the Commissioner of Transportation after such investigation as is requisite.

SECTION 6. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank and Trust Company, as Trustee, Trust Number 106074-04 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 7. This ordinance shall take effect and be in force from and after its passage.

[Drawing referred to in this ordinance printed on page 25960 of this Journal.]

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Agreement in Lieu of Escrow
Industrial Street Vacation Program

Re: Vacation of the east-west 10 foot public alley in the block bounded by West Randolph Street as widened, West Washington Boulevard, North Aberdeen Street and North Carpenter Street

With respect to the above referenced vacation, Dora Dastice, Michael N. Dastice, Harpo Studio, Ltd. Partnership and American National Bank and Trust Company Trust Number 106074-06 ("Applicant"), through its duly authorized agent who has executed this Agreement below, hereby acknowledges receipt of the fully executed and accepted original of the Restrictive Covenant document, a copy of which is attached. In lieu of the requirement of entering into and paying the cost of an escrow agreement, the Applicant agrees as follows:

1. To record such original document with the Cook County Recorder of Deeds; and
2. To provide and pay for an endorsement to a policy of title insurance issued by a title insurance company acceptable to the City which policy shall name the City as an additional insured in an amount not less than TEN THOUSAND DOLLARS (\$10,000.00) and shall insure that the Restrictive Covenant is a valid obligation running with the land subject only to encumbrances acceptable to the City; and
3. To deliver to the City evidence of compliance with this Agreement within thirty (30) days of date executed below.

In the event the Applicant fails or refuses to comply with this Agreement, the Applicant hereby agrees to cause the Subject Premises (as defined in the Restrictive Covenant) to be rededicated to the City of Chicago for public use.

AGREED:
DORA DASTICE

Date: _____

MICHAEL N. DASTICE, as Trustee of the Michael N. Dastice Declaration of Trust Agreement dated September 17, 1992

Date: _____

Harpo Studio, Ltd. Partnership

By: [Signature] CFO/TREASURER OF HARPO
STUDIO'S AND GENERAL PARTNER

Date: 7/18/00

American National Bank and Trust Company
as Trustee, Trust Number 106074-06

By: _____

Date: _____

The City of Chicago

By: [Signature]

Date: 8/8/00