



City of Chicago



O2015-5272

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	7/22/2015
Sponsor(s):	Dept./Agency
Type:	Ordinance
Title:	Time extension for release of use restriction covenant regarding vacation of W Carroll Ave from N Morgan St to N Sangamon St
Committee(s) Assignment:	Committee on Transportation and Public Way

**TIME EXTENSION ORDINANCE
FOR THE
RELEASE OF
USE RESTRICTION COVENANT**

WHEREAS, on May 15, 2008 the City Council of the City of Chicago ("City") passed an ordinance (C.J. pp.28129, 28131-28136) (the "Vacation Ordinance"), which such Vacation Ordinance provided for an industrial program ("Industrial Program") street vacation ("Vacation") of all of West Carroll Avenue between N. Morgan Street and N. Sangamon Street; and a portion of N. Sangamon Street between approximately W. Kinzie Street and W. Wayman Street; and

WHEREAS, a portion of the lots adjacent to the Vacation area have now been sold to a developer who wishes to construct a hotel on a portion of the original Vacation area, namely, on the westernmost half of the vacated W. Carroll Street between the east line of N. Morgan Street and the western line of N. Sangamon Street (the "Subject Property"), as legally described on Exhibit A, attached hereto, and as more precisely shown on the plat ("Plat") attached hereto as Exhibit B; and

WHEREAS, the Vacation Ordinance provided that the Vacation was conditioned upon a restrictive use covenant running with the land ("Restrictive Use Covenant"), that required, in part, 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 September 18, 2008 with the Office of the Cook County Recorder of Deeds as Document Number 0826245110, attached hereto as Exhibit C; and

WHEREAS, the Vacation Ordinance was recorded on September 18, 2008 with the Office of the Cook County Recorder of Deeds as Document No. 0826245111, attached hereto as Exhibit D; and

WHEREAS, Section 5 of the Vacation Ordinance set forth that the Restrictive Use Covenant “may be released 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 vacation of the public ways with restrictions on its use”; and

WHEREAS, 345 N. Morgan LLC, a Delaware Limited Liability Company; and 311 N. Morgan LLC, a Delaware Limited Liability Company (“Developers”), are the current beneficiary titleholders of the vacated Subject Project subject to the Restrictive Use Covenant; and

WHEREAS, Developers are intending to construct an approximately seven (7) story hotel building on the Subject Property in accordance with the associated Planned Development, and have requested a release (the “Release”) of the Restrictive Use Covenant that limits the Subject Property to industrial use and encumbers the Subject Property only. The Restrictive Use Covenant shall continue to encumber the remainder of the Vacation area not subject to this Ordinance; and

WHEREAS, on April 15, 2015, the City Council of the City passed an ordinance (C.J. pp. 107226-107262) (the “Release Ordinance”) , attached hereto as **Exhibit E**, as that released the Vacation Ordinance Restrictive Use Covenant from the Subject Property; and

WHEREAS, the Release Ordinance required that within one hundred eighty (180) days from the passage of the Release Ordinance, the Developers file or cause to be filed in the Office of the Recorder of Deeds of Cook County, a certified copy of the Release Ordinance; and

WHEREAS, an extension of time is necessary for that recordation process as provided for in this ordinance; 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 5 of the Vacation Ordinance that encumbers the Subject Property for the payment of the appraised fair market value of such Release as additional compensation which the City deems to be equal to the benefits accruing because of the Release of Restrictive Use Covenant that encumbers

the Subject Property only; 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 that encumbers the Subject Property only, appearing in Section 5 of the Original Ordinance **relative to only that area legally described in Exhibit A** is hereby approved upon the express condition that within sixty (60) days after the passage of this ordinance, 345 N. Morgan LLC and 311 N. Morgan LLC shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to 345 N. Morgan LLC and 311 N. Morgan LLC the amount of 650,000 (\$), which sum in the judgment of this body will be equal to such benefits.

SECTION 3. The Restrictive Use Covenant shall continue to encumber the remainder of the Vacation area not subject to this Ordinance; and

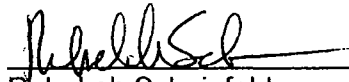
SECTION 4. The Release of the Restrictive Use Covenant that encumbers the Subject Property only, as herein provided for, is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, 345 N. Morgan LLC, and 311 N. Morgan LLC, shall file or cause to be filed in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance,

SECTION 5. 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 F**, 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 6. 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.

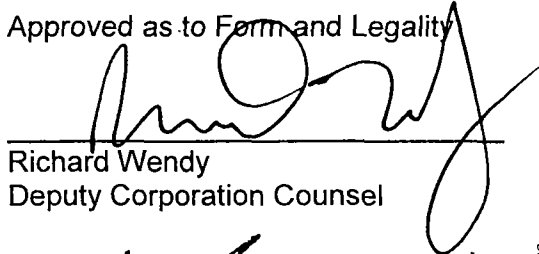
SECTION 7. This ordinance shall take effect upon its passage and approval.

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

**LEGAL DESCRIPTION
OF
SUBJECT PROPERTY**

PARCEL A:

THAT PART OF THE NORTH 1/2 OF VACATED WEST CARROLL AVENUE LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOTS 14, 15, AND 16 IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 8 TOWNSHIP 39 NORTH RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 31, 1836 (ANTE-FIRE), LYING EAST OF AND ADJOINING A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 16 AFORESAID TO THE NORTHWEST CORNER OF LOT 5 IN BLOCK 15 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID, SAID LINE BEING ALSO THE SOUTHERLY EXTENSION OF THE EAST LINE OF NORTH MORGAN STREET AND LYING WEST OF AND ADJOINING THE SOUTHERLY EXTENSION OF A LINE, HEREINAFTER REFERRED TO AS LINE "A", SAID LINE BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 10.781 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 9 IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID; THENCE SOUTH 89 DEGREES 57 MINUTES 05 SECONDS EAST, 36.50 FEET; THENCE SOUTH 87 DEGREES 30 MINUTES 36 SECONDS EAST, ALONG A LINE WHOSE TERMINUS IS 19.95 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 8 (AS MEASURED ALONG THE EAST LINE OF SAID LOT 8) IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID, A DISTANCE OF 103.20 FEET TO THE NORTHERLY TERMINUS OF THE AFOREMENTIONED LINE "A"; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID LINE "A", 185.435 FEET TO THE SOUTHERLY TERMINUS OF SAID LINE "A", BEING A POINT ON THE SOUTH LINE OF LOT 14 AFORESAID AND 139.30 FEET, (AS MEASURED ALONG THE SOUTH LINE OF LOTS 14, 15 AND 16 AFORESAID, BEING ALSO THE NORTH LINE OF VACATED W. CARROLL AVENUE), EAST OF THE SOUTHWEST CORNER OF SAID LOT 16, IN COOK COUNTY, ILLINOIS.

PARCEL B:

THAT PART OF THE SOUTH 1/2 OF VACATED WEST CARROLL AVENUE LYING NORTH OF AND ADJOINING THE NORTH LINE OF LOTS 3, 4 AND 5 IN BLOCK 15 IN CARPENTER'S ADDITION TO CHICAGO A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 8 TOWNSHIP 39 NORTH RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 31, 1836 (ANTE-FIRE), LYING EAST OF AND ADJOINING A LINE DRAWN FROM THE NORTHWEST CORNER OF LOT 5 AFORESAID TO THE SOUTHWEST CORNER OF LOT 16 IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID, SAID LINE BEING ALSO THE

SOUTHERLY EXTENSION OF THE EAST LINE OF NORTH MORGAN STREET AND LYING WEST OF AND ADJOINING THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 1/2 OF LOT 3 IN BLOCK 15 AFORESAID, IN COOK COUNTY, ILLINOIS.

TOTAL AREA = 10,585 SQUARE FEET OR 0.2430 ACRES MORE OR LESS

EXHIBIT B
PLAT

PLAT OF RELEASE OF RESTRICTIVE COVENANT

SUBDIVISIONS LEGEND

"A"
CARPENTER'S ADDITION TO CHICAGO, BEING A
SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION
8-39-14
REC. AUGUST 31, 1836, ANTE-FIRE

"L"
DEDICATED FOR PUBLIC ALLEY
REC. AUGUST 22, 1862 AS DOC. 57587

"X"
VACATED BY ORDINANCE PASSED OCTOBER 25,
1989
REC. JANUARY 19, 1990 (89-1375) AS DOC
90-031264.

"Z"
VACATED BY ORDINANCE REC. SEPTEMBER 18,
2005 AS DOC 0826245111.

NOTES

1. THE BASIS OF BEARINGS IS ASSUMED
2. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
5. NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THE PLAT
6. NO LOT CORNERS WERE SET OR FOUND.

ZONING INFORMATION (REFLECTS ALL ORDINANCES
PASSED IN THE MOST RECENT CITY COUNCIL MEETING).

ZONE PMD-4 (PLANNED MANUFACTURING DISTRICT)

LINE TYPES USED:

LOT LINES

STREETS AND ALLEYS

LIMITS OF RELEASE

TRAFFIC FLOW DIRECTION

NOTE:

WE FIND THAT THE RECORD WIDTH OF 80 FEET FOR W CARROLL AVENUE SHOWN ON THE PLAT OF SUBDIVISION OF CARPENTER'S ADDITION TO CHICAGO, WAS IGNORED ON THE GROUND AND HAS BEEN OCCUPIED AT 66 FEET AS PER SURVEYS PREPARED BY OTHER SURVEYORS AROUND THE TURN OF THE 19TH CENTURY. WE HAVE CONFIRMED THAT BASED ON OCCUPATION IN SAID SUBDIVISION THE WIDTH OF 66 FEET WAS CONSISTENTLY HELD.

ABBREVIATIONS:

R = RECORD
M. = MEASURED
O. = OCCUPIED
N. = NORTH
S. = SOUTH
W. = WEST
E. = EAST
P.O.C. = POINT OF
COMMENCEMENT

CDOT# 08-27-14-3682

MAIL TO: SCHUYLER, ROCHE & CRISHAM, P.C.
TWO PRUDENTIAL PLAZA, 180 NORTH STETSON AVENUE - SUITE 3700, CHICAGO, IL 60601

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SCALE: 1"=80'

PAGE 1 OF 3

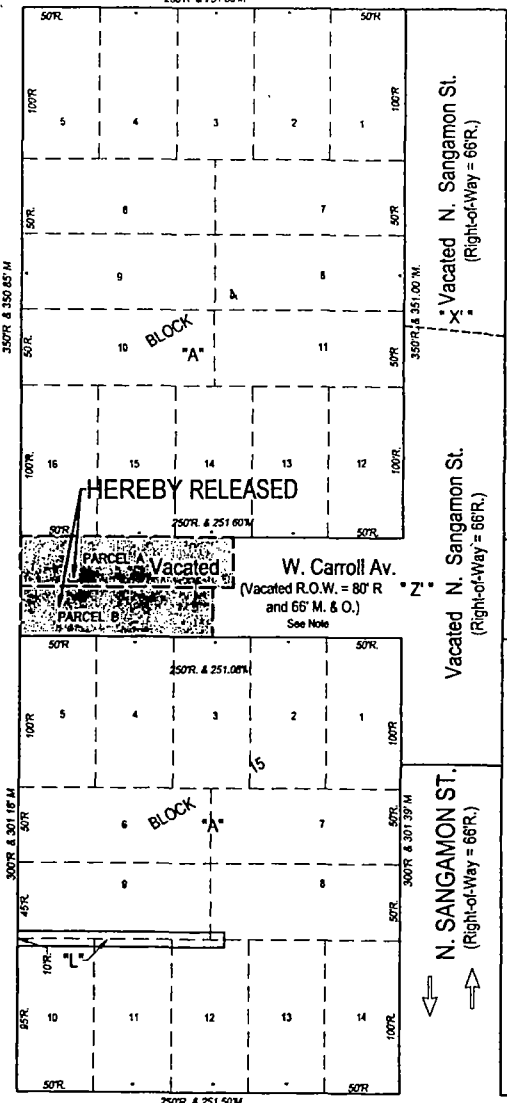
W. KINZIE ST.

(No Recorded Right-of-Way Width)

250'R & 751'63"M

ST.

N. MORGAN (Right-of-Way = 66'R.)



(Right-of-Way = 80'R.)

W. FULTON ST.

Vacated N. Sangamon St.
(Right-of-Way = 66'R.)

Vacated N. Sangamon St.
(Right-of-Way = 66'R.)

N. SANGAMON ST.
(Right-of-Way = 66'R.)

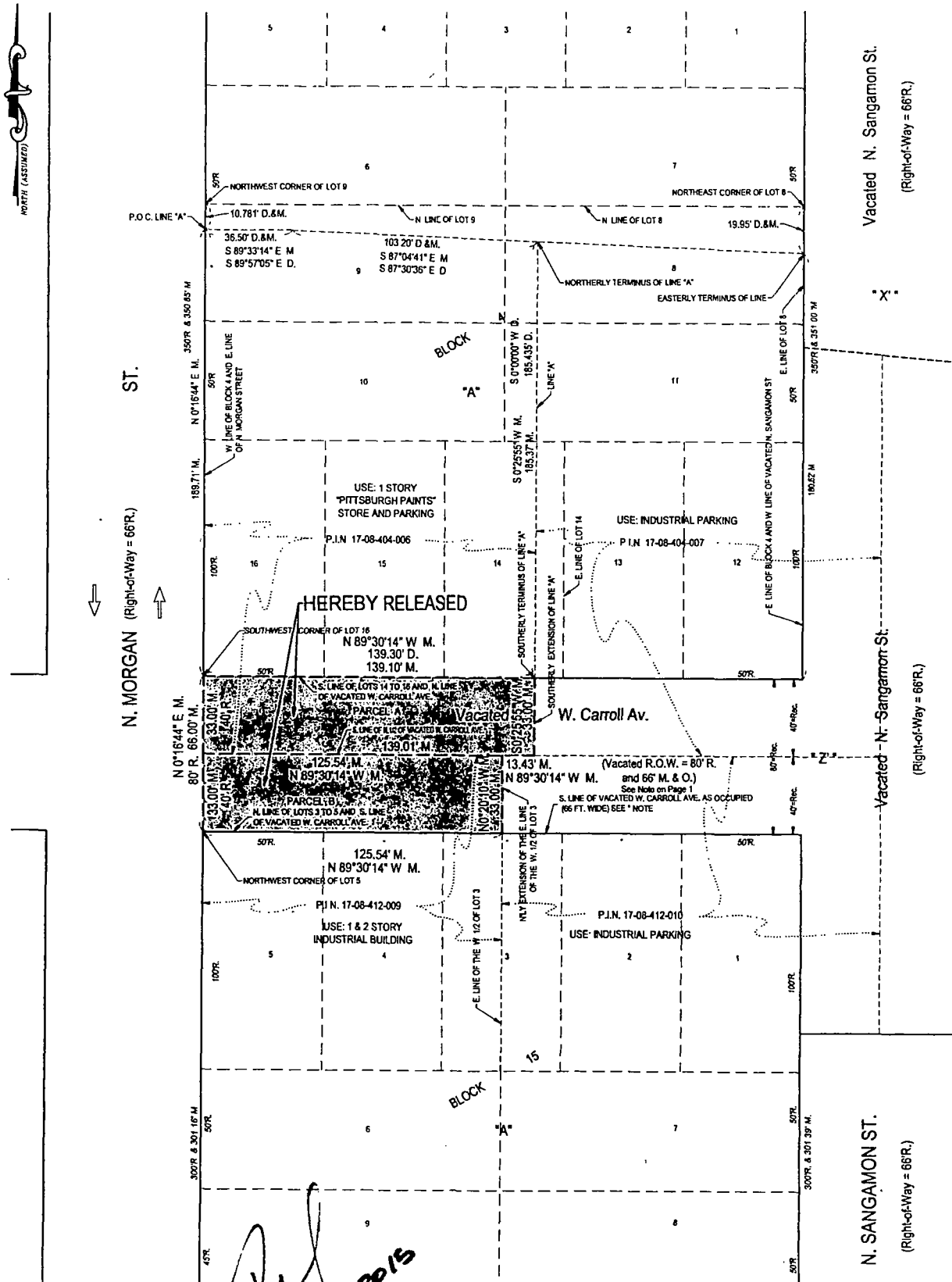
SURVEY NO. N-129450 SURVEY
THIS INSTRUMENT PREPARED BY:

DATE: JAN. 29, 2015

NATIONAL SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS

30 S. MICHIGAN AVENUE, SUITE 200 CHICAGO, ILLINOIS 60603
WWW.NATIONALSURVEYSERVICE.COM
TEL: 312-630-9480 jlima@nationalsurveyservice.com FAX: 312-630-9484

PLAT OF RELEASE OF RESTRICTIVE COVENANT



CDOT# 08-27-14-3682

MAIL TO: SCHUYLER, ROCHE & CRISHAM, P.C.
TWO PRUDENTIAL PLAZA, 180 NORTH STETSON AVENUE - SUITE 3700, CHICAGO, IL 60601

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SCALE: 1"=40'

PAGE 2 OF 3

SURVEY NO. N-129450 SURVEY
THIS INSTRUMENT PREPARED BY:

DATE: JAN. 29, 2015

NATIONAL SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS
 S. MICHIGAN AVENUE, SUITE 200 CHICAGO, ILLINOIS 60606
WWW.NATIONALSURVEYSERVICE.COM

TEL: 312-630-9480 jlima@nationalsurveyservice.com FAX: 312-630-9484

PLAT OF RELEASE OF RESTRICTIVE COVENANT

PARCEL A:

THAT PART OF THE NORTH 1/2 OF VACATED WEST CARROLL AVENUE LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOTS 14, 15, AND 16 IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 8 TOWNSHIP 39 NORTH RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 31, 1836 (ANTE-FIRE), LYING EAST OF AND ADJOINING A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 16 AFORESAID TO THE NORTHWEST CORNER OF LOT 5 IN BLOCK 15 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID, SAID LINE BEING ALSO THE SOUTHERLY EXTENSION OF THE EAST LINE OF NORTH MORGAN STREET AND LYING WEST OF AND ADJOINING THE SOUTHERLY EXTENSION OF A LINE, HEREINAFTER REFERRED TO AS LINE "A", SAID LINE BEING DESCRIBED AS FOLLOWS

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PARCEL B

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AREA BASED ON RECORD DIMENSIONS AND BEING PORTION OF THE FULL VACATION PARCEL PER ORDINANCE RECORDED AS DOCUMENT NO. 0826245111 = 10,585 SQUARE FEET OR 0.2430 ACRES MORE OR LESS

TOTAL AREA MEASURED: 8,732 SQUARE FEET OR 0.2005 ACRES MORE OR LESS

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, JOSEPH A. LIMA, AN ILLINOIS PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT OF RELEASE OF RESTRICTIVE COVENANT DESCRIBED IN THE CAPTION ABOVE FOR THE PURPOSE OF RELEASING THE SAME AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION THEREOF AND THIS PROFESSIONAL SERVICE CONFORMS TO CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. THE FIELD WORK WAS COMPLETED ON MAY 14, 2014.

CHICAGO, ILLINOIS JANUARY 29 A.D. 2015

BY: *Joseph A. Lima*
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3080



MY LICENSE EXPIRES 11/30/2016

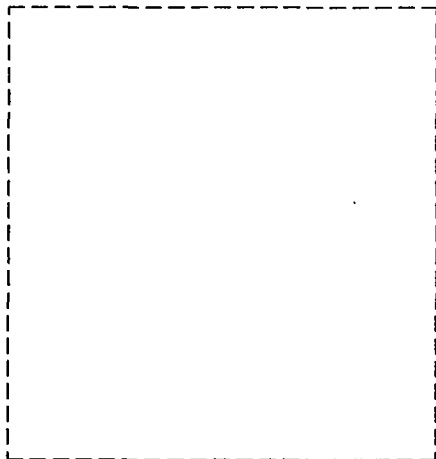
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

NATIONAL SURVEY SERVICE, INC., A CORPORATION OF THE STATE OF ILLINOIS, LICENSE NO. 184.002780, EXPIRES 04/30/2015 DOES HEREBY CERTIFY THAT THIS PLAT HAS BEEN PREPARED USING PREVIOUS SURVEY DATA MEASURED MAY 14, 2014 UNDER THE DIRECTION OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR FOR THE PROPERTY DESCRIBED IN THE CAPTION ABOVE.

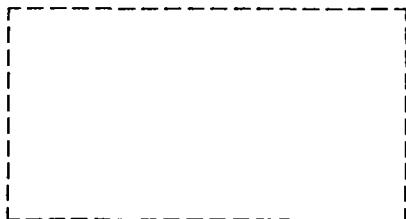
CHICAGO, ILLINOIS JANUARY 29 A.D. 2015
NATIONAL SURVEY SERVICE, INC.

BY: *Joseph A. Lima*
VICE PRESIDENT

ATTEST: *Michael J. Lima*
ASSISTANT SECRETARY



C.D.O.T.



DEPT OF FINANCE



COOK CO.

CDOT# 08-27-14-3682

MAIL TO: SCHUYLER, ROCHE & CRISHAM, P.C.
TWO PRUDENTIAL PLAZA, 180 NORTH STETSON AVENUE - SUITE 3700, CHICAGO, IL 60601

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PAGE 3 OF 3

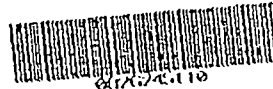
SURVEY NO. N-129450 SURVEY DATE: JAN. 29, 2015
THIS INSTRUMENT PREPARED BY:

NATIONAL SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS
30 S. MICHIGAN AVENUE, SUITE 200 CHICAGO, ILLINOIS 60603
WWW.NATIONALSURVEYSERVICE.COM
TEL: 312-630-9480 jlima@nationalsurveyservice.com FAX: 312-630-9484

EXHIBIT C

**September 18, 2008
Restrictive Use Covenant
(Attached)**

EXHIBIT C



Doc#: 0826245110 Fee: \$76.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 09/18/2008 12:18 PM Pg: 1 of 21

RESTRICTIVE COVENANT

WHEREAS, The Nealey Family Limited Partnership; Pioneer Wholesale Meat Company; H. Carruth, L.L.L.P.; Active Propane Company and Roberts Electric Company ("Owners"), hold legal title to certain parcels of real property ("Abutting Property") which are located at 338 to 354 and 339 to 353 North Sangamon Street also 932 to 940 West Carroll Avenue; 321 to 329 North Sangamon Street; 942 to 956 West Carroll Avenue, 339 to 357 North Morgan Street; 320 to 328 North Sangamon Street, 933 to 943 West Carroll Avenue; 945 to 957 West Carroll Avenue and 321 to 329 North Morgan Street, in the County of Cook, State of Illinois, and which are currently used for the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and other similar uses and facilities; and

WHEREAS, on May 14, 2008, the City Council of the City of Chicago approved an ordinance, a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of that part of North Sangamon Street,

1

RECORDING FEE \$ 76
DATE 9/18/08 COPIES 2
OK [Signature]

lying south of a line 160.76 feet, more or less (as measured in a northerly direction along the west line of north of the north line of West Wayman Street extended, also the vacation of West Carroll Avenue lying between the east line of North Morgan Street extended and the west line of North Sangamon Street extended, (after referred to as "Subject Premises"), the Subject Premises being more particularly described in Exhibit A which is attached and incorporated; and

WHEREAS, the vacation provided in the Ordinance is conditioned upon the execution and recording by the Owner of a restrictive covenant running with the land that provides that the Subject Premises shall be used only for manufacturing (including production, 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 covenant to the City of Chicago that the above-described Subject Premises shall not be used for any use or purpose other than those which are set forth in Exhibit B, which is attached and incorporated, and for those uses and purposes which are accessory to such activities, including, but not limited to, the location of necessary and appropriate offices and facilities, storage, employee and customer parking and other similar uses

and facilities. The consideration for such covenant, which is deemed and agreed to be valuable and sufficient, is the vacation by the City of Chicago of the Subject Premises for the benefit of Owner without the requirement that the Owner pay compensation to the City.

2. **COVENANT TO RUN WITH THE LAND AND TERM THEREOF.** The burdens of the covenant herein contained shall run with the Subject Premises. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and assigns. The covenant shall be binding on the Owner, its successors and assigns, and shall be enforceable by the City, its successors and assigns. The covenant may be released or abandoned only upon approval of the City Council of the City of Chicago which may condition its approval upon the payment of such additional compensation by the Owner or any persons claiming under the Owner, which said City Council of the City of Chicago deems to be equal to the benefits accruing because of the release or abandonment of the covenant.

3. **VIOLATION OF RESTRICTIONS.**

(a) Reversion. In the event that the Owner causes or permits a violation of a restriction contained herein, the City of Chicago may serve the Owner with a written notice entitled NOTICE OF VIOLATION setting forth the violations. Such notice shall be sent to Owner at Nealey Family Limited Partnership, 900 West Fulton Market, Chicago, Illinois 60607; Pioneer Wholesale Meat Company, 1000 West Carroll Avenue, Chicago, Illinois 60607, H. Carruth Properties, LLC, 2708 Cheiftain Run, Duluth, Georgia, Active Propane, 600 North Broadway, Aurora, Illinois 60505, Roberts Electric, 311 North Morgan Street, Chicago, Illinois 60607. 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 Owner has caused this Covenant to be duly executed and attested to this 27th day of July, 2008.

NEALEY FAMILY LIMITED PARTNERSHIP


By: Douglas A. Nealey

Its: [Signature]

ATTEST:

Its: _____

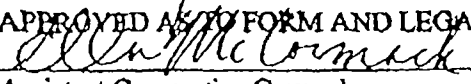
ACCEPTED:



Commissioner of Transportation

GH

APPROVED AS TO FORM AND LEGALITY:

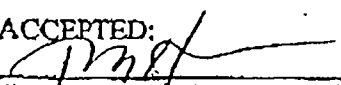


Assistant Corporation Counsel**PIONEER WHOLESALE MEAT COMPANY**By: 
_____Its: PRESIDENT

ATTEST:

Its: _____

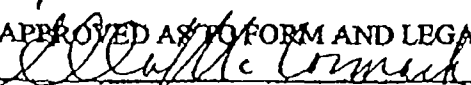
ACCEPTED:

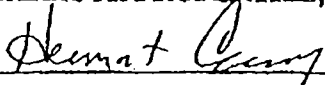


Commissioner of Transportation

GH

APPROVED AS TO FORM AND LEGALITY:

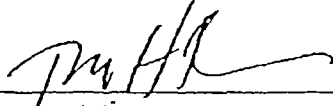


Assistant Corporation Counsel**H. CARRUTH PROPERTIES, LLC**By: 
_____Its: Partner


ATTEST:

Its: _____

ACCEPTED:


Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:


Assistant Corporation Counsel

PVJS Company
formerly known as
ACTIVE PROPANE


By:

Its:

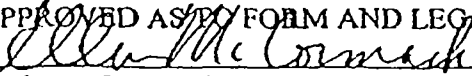
ATTEST:

Its:

ACCEPTED:


Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:


Assistant Corporation Counsel

ROBERTS ELECTRIC


By:

Its:

ATTEST:

Its:

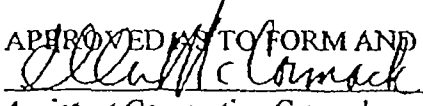
ACCEPTED:



Commissioner of Transportation



APPROVED AS TO FORM AND LEGALITY:



Assistant Corporation Counsel

STATE OF ILLINOIS)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that Douglas A. Nealey, personally known to me to
be the President of The Nealey Family 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 Douglas A. Nealey
 he/~~she~~ signed and delivered the said instrument, for the uses and purposes
therein set forth.

GIVEN under my hand and notarial seal this 5th day of August, 2008



Notary Public

My commission expires 7-15-09.

Prepared by and when recorded, return to:
Ellen McCormack
Assistant Corporation Counsel
121 North LaSalle Street
Room 600, City Hall
Chicago, Illinois 60602
312/744-6933



STATE OF ILLINOIS)
)
 COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
 HEREBY CERTIFY that William Michigan, personally known to me to
 be the President of the Pioneer Wholesale Meat Company, 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
William Michigan he/she signed and delivered the said instrument, for
 the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 5th day of August, 2008

Christine Pugh
 Notary Public

My commission expires 7-15-09.

Prepared by and when recorded, return to:
 Ellen McCormack
 Assistant Corporation Counsel
 121 North LaSalle Street
 Room 600, City Hall
 Chicago, Illinois 60602
 312/744-6933



STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that HERMAN CARRUTH, personally known to me to
be the PARTNER of the H. Carruth, L.L.P., 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, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 4th day of August, 2008

Megan Larson
Notary Public

My commission expires November 7, 2010

Prepared by and when recorded, return to:
Ellen McCormack
Assistant Corporation Counsel
121 North LaSalle Street
Room 600, City Hall
Chicago, Illinois 60602
312/744-6933

STATE OF ILLINOIS)
)
 COUNTY OF COOK)

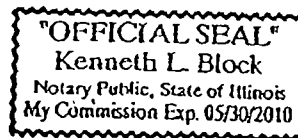
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
 HEREBY CERTIFY that Patrick Arlis, personally known to me to
 be the President PVJS Company, formerly known as
of the Active Propane Company, who is personally
 known to me to be the same person whose name is subscribed to the foregoing instrument,
 appeared before me this day in person and acknowledged that as such _____
 _____ he/she signed and delivered the said instrument, for the uses and purposes
 therein set forth.

GIVEN under my hand and notarial seal this 15th day of July, 2008

[Signature]
 Notary Public

My commission expires 5/30/10.

Prepared by and when recorded, return to:
 Ellen McCormack
 Assistant Corporation Counsel
 121 North LaSalle Street
 Room 600, City Hall
 Chicago, Illinois 60602
 312/744-6933

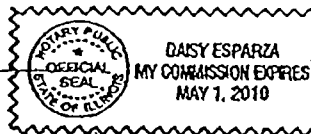


STATE OF ILLINOIS)
)
 COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
 HEREBY CERTIFY that Jeff Boos, personally known to me to
 be the President of the Roberts Electric Company, 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 Jeff Boos
 _____ he/she signed and delivered the said instrument, for the uses and purposes
 therein set forth.

GIVEN under my hand and notarial seal this 25 day of July, 2008

Daisy Esparza
 Notary Public



My commission expires May 1, 2010.

Prepared by and when recorded, return to:
 Ellen McCormack
 Assistant Corporation Counsel
 121 North LaSalle Street
 Room 600, City Hall
 Chicago, Illinois 60602
 312/744-6933

EXHIBIT A - VACATION ORDINANCE

P. I. N. : 17-08-404-007-006-003-0000
17-08-412-010-09-0000
17-08-405-004-003-0000
17-08-413-001-0000

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

EXHIBIT "A"

5/14/2008

REPORTS OF COMMITTEES

28129

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 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 vacation of the public way with restrictions on its use.

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, Nealey Family Limited Partnership and Pioneer Wholesale Meat Company shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with a restrictive covenant complying with Section 5 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 and legal description referred to in this ordinance
printed on page 28130 of this *Journal*.]

VACATION OF PORTIONS OF NORTH SANGAMON
STREET AND WEST CARROLL AVENUE.

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

CHICAGO, May 12, 2008.

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body Pass an ordinance for the vacation of that part

(Continued on page 28131)

5/14/2008

REPORTS OF COMMITTEES

28131

(Continued from page 28129)

of North Sangamon Street, lying south of a line 160.76 feet, more or less (as measured in a northerly direction along the west line of North Sangamon Street) north of the north line of West Carroll Avenue, lying north of the north line of West Wayman Street extended, also the vacation of West Carroll Avenue lying between the east line of North Morgan Street extended and the west line of North Sangamon Street extended. This ordinance was referred to the Committee on April 9, 2008.

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 Flores, Fioretti, Dowell, Preckwinkle, Hairston, Lyle, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, Foulkes, Thompson, Thomas, Lane, Rugai, Cochran, Brookins, Muñoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Austin, Colón, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Reilly, Daley, Tunney, Levar, Shiller, Schuller, Moore, Stone -- 48.

Nays -- None.

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

The following is said ordinance as passed:

WHEREAS, The City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City has experienced a significant loss of industry and jobs in recent years, accompanied by a corresponding erosion of its tax base, due in part to industrial firms' inability to acquire additional property needed for their continued viability and growth; and

28132

JOURNAL--CITY COUNCIL--CHICAGO

5/14/2008

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 338 to 354 North Sangamon Street, the properties at 339 to 353 North Sangamon Street, and the properties at 932 to 940 West Carroll Avenue are owned by Nealey Family Limited Partnership; and

WHEREAS, Nealey Family Limited Partnership employs eighty-six (86) full time employees in food processing; and

WHEREAS, Nealey Family Limited Partnership proposes to use the portion of the streets to be vacated herein for motor vehicle parking and tank storage; and

WHEREAS, The property at 321 to 329 North Sangamon Street is owned by Pioneer Wholesale Meat Company, and

WHEREAS, Pioneer Wholesale Meat Company employs twenty-four (24) full time employees in wholesale meat processing; and

WHEREAS, Pioneer Wholesale Meat Company proposes to use the portion of the streets to be vacated herein for fenced in parking; and

WHEREAS, The properties at 942 to 956 West Carroll Avenue and the properties at 339 to 357 North Morgan Street are owned by H. Carruth, L. L. L. P., and

WHEREAS, H. Carruth, L. L. L. P. leases a building structure with a parking lot to Pittsburgh Paint Company; and

WHEREAS, H. Carruth, L. L. L. P. proposes to use the portion of the streets to be vacated herein to expand parking; and

WHEREAS, The properties at 320 to 328 North Sangamon Street and the properties at 933 to 943 West Carroll Avenue are owned by Active Propane Company; and

5/14/2008

REPORTS OF COMMITTEES

28133

WHEREAS, Active Propane Company employs ten (10) full time employees in propane processing; and

WHEREAS, Active Propane Company proposes to use the portion of the streets to be vacated herein for truck parking and empty tank storage; and

WHEREAS, The properties at 945 to 957 West Carroll Avenue and the properties at 321 to 329 North Morgan Street are owned by Roberts Electric Company; and

WHEREAS, Roberts Electric Company employs three (3) full time employees in a mail order house, selling hydraulic equipment; and

WHEREAS, Roberts Electric Company proposes to use the portion of the streets to be vacated herein for employee parking; 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 part of public streets 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 North Sangamon Street lying east of the east line of Lots 8, 11 and 12 in Block 4, lying east of the east line of Lot 1 in Block 15, lying east of a line drawn from the southeast corner of Lot 12 in Block 4 to the northeast corner of Lot 1 in Block 15, lying west of the west line of Lot 5 all 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, lying west of the west line of Lots 17, 18 and 19, in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, lying west of a line drawn from the southwest corner of Lot 18 in Subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid to the northwest corner of Lot 19 in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, lying south and southerly of a line 20 feet south, southerly of and parallel with a line drawn from a point on the west line of Lot 17 said point being 154.48 feet, more or less, north of the south line of Lot 19 in subdivision of Block 3 aforesaid (as measured in a southerly direction along the west line of Lots 17, 18 and 19 and along a line drawn from the southwest corner of Lot 18 to the northwest corner of Lot 19 all in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid) to a point on the west line of Lot 8 said point being 160.76 feet, more or less, north of the south line of Lot 12 in Block 4 in Carpenter's Addition to Chicago aforesaid (as measured in a southerly direction along the east line of Lots 8, 11 and 12 in Block 4 in Carpenter's Addition to Chicago aforesaid) and lying north of the north line of the south 16 feet of Lot 5 (the south 16 feet of

28134

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

said Lot 5 taken for street) in Block 16 in Carpenter's Addition to Chicago aforesaid extended west to the east line of Lot 1 in Block 15 in Carpenter's Addition to Chicago aforesaid,

Also,

all that part of West Carroll Avenue lying south of the south line of Lots 12 to 16, both inclusive, in Block 4, lying north of the north line of Lots 1 to 5, both inclusive, in Block 15, lying west a line drawn from the southeast corner of Lot 12 in Block 4 to the northeast corner of Lot 1 in Block 15 and lying east of a line drawn from the southwest corner of Lot 16 in Block 4 to the northwest corner of Lot 5 in Block 15 all in Carpenter's Addition to Chicago aforesaid, said part of public streets herein vacated being further described as that part of North Sangamon Street, lying south of a line 160.76 feet, more or less (as measured in a northerly direction along the west line of North Sangamon Street) north of the north line of West Carroll Avenue, lying north of the north line of West Wayman Street extended, also the vacation of West Carroll Avenue lying between the east line of North Morgan Street extended and the west line of North Sangamon Street extended, 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 are hereby vacated and closed, inasmuch as the same are no longer required for public use and the public interest will be subserved by such vacations.

SECTION 2. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership, H. Carruth, L. L. P., Active Propane Company and Roberts Electric Company shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrance to that part of the public street hereby vacated, similar to the sidewalk and curb along east side of North Morgan Street lying between the south line of West Kinzie Street and the north line West Wayman Street. The precise amount of the sum so deposited shall be ascertained by the Office of Emergency Management and Communications - Traffic Management Authority, Permits Division after such investigation as is requisite and deposited with the Chicago Department of Revenue.

SECTION 3. The City of Chicago hereby reserves that part of North Sangamon Street as herein vacated, as a right-of-way for an existing sewer and for the installation of any additional sewers or other municipally-owned service facilities now located or which in the future may be located in that part of North Sangamon Street as herein vacated, and for the maintenance, renewal and reconstruction of such facilities. It is further provided that no buildings or other structures shall be erected on said right-of-way herein reserved or other use made of said area, which in the judgment of the respective municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities.

5/14/2008

REPORTS OF COMMITTEES

28135

The vacations herein provided for are made upon the express condition that the Nealey Family Limited Partnership, H. Carruth, L. L. L. P., Active Propane Company, Roberts Electric Company and Pioneer Wholesale Meat Company shall agree to accept and maintain as private sewers all existing sewers and appurtenances thereto which are located in that part of West Carroll Avenue as herein vacated.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and AT&T/SBC, 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 electrical energy and telephonic and associated services under, over and along that part of West Carroll Avenue and North Sangamon Street as herein vacated, with the right of ingress and egress.

SECTION 5. 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 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 vacation of the public ways with restrictions on its use.

SECTION 6. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership, Pioneer Wholesale Meat Company, H. Carruth, L. L. L. P., Active Propane Company and Roberts Electric Company shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with a restrictive covenant complying with Section 5 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 and legal description referred to in this ordinance
printed on page 28136 of this Journal.]

28136

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

[Ordinance associated with this drawing and legal description
printed on pages 28133 through 28135 of this *Journal*.]

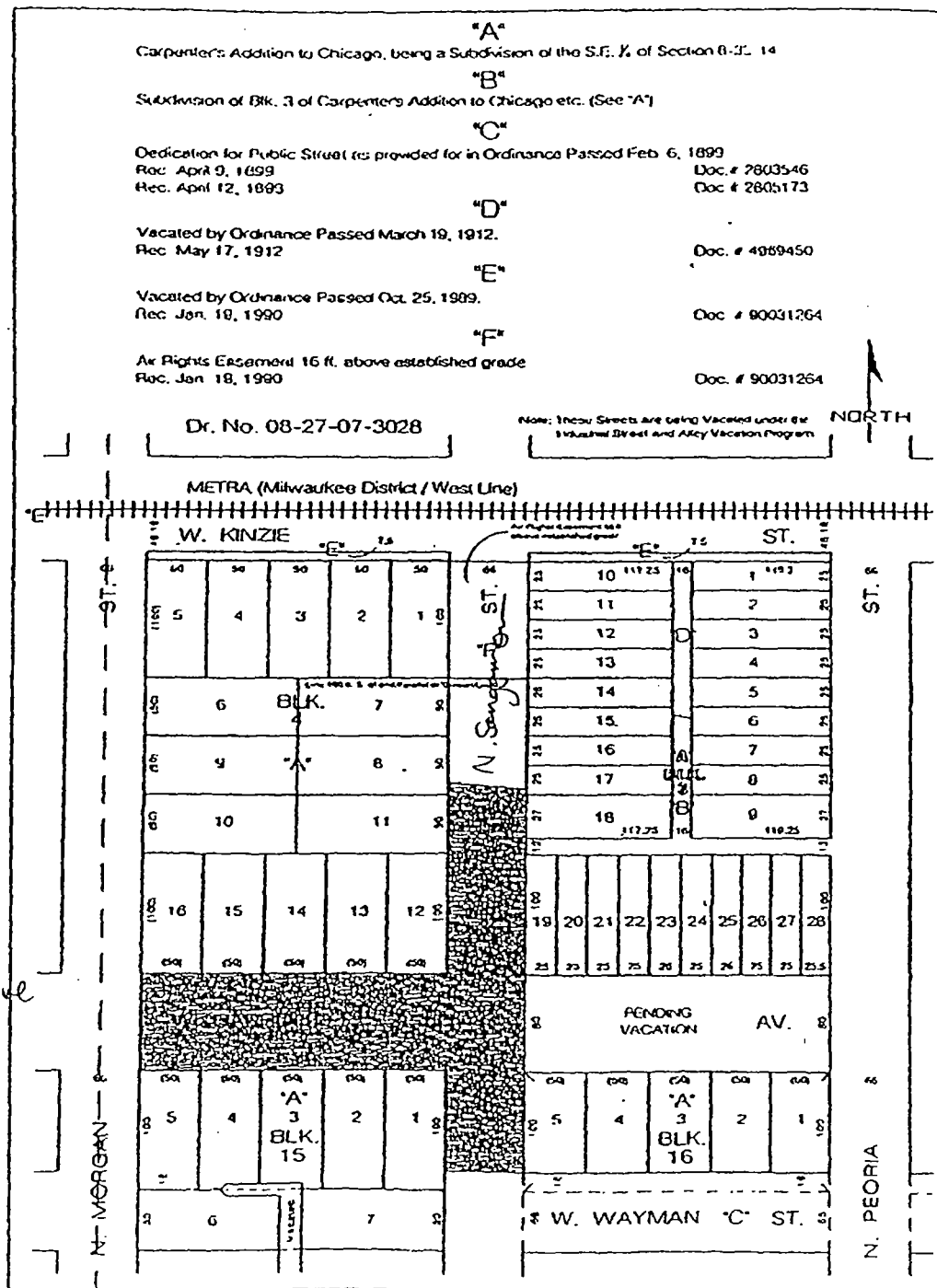


EXHIBIT B - PERMITTED USES

1. Manufacturing, production, processing, assembly, fabricating, cleaning, servicing and repair of materials, goods or products, including but not limited to the following:
 - a. Food and Kindred Products
 - b. Tobacco Products
 - c. Apparel and Other Textile Products
 - d. Lumber and Wood Products
 - e. Furniture and Fixtures
 - f. Paper and Allied Products
 - g. Printed and Published Products
 - h. Chemicals and Allied Products
 - i. Petroleum and Coal Products
 - j. Rubber and Miscellaneous Plastics
 - k. Leather and Leather Products
 - l. Stone, Clay and Glass Products
 - m. Primary Metals
 - n. Fabricated Metal Products
 - o. Industrial Machinery and Equipment
 - p. Electronic and Electric Equipment
 - q. Transportation Equipment
 - r. Instruments and Related Products
 - s. Scrap Metals
2. Transportation and wholesale trade, as distinguished from retail trade, of the materials, goods or products listed above.
3. Research and development of prototypes and processes related to the activities listed above.

H:\RestrictiveCovenant\NealeyFamilyPartnershipCarruthEM

EXHIBIT D

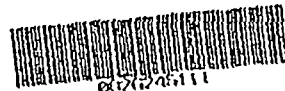
September 18, 2008
Vacation Ordinance
(Attached)

EXHIBIT D

The following is said ordinance as passed:

WHEREAS, The City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City has experienced a significant loss of industry and jobs in recent years, accompanied by a corresponding erosion of its tax base, due in part to industrial firms' inability to acquire additional property needed for their continued viability and growth; and



Doc#: 0826245111 Fee: \$78.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 09/18/2008 12:27 PM Pg: 1 of 7

28132

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

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 338 to 354 North Sangamon Street, the properties at 339 to 353 North Sangamon Street, and the properties at 932 to 940 West Carroll Avenue are owned by Nealey Family Limited Partnership; and

WHEREAS, Nealey Family Limited Partnership employs eighty-six (86) full time employees in food processing; and

WHEREAS, Nealey Family Limited Partnership proposes to use the portion of the streets to be vacated herein for motor vehicle parking and tank storage; and

WHEREAS, The property at 321 to 329 North Sangamon Street is owned by Pioneer Wholesale Meat Company, and

WHEREAS, Pioneer Wholesale Meat Company employs twenty-four (24) full time employees in wholesale meat processing; and

WHEREAS, Pioneer Wholesale Meat Company proposes to use the portion of the streets to be vacated herein for fenced in parking; and

WHEREAS, The properties at 942 to 956 West Carroll Avenue and the properties at 339 to 357 North Morgan Street are owned by H. Carruth, L. L. L. P., and

WHEREAS, H. Carruth, L. L. L. P. leases a building structure with a parking lot to Pittsburgh Paint Company; and

WHEREAS, H. Carruth, L. L. L. P. proposes to use the portion of the streets to be vacated herein to expand parking; and

WHEREAS, The properties at 320 to 328 North Sangamon Street and the properties at 933 to 943 West Carroll Avenue are owned by Active Propane Company; and

5/14/2008

REPORTS OF COMMITTEES

28133

WHEREAS, Active Propane Company employs ten (10) full time employees in propane processing; and

WHEREAS, Active Propane Company proposes to use the portion of the streets to be vacated herein for truck parking and empty tank storage; and

WHEREAS, The properties at 845 to 957 West Carroll Avenue and the properties at 321 to 329 North Morgan Street are owned by Roberts Electric Company; and

WHEREAS, Roberts Electric Company employs three (3) full time employees in a mail order house, selling hydraulic equipment; and

WHEREAS, Roberts Electric Company proposes to use the portion of the streets to be vacated herein for employee parking; 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 part of public streets 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 North Sangamon Street lying east of the east line of Lots 8, 11 and 12 in Block 4, lying east of the east line of Lot 1 in Block 15, lying east of a line drawn from the southeast corner of Lot 12 in Block 4 to the northeast corner of Lot 1 in Block 15, lying west of the west line of Lot 5 all 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, lying west of the west line of Lots 17, 18 and 19, in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, lying west of a line drawn from the southwest corner of Lot 18 in Subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid to the northwest corner of Lot 19 in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, lying south and southerly of a line 20 feet south, southerly of and parallel with a line drawn from a point on the west line of Lot 17 said point being 154.48 feet, more or less, north of the south line of Lot 19 in subdivision of Block 3 aforesaid (as measured in a southerly direction along the west line of Lots 17, 18 and 19 and along a line drawn from the southwest corner of Lot 18 to the northwest corner of Lot 19 all in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid) to a point on the west line of Lot 8 said point being 160.76 feet, more or less, north of the south line of Lot 12 in Block 4 in Carpenter's Addition to Chicago aforesaid (as measured in a southerly direction along the east line of Lots 8, 11 and 12 in Block 4 in Carpenter's Addition to Chicago aforesaid) and lying north of the north line of the south 16 feet of Lot 5 (the south 16 feet of

P. I. N.: 17-08-404-007-006-003-0000
 17-08-412-010-09-0000
 17-08-405-004-003-0000
 17-08-413-001-0000

28134

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

said Lot 5 taken for street) in Block 16 in Carpenter's Addition to Chicago aforesaid extended west to the east line of Lot 1 in Block 15 in Carpenter's Addition to Chicago aforesaid,

Also,

all that part of West Carroll Avenue lying south of the south line of Lots 12 to 16, both inclusive, in Block 4, lying north of the north line of Lots 1 to 5, both inclusive, in Block 15, lying west of a line drawn from the southeast corner of Lot 12 in Block 4 to the northeast corner of Lot 1 in Block 15 and lying east of a line drawn from the southwest corner of Lot 16 in Block 4 to the northwest corner of Lot 5 in Block 15 all in Carpenter's Addition to Chicago aforesaid; said part of public streets herein vacated being further described as that part of North Sangamon Street, lying south of a line 160.76 feet, more or less (as measured in a northerly direction along the west line of North Sangamon Street) north of the north line of West Carroll Avenue, lying north of the north line of West Wayman Street extended, also the vacation of West Carroll Avenue lying between the east line of North Morgan Street extended and the west line of North Sangamon Street extended, 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 are hereby vacated and closed, inasmuch as the same are no longer required for public use and the public interest will be subserved by such vacations.

SECTION 2. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership, H. Canuth, E. L. L. P., Active Propane Company and Roberts Electric Company shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrance to that part of the public street hereby vacated, similar to the sidewalk and curb along east side of North Morgan Street lying between the south line of West Kinzie Street and the north line West Wayman Street. The precise amount of the sum so deposited shall be ascertained by the Office of Emergency Management and Communications - Traffic Management Authority, Permits Division after such investigation as is requisite and deposited with the Chicago Department of Revenue.

SECTION 3. The City of Chicago hereby reserves that part of North Sangamon Street as herein vacated, as a right-of-way for an existing sewer and for the installation of any additional sewers or other municipally-owned service facilities now located or which in the future may be located in that part of North Sangamon Street as herein vacated, and for the maintenance, renewal and reconstruction of such facilities. It is further provided that no buildings or other structures shall be erected on said right-of-way herein reserved or other use made of said area, which in the judgment of the respective municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities.

5/14/2008

REPORTS OF COMMITTEES

28135

The vacations herein provided for are made upon the express condition that the Nealey Family Limited Partnership, H. Carruth, L. L. L. P., Active Propane Company, Roberts Electric Company and Pioneer Wholesale Meat Company shall agree to accept and maintain as private sewers all existing sewers and appurtenances thereto which are located in that part of West Carroll Avenue as herein vacated.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and AT&T/SBC, 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 electrical energy and telephonic and associated services under, over and along that part of West Carroll Avenue and North Sangamon Street as herein vacated, with the right of ingress and egress.

SECTION 5. 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 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 vacation of the public ways with restrictions on its use.

SECTION 6. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership, Pioneer Wholesale Meat Company, H. Carruth, L. L. L. P., Active Propane Company and Roberts Electric Company shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with a restrictive covenant complying with Section 5 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 and legal description referred to in this ordinance
printed on page 28136 of this Journal.]

CITY OF CHICAGO
APPROVED
28136
Lawrence T. Jansen
Superintendent of Maps
Sept. 18, 2008
EXAMINER
OF
COOK SUBDIVISIONS
COUNTY OF ILLINOIS

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

[Ordinance associated with this drawing and legal description
printed on pages 28133 through 28135 of this Journal.]

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

DEPT. OF REVENUE-CHICAGO

BY *Erica Blaylock-Hickory*

"A"
Carpenter's Addition to Chicago, being a Subdivision of the S.E. 1/4 of Section 8-3C 14.
"B"
Subdivision of Blk. 3 of Carpenter's Addition to Chicago etc. (See "A").
"C"
Dedication for Public Street as provided for in Ordinance Passed Feb. 6, 1899.
Rec. April 9, 1899. Doc. # 2803546
Rec. April 12, 1899. Doc. # 2806173
"D"
Vacated by Ordinance Passed March 10, 1912.
Rec. May 17, 1912. Doc. # 4069450
"E"
Vacated by Ordinance Passed Oct. 25, 1939.
Rec. Jan. 19, 1940. Doc. # 90031204
"F"
Air Rights Easement 16 ft. above established grade.
Rec. Jan. 19, 1930. Doc. # 90031204

Dr. No. 08-27-07-3028

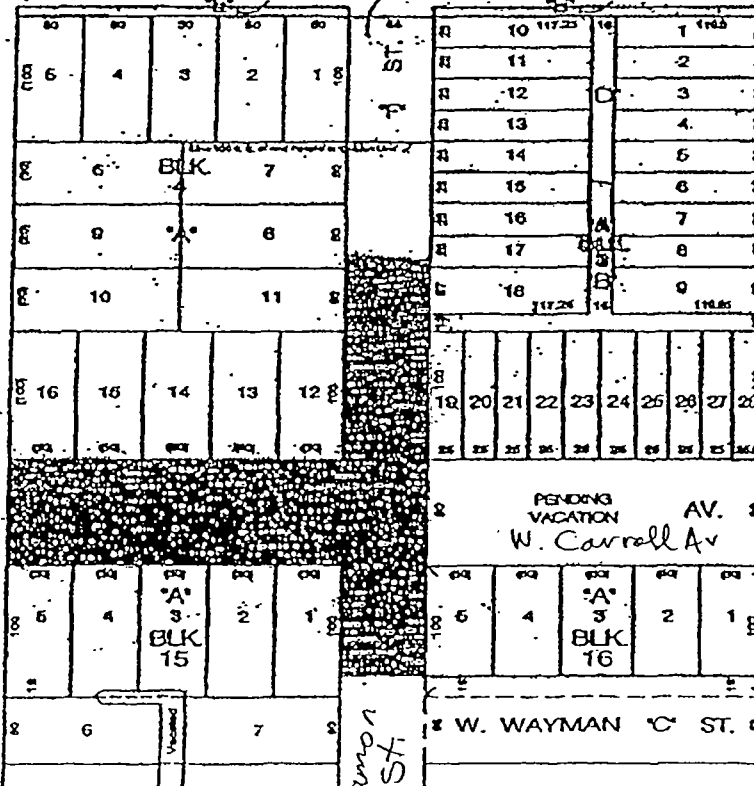
NOTE: These Streets are being Vacated under the
Industrial Street and Alley Vacation Program.

NORTH

METRA (Milwaukee District / West Line)

W. KINZIE ST.

ST.



N. Sangamon St.

I DO NOT FIND ANY DELINQUENT UNPAID SPECIAL ASSESSMENTS
CURRENT GENERAL TAXES DELINQUENT SPECIAL ASSESSMENTS
OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST THE
LAND AND ALLEYS INCLUDED IN THE ABOVE PLAT.

David On

COUNTY CLERK

8-6-08

DATE

N. MORGAN ST.

N. PEORIA ST.

RECORDING FEES *8.00*
DATE *9/18/08* COPIES *6*
OK

Miguel del Valle
MIGUEL DEL VALLE, City Clerk

Exhibit "E".
(To Ordinance)

Release Of Restrictive Use Covenant.

City of Chicago, an Illinois municipal corporation ("City"), pursuant to a May 8, 2008 ordinance ("Vacation Ordinance") which such ordinance was recorded on September 18, 2008 with the Office of the Cook County Recorder of Deeds as Document Number 0826245111, and attached hereto as Exhibit A, such ordinance provided for an industrial program ("Industrial Program") street vacation ("Vacation") of all of West Carroll Avenue between the east line of North Morgan Street and the west line of North Sangamon Street; also the vacation of a portion of North Sangamon Street between the north line of West Wayman Street and approximately the south line of West Kinzie Street.

A portion of the lots adjacent to the Vacation area have now been sold to a developer who wishes to construct a hotel on a portion of the original Vacation area, namely, on the westernmost half of the vacated West Carroll Street between the east line of North Morgan Street and the western line of North Sangamon Street (the "Subject Property"), as legally described on (Sub)Exhibit B, attached hereto, and as more precisely shown on the plat ("Plat") attached hereto as (Sub)Exhibit C.

The Vacation Ordinance provided, in part, 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 September 18, 2008 with the Office of the Cook County Recorder of Deeds as Document Number 0826245110 attached hereto as (Sub)Exhibit D.

Section 5 of the Vacation Ordinance set forth that the Restrictive Use Covenant "may be released 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 vacation of the public ways with restrictions on its use".

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 5 of the Vacation Ordinance for the payment of the appraised fair market value of such release as additional compensation which the City deems to be equal to the benefits accruing because of the Release of Restrictive Use Covenant that encumbers the Subject Property only.

4/15/2015

REPORTS OF COMMITTEES

107261

The City hereby releases the Restrictive Use Covenant from the Subject Property only; as such Subject Property is legally described on (Sub)Exhibit B attached.

The Restrictive Use Covenant shall continue to encumber the remainder of the Vacation area not subject to this release.

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.

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 _____, 2015.

City of Chicago,
an Illinois municipal corporation

By: Rebekah Scheinfeld
Commissioner 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 notarial seal this _____ day of _____, 2015.

Notary Public

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.

[(Sub)Exhibits "A", "B", "C" and "D" referred to in the Release of Restrictive Use Covenant constitute Exhibits "A", "B", "C", and "D", respectively, to ordinance and printed on pages 107229 through 107259 of this *Journal*.]

EXEMPTION OF APPLICANTS FROM PHYSICAL BARRIER REQUIREMENT
PERTAINING TO ALLEY ACCESSIBILITY FOR PARKING FACILITIES.

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

CHICAGO, April 13, 2015.

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinances transmitted herewith authorizing and directing the Commissioner of Transportation and/or the Director of Revenue to exempt various applicants from the provisions requiring barriers as a prerequisite to prohibit alley ingress and/or egress to parking facilities at sundry locations. These ordinances were referred to the committee on March 18 and April 13, 2015.

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

Respectfully submitted,

(Signed) ANTHONY BEALE,
Chairman

EXHIBIT F

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 May 8, 2008 ordinance ("Vacation Ordinance") which such Ordinance was recorded on September 18, 2008 with the Office of the Cook County Recorder of Deeds as Document Number 0826245111, and attached hereto as Exhibit A, such Ordinance provided for an industrial program ("Industrial Program") street vacation (Vacation) **of all of W. Carroll Avenue between the East line of N. Morgan Street and the West line of N. Sangamon Street; also the vacation of a portion of N. Sangamon Street between the North line of W. Wayman Street and approximately the South line of W. Kinzie Street.**

A portion of the lots adjacent to the Vacation area have now been sold to a developer who wishes to construct a hotel on a portion of the original Vacation area, namely, on the westernmost half of the vacated W. Carroll Street between the east line of N. Morgan Street and the western line of N. Sangamon Street (the "Subject Property"), as legally described on Exhibit B, attached hereto, and as more precisely shown on the plat ("Plat") attached hereto as Exhibit C; and

The Vacation Ordinance provided, in part, 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 September 18, 2008 with the Office of the Cook County Recorder of Deeds as Document Number 0826245110 attached hereto as Exhibit D.

Section 5 of the Vacation Ordinance set forth that the Restrictive Use Covenant "may be released 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 vacation of the public ways with restrictions on its use."

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 5 of the Vacation Ordinance for the payment of the appraised fair market value of such Release as additional compensation which the City deems to be equal to the benefits accruing because of the Release of Restrictive Use Covenant that encumbers the Subject Property only

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

The Restrictive Use Covenant shall continue to encumber the remainder of the Vacation area not subject to this Release.

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.

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 _____, 2015.

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 _____, 2015.

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

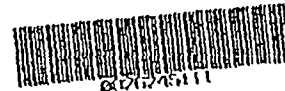
September 18, 2008
Vacation Ordinance
(Attached)

EXHIBIT A

The following is said ordinance as passed:

WHEREAS, The City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City has experienced a significant loss of industry and jobs in recent years, accompanied by a corresponding erosion of its tax base, due in part to industrial firms' inability to acquire additional property needed for their continued viability and growth; and



Doc#: 0826245111 Fee: \$78.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 09/18/2008 12:27 PM Pg: 1 of 7

28132

JOURNAL--CITY COUNCIL--CHICAGO

5/14/2008

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 338 to 354 North Sangamon Street, the properties at 339 to 353 North Sangamon Street, and the properties at 932 to 940 West Carroll Avenue are owned by Nealey Family Limited Partnership; and

WHEREAS, Nealey Family Limited Partnership employs eighty-six (86) full time employees in food processing; and

WHEREAS, Nealey Family Limited Partnership proposes to use the portion of the streets to be vacated herein for motor vehicle parking and tank storage; and

WHEREAS, The property at 321 to 329 North Sangamon Street is owned by Pioneer Wholesale Meat Company, and

WHEREAS, Pioneer Wholesale Meat Company employs twenty-four (24) full time employees in wholesale meat processing; and

WHEREAS, Pioneer Wholesale Meat Company proposes to use the portion of the streets to be vacated herein for fenced in parking; and

WHEREAS, The properties at 942 to 956 West Carroll Avenue and the properties at 339 to 357 North Morgan Street are owned by H. Carruth, L. L. L. P., and

WHEREAS, H. Carruth, L. L. L. P. leases a building structure with a parking lot to Pittsburgh Paint Company; and

WHEREAS, H. Carruth, L. L. L. P. proposes to use the portion of the streets to be vacated herein to expand parking; and

WHEREAS, The properties at 320 to 328 North Sangamon Street and the properties at 933 to 943 West Carroll Avenue are owned by Active Propane Company; and

5/14/2008

REPORTS OF COMMITTEES

28133

WHEREAS, Active Propane Company employs ten (10) full time employees in propane processing; and

WHEREAS, Active Propane Company proposes to use the portion of the streets to be vacated herein for truck parking and empty tank storage; and

WHEREAS, The properties at 945 to 957 West Carroll Avenue and the properties at 321 to 329 North Morgan Street are owned by Roberts Electric Company; and

WHEREAS, Roberts Electric Company employs three (3) full time employees in a mail order house, selling hydraulic equipment; and

WHEREAS, Roberts Electric Company proposes to use the portion of the streets to be vacated herein for employee parking; 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 part of public streets 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 North Sangamon Street lying east of the east line of Lots 8, 11 and 12 in Block 4, lying east of the east line of Lot 1 in Block 15, lying east of a line drawn from the southeast corner of Lot 12 in Block 4 to the northeast corner of Lot 1 in Block 15, lying west of the west line of Lot 5 all 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, lying west of the west line of Lots 17, 18 and 19, in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, lying west of a line drawn from the southwest corner of Lot 18 in Subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid to the northwest corner of Lot 19 in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, lying south and southerly of a line 20 feet south, southerly of and parallel with a line drawn from a point on the west line of Lot 17 said point being 154.48 feet, more or less, north of the south line of Lot 19 in subdivision of Block 3 aforesaid (as measured in a southerly direction along the west line of Lots 17, 18 and 19 and along a line drawn from the southwest corner of Lot 18 to the northwest corner of Lot 19 all in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid) to a point on the west line of Lot 8 said point being 160.76 feet, more or less, north of the south line of Lot 12 in Block 4 in Carpenter's Addition to Chicago aforesaid (as measured in a southerly direction along the east line of Lots 8, 11 and 12 in Block 4 in Carpenter's Addition to Chicago aforesaid) and lying north of the north line of the south 16 feet of Lot 5 (the south 16 feet of

P. I. N.: 17-08-404-007-006-003-0000
 17-08-412-010-09-0000
 17-08-405-004-003-0000
 17-08-413-001-0000

28134

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

said Lot 5 taken for street) in Block 16 in Carpenter's Addition to Chicago aforesaid extended west to the east line of Lot 1 in Block 15 in Carpenter's Addition to Chicago aforesaid,

Also,

all that part of West Carroll Avenue lying south of the south line of Lots 12 to 16, both inclusive, in Block 4, lying north of the north line of Lots 1 to 5, both inclusive, in Block 15, lying west of a line drawn from the southeast corner of Lot 12 in Block 4 to the northeast corner of Lot 1 in Block 15 and lying east of a line drawn from the southwest corner of Lot 16 in Block 4 to the northwest corner of Lot 5 in Block 15 all in Carpenter's Addition to Chicago aforesaid, said part of public streets herein vacated being further described as that part of North Sangamon Street, lying south of a line 160.76 feet, more or less (as measured in a northerly direction along the west line of North Sangamon Street) north of the north line of West Carroll Avenue, lying north of the north line of West Wayman Street extended, also the vacation of West Carroll Avenue lying between the east line of North Morgan Street extended and the west line of North Sangamon Street extended, 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 are hereby vacated and closed, inasmuch as the same are no longer required for public use and the public interest will be subserved by such vacations.

SECTION 2. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership, H. Canuth, L. L. P., Active Propane Company and Roberts Electric Company shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrance to that part of the public street hereby vacated, similar to the sidewalk and curb along east side of North Morgan Street lying between the south line of West Kinzie Street and the north line West Wayman Street. The precise amount of the sum so deposited shall be ascertained by the Office of Emergency Management and Communications - Traffic Management Authority, Permits Division after such investigation as is requisite and deposited with the Chicago Department of Revenue.

SECTION 3. The City of Chicago hereby reserves that part of North Sangamon Street as herein vacated, as a right-of-way for an existing sewer and for the installation of any additional sewers or other municipally-owned service facilities now located or which in the future may be located in that part of North Sangamon Street as herein vacated, and for the maintenance, renewal and reconstruction of such facilities. It is further provided that no buildings or other structures shall be erected on said right-of-way herein reserved or other use made of said area, which in the judgment of the respective municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities.

5/14/2008

REPORTS OF COMMITTEES

28135

The vacations herein provided for are made upon the express condition that the Nealey Family Limited Partnership, H. Carruth, L. L. L. P., Active Propane Company, Roberts Electric Company and Pioneer Wholesale Meat Company shall agree to accept and maintain as private sewers all existing sewers and appurtenances thereto which are located in that part of West Carroll Avenue as herein vacated.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and AT&T/SBC, 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 electrical energy and telephonic and associated services under, over and along that part of West Carroll Avenue and North Sangamon Street as herein vacated, with the right of ingress and egress.

SECTION 5. 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 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 vacation of the public ways with restrictions on its use.

SECTION 6. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership, Pioneer Wholesale Meat Company, H. Carruth, L. L. L. P., Active Propane Company and Roberts Electric Company shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with a restrictive covenant complying with Section 5 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 and legal description referred to in this ordinance
printed on page 28136 of this Journal.]

CITY OF CHICAGO
APPROVE

APPROVED

28136

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

28136
Lawrence T. Fowler
Superintendent of Maps
Sept. 18, 2008
EXAMINER

Sept
EXAMINER

OF

[Financing associated with this drawing and legal description printed on pages 28133 through 28135 of this Journal.]

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

DEPT. OF REVENUE-CHICAGO

BY Birch, Bruce - Fisher - C

Carpenter's Addition to Chicago, being a Subdivision of the S.E. 1/4 of Section 8-3E 14.

Subdivision of Blk. 3 of Carpenter's Addition to Chicago etc. (See "A7).

Dedication for Public Street as provided for in Ordinance Passed Feb. 6, 1899.
 Rec. April 9, 1899. Doc.
 Rec. April 12, 1899. Doc.

Decated by Ordinance Passed March 19, 1912.
Rec. May 17, 1912

Vacated by Ordinance Passed Oct. 25, 1989.
 Rec. Jan. 10, 1980

Alt. Flight Elevation 10 ft. above established grade.
Rec. Jan. 19, 1990

Doc. # 2003546
Doc. # 2806173

Doc. # 4869450

Doc # 80031264

Doc # 80031264

Dr. No. 08-27-07-3028

Note: These Streets are being Vacated under the Industrial Street and Alley Vacation Program

NORTH

METRA (Milwaukee District / West Line)

W. KINZIE

ST.

[illegible]

85

N. PEOPIA

I DO NOT FIND ANY DELINQUENT UNPAID TAXES OR UNPAID CURRENT GENERAL TAXES DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST THE TAXPAYER AND ALLEYS INCLUDED IN THE ABOVE LIST.

Daniel on

COUNTY CLERK

8-6-08

DATE _____

[illegible]

W. Sargamon

RECORDING FEES 27
DATE 9/8/00 COPIES 6
OK De

STATE OF ILLINOIS)
)SS.
 COUNTY OF COOK)

I, MIGUEL DEL VALLE, 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: Vacation of portions of North Sangamon Street and West Carroll Avenue.

I DO FURTHER CERTIFY that the said ordinance was passed by the City Council of the said City of Chicago on the fourteenth (14th) day of May, 2008 and deposited in my office on the fourteenth (14th) day of May, 2008.

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 48 Nays 0

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-seventh (27th) day of June, 2008.

[L.F.]


 MIGUEL DEL VALLE, City Clerk

EXHIBIT B TO RELEASE

LEGAL DESCRIPTION
OF
SUBJECT PROPERTY

PARCEL A:

THAT PART OF THE NORTH 1/2 OF VACATED WEST CARROLL AVENUE LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOTS 14, 15, AND 16 IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 8 TOWNSHIP 39 NORTH RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 31, 1836 (ANTE-FIRE), LYING EAST OF AND ADJOINING A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 16 AFORESAID TO THE NORTHWEST CORNER OF LOT 5 IN BLOCK 15 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID, SAID LINE BEING ALSO THE SOUTHERLY EXTENSION OF THE EAST LINE OF NORTH MORGAN STREET AND LYING WEST OF AND ADJOINING THE SOUTHERLY EXTENSION OF A LINE, HEREINAFTER REFERRED TO AS LINE "A", SAID LINE BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 10.781 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 9 IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID; THENCE SOUTH 89 DEGREES 57 MINUTES 05 SECONDS EAST, 36.50 FEET; THENCE SOUTH 87 DEGREES 30 MINUTES 36 SECONDS EAST, ALONG A LINE WHOSE TERMINUS IS 19.95 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 8 (AS MEASURED ALONG THE EAST LINE OF SAID LOT 8) IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID, A DISTANCE OF 103.20 FEET TO THE NORTHERLY TERMINUS OF THE AFOREMENTIONED LINE "A"; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID LINE "A", 185.435 FEET TO THE SOUTHERLY TERMINUS OF SAID LINE "A", BEING A POINT ON THE SOUTH LINE OF LOT 14 AFORESAID AND 139.30 FEET, (AS MEASURED ALONG THE SOUTH LINE OF LOTS 14, 15 AND 16 AFORESAID, BEING ALSO THE NORTH LINE OF VACATED W. CARROLL AVENUE), EAST OF THE SOUTHWEST CORNER OF SAID LOT 16, IN COOK COUNTY, ILLINOIS.

PARCEL B:

THAT PART OF THE SOUTH 1/2 OF VACATED WEST CARROLL AVENUE LYING NORTH OF AND ADJOINING THE NORTH LINE OF LOTS 3, 4 AND 5 IN BLOCK 15 IN CARPENTER'S ADDITION TO CHICAGO A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 8 TOWNSHIP 39 NORTH RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 31, 1836 (ANTE-FIRE), LYING EAST OF AND ADJOINING A LINE DRAWN FROM THE NORTHWEST CORNER OF LOT 5 AFORESAID TO THE SOUTHWEST CORNER OF LOT 16 IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID, SAID LINE BEING ALSO THE SOUTHERLY EXTENSION OF THE EAST LINE OF NORTH MORGAN STREET AND LYING WEST OF AND ADJOINING THE NORTHERLY EXTENSION OF THE EAST

LINE OF THE WEST 1/2 OF LOT 3 IN BLOCK 15 AFORESAID, IN COOK COUNTY,
ILLINOIS.

EXHIBIT C TO RELEASE

PLAT

PLAT OF RELEASE OF RESTRICTIVE COVENANT

SUBDIVISIONS LEGEND

"A"
CARPENTER'S ADDITION TO CHICAGO, BEING A
SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION
8-39-14.
REC. AUGUST 31, 1836, ANTE-FIRE

"L"
DEDICATED FOR PUBLIC ALLEY
REC. AUGUST 22, 1862 AS DOC. 57587.

"X"
VACATED BY ORDINANCE PASSED OCTOBER 25,
1989
REC. JANUARY 19, 1990 (89-1375) AS DOC.
90-031264.

"Z"
VACATED BY ORDINANCE REC. SEPTEMBER 18,
2008 AS DOC. 0826245111.

NOTES:

1. THE BASIS OF BEARINGS IS ASSUMED.
2. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
5. NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THE PLAT.
6. NO LOT CORNERS WERE SET OR FOUND.

ZONING INFORMATION (REFLECTS ALL ORDINANCES
PASSED IN THE MOST RECENT CITY COUNCIL MEETING)

ZONE PMD-4 (PLANNED MANUFACTURING DISTRICT)

LINE TYPES USED:

LOT LINES

STREETS AND ALLEYS

LIMITS OF RELEASE

TRAFFIC FLOW DIRECTION

NOTE:

WE FIND THAT THE RECORD WIDTH OF 80 FEET FOR W. CARROLL AVENUE SHOWN ON THE PLAT OF SUBDIVISION OF CARPENTER'S ADDITION TO CHICAGO, WAS IGNORED ON THE GROUND AND HAS BEEN OCCUPIED AT 66 FEET AS PER SURVEYS PREPARED BY OTHER SURVEYORS AROUND THE TURN OF THE 19TH CENTURY. WE HAVE CONFIRMED THAT BASED ON OCCUPATION IN SAID SUBDIVISION THE WIDTH OF 66 FEET WAS CONSISTENTLY HELD.

ABBREVIATIONS.
R = RECORD
M = MEASURED
O. = OCCUPIED
N. = NORTH
S. = SOUTH
W. = WEST
E. = EAST
P.O.C. = POINT OF COMMENCEMENT

CDOT# 08-27-14-3682

MAIL TO: SCHUYLER, ROCHE & CRISHAM, P.C.
TWO PRUDENTIAL PLAZA, 180 NORTH STEETSON AVENUE - SUITE 3700 CHICAGO, IL 60601

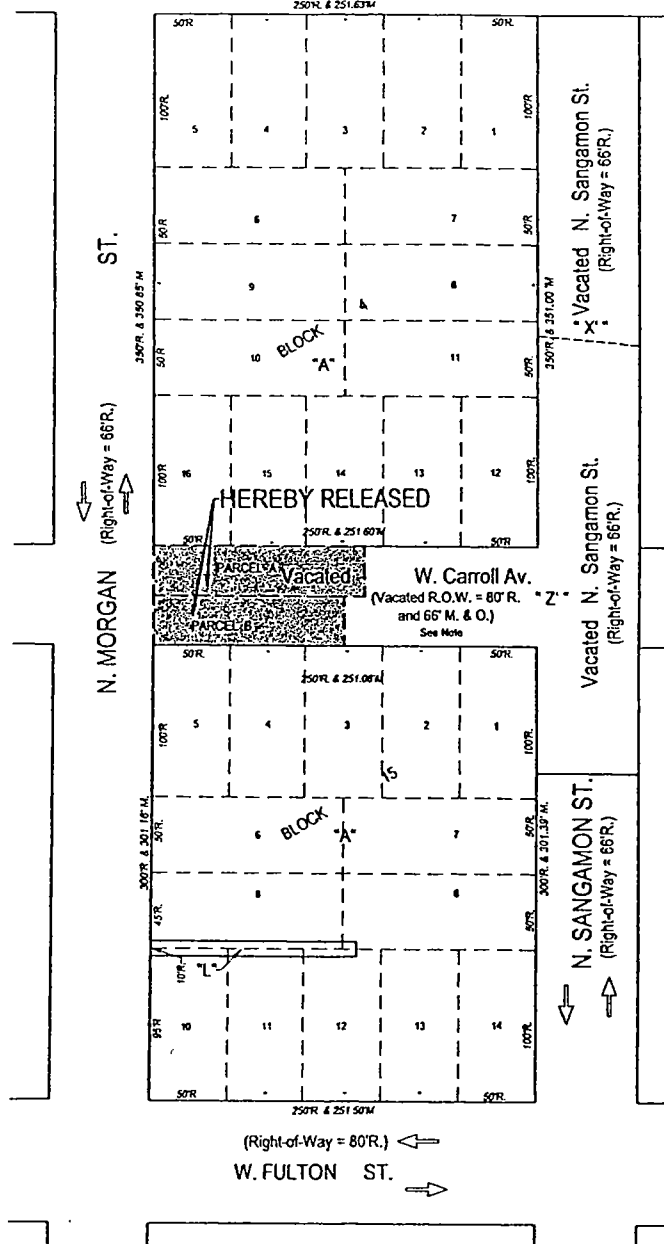
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2015 "ALL RIGHTS RESERVED"

SCALE: 1"=80'

PAGE 1 OF 3

W. KINZIE ST.

(No Recorded Right-of-Way Width)



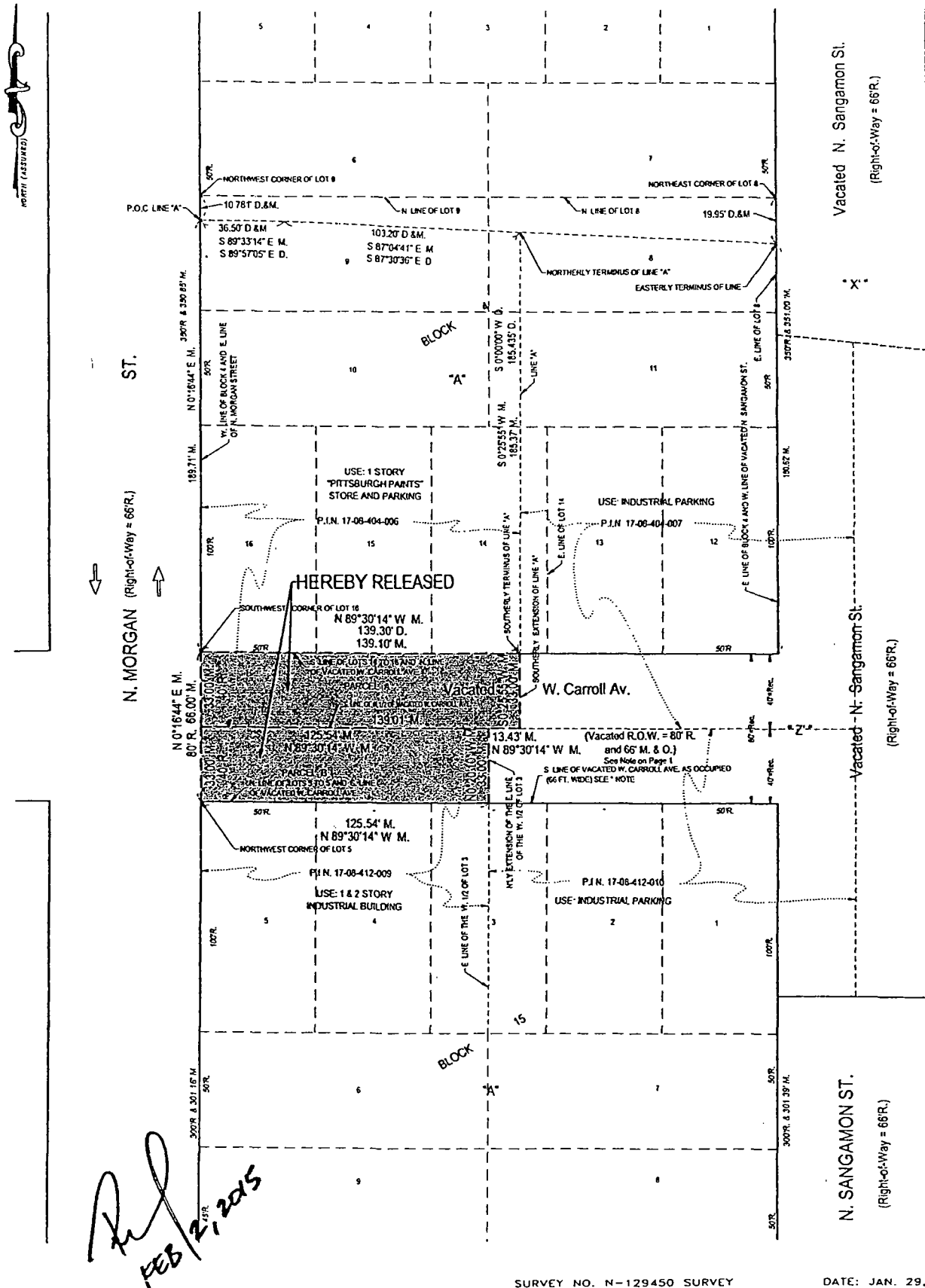
SURVEY NO. N-129450 SURVEY
THIS INSTRUMENT PREPARED BY:

DATE: JAN. 29, 2015

NATIONAL SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS

30 S MICHIGAN AVENUE, SUITE 200 CHICAGO, ILLINOIS 60603
WWW.NATIONALSURVEYSERVICE.COM
TEL: 312-630-9480 jlimo@nationalsurveyservice.com FAX: 312-630-9484

PLAT OF RELEASE OF RESTRICTIVE COVENANT



CDOT# 08-27-14-3682

MAIL TO SCHUYLER, ROCHE & CRISHAM, P.C
TWO PRUDENTIAL PLAZA, 180 NORTH STETSON AVENUE - SUITE 3700, CHICAGO IL 60601

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2015 "ALL RIGHTS RESERVED"

SCALE: 1"=40'

PAGE 2 OF 3

SURVEY NO. N-129450 SURVEY
THIS INSTRUMENT PREPARED BY:

DATE: JAN. 29, 2015

NATIONAL SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS

30 S. MICHIGAN AVENUE, SUITE 200 CHICAGO, ILLINOIS 60603
WWW.NATIONALSURVEYSERVICE.COM
TEL. 312-630-9480 jlimo@nationalsurveyservice.com FAX: 312-630-9484

PLAT OF RELEASE OF RESTRICTIVE COVENANT

PARCEL A

THAT PART OF THE NORTH 1/2 OF VACATED WEST CARROLL AVENUE LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOTS 14, 15, AND 16 IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 8 TOWNSHIP 39 NORTH RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 31, 1836 (ANTE-FIRE), LYING EAST OF AND ADJOINING A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 16 AFORESAID TO THE NORTHWEST CORNER OF LOT 5 IN BLOCK 15 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID, SAID LINE BEING ALSO THE SOUTHERLY EXTENSION OF THE EAST LINE OF NORTH MORGAN STREET AND LYING WEST OF AND ADJOINING THE SOUTHERLY EXTENSION OF A LINE, HERINAFTER REFERRED TO AS LINE "A", SAID LINE BEING DESCRIBED AS FOLLOWS

COMMENCING AT A POINT 10 781 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 9 IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID, THENCE SOUTH 89 DEGREES 57 MINUTES 05 SECONDS EAST, 36.50 FEET; THENCE SOUTH 87 DEGREES 30 MINUTES 36 SECONDS EAST, ALONG A LINE WHOSE TERMINUS IS 19.95 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 8 (AS MEASURED ALONG THE EAST LINE OF SAID LOT 8) IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID, A DISTANCE OF 103.20 FEET TO THE NORTHERLY TERMINUS OF THE AFOREMENTIONED LINE "A"; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID LINE "A", 185.435 FEET TO THE SOUTHERLY TERMINUS OF SAID LINE "A", BEING A POINT ON THE SOUTH LINE OF LOT 14 AFORESAID AND 139.30 FEET, (AS MEASURED ALONG THE SOUTH LINE OF LOTS 14, 15 AND 16 AFORESAID, BEING ALSO THE NORTH LINE OF VACATED W. CARROLL AVENUE), EAST OF THE SOUTHWEST CORNER OF SAID LOT 16, IN COOK COUNTY, ILLINOIS.

PARCEL B

THAT PART OF THE SOUTH 1/2 OF VACATED WEST CARROLL AVENUE LYING NORTH OF AND ADJOINING THE NORTH LINE OF LOTS 3, 4 AND 5 IN BLOCK 15 IN CARPENTER'S ADDITION TO CHICAGO A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 8 TOWNSHIP 39 NORTH RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 31, 1836 (ANTE-FIRE), LYING EAST OF AND ADJOINING A LINE DRAWN FROM THE NORTHWEST CORNER OF LOT 5 AFORESAID TO THE SOUTHWEST CORNER OF LOT 16 IN BLOCK 4 IN CARPENTER'S ADDITION TO CHICAGO AFORESAID, SAID LINE BEING ALSO THE SOUTHERLY EXTENSION OF THE EAST LINE OF NORTH MORGAN STREET AND LYING WEST OF AND ADJOINING THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 1/2 OF LOT 3 IN BLOCK 15 AFORESAID, IN COOK COUNTY, ILLINOIS.

AREA BASED ON RECORD DIMENSIONS AND BEING PORTION OF THE FULL VACATION PARCEL PER ORDINANCE RECORDED AS DOCUMENT NO. 0826245111 = 10,585 SQUARE FEET OR 0.2430 ACRES MORE OR LESS

TOTAL AREA MEASURED: 8,732 SQUARE FEET OR 0.2005 ACRES MORE OR LESS

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, JOSEPH A. LIMA, AN ILLINOIS PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT OF RELEASE OF RESTRICTIVE COVENANT DESCRIBED IN THE CAPTION ABOVE FOR THE PURPOSE OF RELEASING THE SAME AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION THEREOF AND THIS PROFESSIONAL SERVICE CONFORMS TO CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. THE FIELD WORK WAS COMPLETED ON MAY 14, 2014.

CHICAGO, ILLINOIS JANUARY 29 A.D. 2015

BY:

Joseph A. Lima
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3080



MY LICENSE EXPIRES 11/30/2016

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

NATIONAL SURVEY SERVICE, INC., A CORPORATION OF THE STATE OF ILLINOIS, LICENSE NO. 184.002780, EXPIRES: 04/30/2015 DOES HEREBY CERTIFY THAT THIS PLAT HAS BEEN PREPARED USING PREVIOUS SURVEY DATA MEASURED MAY 14, 2014 UNDER THE DIRECTION OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR FOR THE PROPERTY DESCRIBED IN THE CAPTION ABOVE.

CHICAGO, ILLINOIS JANUARY 29 A.D. 2015
NATIONAL SURVEY SERVICE, INC.

BY:

Joseph A. Lima
VICE PRESIDENT

ATTEST

Joseph A. Lima
ASSISTANT SECRETARY



SURVEY NO. N-129450 SURVEY
THIS INSTRUMENT PREPARED BY:

DATE: JAN. 29, 2015

NATIONAL SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS

30 S. MICHIGAN AVENUE, SUITE 200 CHICAGO, ILLINOIS 60603
WWW.NATIONALSURVEYSERVICE.COM
TEL: 312-630-9480 jlima@nationalsurveyservice.com FAX: 312-630-9484

CDOT# 08-27-14-3682

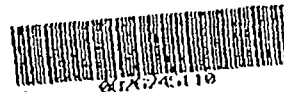
MAIL TO: SCHUYLER ROCHE & CRISHAM, P.C.
TWO PRUDENTIAL PLAZA, 180 NORTH STEETSON AVENUE - SUITE 3700, CHICAGO, IL 60601

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PAGE 3 OF 3

EXHIBIT D TO RELEASE

September 18, 2008
Restrictive Use Covenant
(Attached)



Doc#: 0826245110 Fee: \$76.00
 Eugene "Gene" Moore RHSP Fee: \$10.00
 Cook County Recorder of Deeds
 Date: 09/18/2008 12:18 PM Pg: 1 of 21

RESTRICTIVE COVENANT

WHEREAS, The Nealey Family Limited Partnership; Pioneer Wholesale Meat Company; H. Carruth, L.L.L.P.; Active Propane Company and Roberts Electric Company ("Owners"), hold legal title to certain parcels of real property ("Abutting Property") which are located at 338 to 354 and 339 to 353 North Sangamon Street also 932 to 940 West Carroll Avenue; 321 to 329 North Sangamon Street; 942 to 956 West Carroll Avenue, 339 to 357 North Morgan Street; 320 to 328 North Sangamon Street, 933 to 943 West Carroll Avenue; 945 to 957 West Carroll Avenue and 321 to 329 North Morgan Street, in the County of Cook, State of Illinois, and which are currently used for the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and other similar uses and facilities; and

WHEREAS, on May 14, 2008, the City Council of the City of Chicago approved an ordinance, a copy of which is attached as Exhibit A and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of that part of North Sangamon Street,

RECORDING FEE \$ 76
 DATE 9/18/08 COPIES 2
 OK 13

lying south of a line 160.76 feet, more or less (as measured in a northerly direction along the west line of north of the north line of West Wayman Street extended, also the vacation of West Carroll Avenue lying between the east line of North Morgan Street extended and the west line of North Sangamon Street extended, (after referred to as "Subject Premises"), the Subject Premises being more particularly described in Exhibit A which is attached and incorporated; and

WHEREAS, the vacation provided in the Ordinance is conditioned upon the execution and recording by the Owner of a restrictive covenant running with the land that provides that the Subject Premises shall be used only for manufacturing (including production, 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 covenant to the City of Chicago that the above-described Subject Premises shall not be used for any use or purpose other than those which are set forth in Exhibit B, which is attached and incorporated, and for those uses and purposes which are accessory to such activities, including, but not limited to, the location of necessary and appropriate offices and facilities, storage, employee and customer parking and other similar uses

and facilities. The consideration for such covenant, which is deemed and agreed to be valuable and sufficient, is the vacation by the City of Chicago of the Subject Premises for the benefit of Owner without the requirement that the Owner pay compensation to the City.

2. **COVENANT TO RUN WITH THE LAND AND TERM THEREOF.** The burdens of the covenant herein contained shall run with the Subject Premises. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and assigns. The covenant shall be binding on the Owner, its successors and assigns, and shall be enforceable by the City, its successors and assigns. The covenant may be released or abandoned only upon approval of the City Council of the City of Chicago which may condition its approval upon the payment of such additional compensation by the Owner or any persons claiming under the Owner, which said City Council of the City of Chicago deems to be equal to the benefits accruing because of the release or abandonment of the covenant.

3. **VIOLATION OF RESTRICTIONS.**

(a) Reversion. In the event that the Owner causes or permits a violation of a restriction contained herein, the City of Chicago may serve the Owner with a written notice entitled NOTICE OF VIOLATION setting forth the violations. Such notice shall be sent to Owner at Nealey Family Limited Partnership, 900 West Fulton Market, Chicago, Illinois 60607; Pioneer Wholesale Meat Company, 1000 West Carroll Avenue, Chicago, Illinois 60607, H. Carruth Properties, LLC, 2708 Cheiftain Run, Duluth, Georgia, Active Propane, 600 North Broadway, Aurora, Illinois 60505, Roberts Electric, 311 North Morgan Street, Chicago, Illinois 60607. 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 Owner has caused this Covenant to be duly executed and attested to this 7th day of July, 2008.

NEALEY FAMILY LIMITED PARTNERSHIP

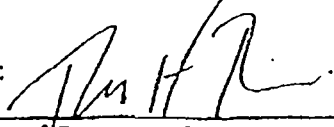
By: Douglas A. Nealey

Its: President

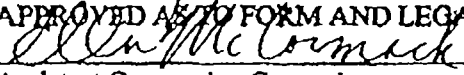
ATTEST:

Its: _____

ACCEPTED:


Commissioner of Transportation

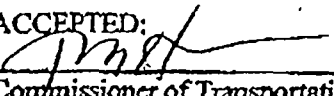
APPROVED AS TO FORM AND LEGALITY:


Assistant Corporation Counsel**PIONEER WHOLESALE MEAT COMPANY**By: Its: PRESIDENT

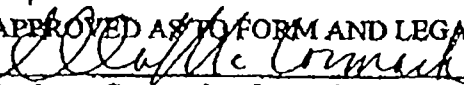
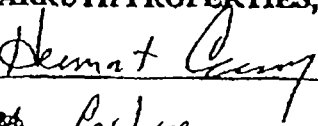
ATTEST:

Its: _____

ACCEPTED:


Commissioner of Transportation


APPROVED AS TO FORM AND LEGALITY:


Assistant Corporation Counsel**H. CARRUTH PROPERTIES, LLC**By: Its: Partner

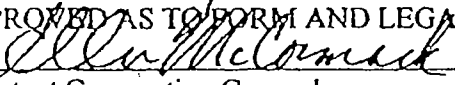
ATTEST:

Its: _____

ACCEPTED:

 JH
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:


Assistant Corporation Counsel

PVJS Company
formerly known as
ACTIVE PROPANE


By:

Its:

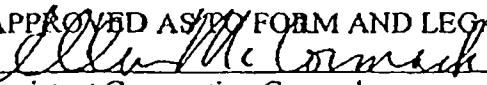
ATTEST:

Its: _____

ACCEPTED:

 JH
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:


Assistant Corporation Counsel

ROBERTS ELECTRIC


By:

Its:

ATTEST:

Its: _____

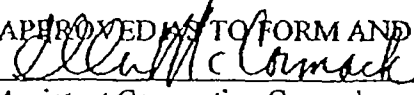
ACCEPTED:



Commissioner of Transportation

SH

APPROVED AS TO FORM AND LEGALITY:



Assistant Corporation Counsel

STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that Douglas H. Nealey, personally known to me to
be the President of The Nealey Family 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 Douglas H. Nealey
he/she signed and delivered the said instrument, for the uses and purposes
therein set forth.

GIVEN under my hand and notarial seal this 5th day of August, 2008

Christine Pugh
Notary Public

My commission expires 7-15-09.

Prepared by and when recorded, return to:
Ellen McCormack
Assistant Corporation Counsel
121 North LaSalle Street
Room 600, City Hall
Chicago, Illinois 60602
312/744-6933



STATE OF ILLINOIS)
)
 COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
 HEREBY CERTIFY that William M. Higgins, personally known to me to
 be the President of the Pioneer Wholesale Meat Company, 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
William M. Higgins he/~~she~~ signed and delivered the said instrument, for
 the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 5th day of August, 2008

Christine Pugh
 Notary Public

My commission expires 7-15-09.

Prepared by and when recorded, return to:
 Ellen McCormack
 Assistant Corporation Counsel
 121 North LaSalle Street
 Room 600, City Hall
 Chicago, Illinois 60602
 312/744-6933



STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that Herman Carruth, personally known to me to
be the PARTNER of the H. Carruth, L.L.P., 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, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 4th day of August, 2008

Megan E. Dorman
Notary Public


My commission expires November 7, 2010

Prepared by and when recorded, return to:
Ellen McCormack
Assistant Corporation Counsel
121 North LaSalle Street
Room 600, City Hall
Chicago, Illinois 60602
312/744-6933

STATE OF ILLINOIS)
)
 COUNTY OF COOK)

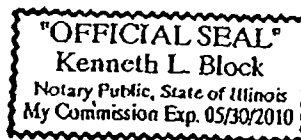
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
 HEREBY CERTIFY that Patrick Arlis, personally known to me to
 be the President ^{PVJS Company, formerly known as} ~~of~~ ^{the} Active Propane Company, who is personally
 known to me to be the same person whose name is 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, for the uses and purposes
 therein set forth.

GIVEN under my hand and notarial seal this 15th day of July, 2008


 Notary Public

My commission expires 5/30/10.

Prepared by and when recorded, return to:
 Ellen McCormack
 Assistant Corporation Counsel
 121 North LaSalle Street
 Room 600, City Hall
 Chicago, Illinois 60602
 312/744-6933

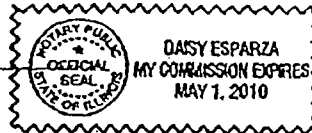


STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that Jeff Boos, personally known to me to
be the President of the Roberts Electric Company, 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 Jeff Boos
_____ he/she signed and delivered the said instrument, for the uses and purposes
therein set forth.

GIVEN under my hand and notarial seal this 25 day of July, 2008

Daisy Esparza
Notary Public



My commission expires May 1, 2010.

Prepared by and when recorded, return to:
Ellen McCormack
Assistant Corporation Counsel
121 North LaSalle Street
Room 600, City Hall
Chicago, Illinois 60602
312/744-6933

EXHIBIT A - VACATION ORDINANCE

P.I.N. : 17-08-404-007-006-003-0000
17-08-412-010-09-0000
17-08-405-004-003-0000
17-08-413-001-0000

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

EXHIBIT "A"

5/14/2008

REPORTS OF COMMITTEES

28129

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 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 vacation of the public way with restrictions on its use.

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, Nealey Family Limited Partnership and Pioneer Wholesale Meat Company shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with a restrictive covenant complying with Section 5 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 and legal description referred to in this ordinance
printed on page 28130 of this *Journal*.]

VACATION OF PORTIONS OF NORTH SANGAMON
STREET AND WEST CARROLL AVENUE.

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

CHICAGO, May 12, 2008.

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body Pass an ordinance for the vacation of that part

(Continued on page 28131)

5/14/2008

REPORTS OF COMMITTEES

28131

(Continued from page 28129)

of North Sangamon Street, lying south of a line 160.76 feet, more or less (as measured in a northerly direction along the west line of North Sangamon Street) north of the north line of West Carroll Avenue, lying north of the north line of West Wayman Street extended, also the vacation of West Carroll Avenue lying between the east line of North Morgan Street extended and the west line of North Sangamon Street extended. This ordinance was referred to the Committee on April 9, 2008.

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 Flores, Fioretti, Dowell, Preckwinkle, Hairston, Lyle, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, Foulkes, Thompson, Thomas, Lane, Rugai, Cochran, Brookins, Muñoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Austin, Colón, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Reilly, Daley, Tunney, Levar, Shiller, Schuller, Moore, Stone -- 48.

Nays -- None.

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

The following is said ordinance as passed:

WHEREAS, The City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City has experienced a significant loss of industry and jobs in recent years, accompanied by a corresponding erosion of its tax base, due in part to industrial firms' inability to acquire additional property needed for their continued viability and growth; and

28132

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

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 338 to 354 North Sangamon Street, the properties at 339 to 353 North Sangamon Street, and the properties at 932 to 940 West Carroll Avenue are owned by Nealey Family Limited Partnership; and

WHEREAS, Nealey Family Limited Partnership employs eighty-six (86) full time employees in food processing; and

WHEREAS, Nealey Family Limited Partnership proposes to use the portion of the streets to be vacated herein for motor vehicle parking and tank storage; and

WHEREAS, The property at 321 to 329 North Sangamon Street is owned by Pioneer Wholesale Meat Company, and

WHEREAS, Pioneer Wholesale Meat Company employs twenty-four (24) full time employees in wholesale meat processing; and

WHEREAS, Pioneer Wholesale Meat Company proposes to use the portion of the streets to be vacated herein for fenced in parking; and

WHEREAS, The properties at 942 to 956 West Carroll Avenue and the properties at 339 to 357 North Morgan Street are owned by H. Carruth, L. L. L. P., and

WHEREAS, H. Carruth, L. L. L. P. leases a building structure with a parking lot to Pittsburgh Paint Company; and

WHEREAS, H. Carruth, L. L. L. P. proposes to use the portion of the streets to be vacated herein to expand parking; and

WHEREAS, The properties at 320 to 328 North Sangamon Street and the properties at 933 to 943 West Carroll Avenue are owned by Active Propane Company; and

5/14/2008

REPORTS OF COMMITTEES

28133

WHEREAS, Active Propane Company employs ten (10) full time employees in propane processing; and

WHEREAS, Active Propane Company proposes to use the portion of the streets to be vacated herein for truck parking and empty tank storage; and

WHEREAS, The properties at 945 to 957 West Carroll Avenue and the properties at 321 to 329 North Morgan Street are owned by Roberts Electric Company; and

WHEREAS, Roberts Electric Company employs three (3) full time employees in a mail order house, selling hydraulic equipment; and

WHEREAS, Roberts Electric Company proposes to use the portion of the streets to be vacated herein for employee parking; 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 part of public streets 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 North Sangamon Street lying east of the east line of Lots 8, 11 and 12 in Block 4, lying east of the east line of Lot 1 in Block 15, lying east of a line drawn from the southeast corner of Lot 12 in Block 4 to the northeast corner of Lot 1 in Block 15, lying west of the west line of Lot 5 all 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, lying west of the west line of Lots 17, 18 and 19, in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, lying west of a line drawn from the southwest corner of Lot 18 in Subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid to the northwest corner of Lot 19 in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid, lying south and southerly of a line 20 feet south, southerly of and parallel with a line drawn from a point on the west line of Lot 17 said point being 154.48 feet, more or less, north of the south line of Lot 19 in subdivision of Block 3 aforesaid (as measured in a southerly direction along the west line of Lots 17, 18 and 19 and along a line drawn from the southwest corner of Lot 18 to the northwest corner of Lot 19 all in subdivision of Block 3 of Carpenter's Addition to Chicago aforesaid) to a point on the west line of Lot 8 said point being 160.76 feet, more or less, north of the south line of Lot 12 in Block 4 in Carpenter's Addition to Chicago aforesaid (as measured in a southerly direction along the east line of Lots 8, 11 and 12 in Block 4 in Carpenter's Addition to Chicago aforesaid) and lying north of the north line of the south 16 feet of Lot 5 (the south 16 feet of

28134

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

said Lot 5 taken for street) in Block 16 in Carpenter's Addition to Chicago aforesaid extended west to the east line of Lot 1 in Block 15 in Carpenter's Addition to Chicago aforesaid,

Also,

all that part of West Carroll Avenue lying south of the south line of Lots 12 to 16, both inclusive, in Block 4, lying north of the north line of Lots 1 to 5, both inclusive, in Block 15, lying west a line drawn from the southeast corner of Lot 12 in Block 4 to the northeast corner of Lot 1 in Block 15 and lying east of a line drawn from the southwest corner of Lot 16 in Block 4 to the northwest corner of Lot 5 in Block 15 all in Carpenter's Addition to Chicago aforesaid, said part of public streets herein vacated being further described as that part of North Sangamon Street, lying south of a line 160.76 feet, more or less (as measured in a northerly direction along the west line of North Sangamon Street) north of the north line of West Carroll Avenue, lying north of the north line of West Wayman Street extended, also the vacation of West Carroll Avenue lying between the east line of North Morgan Street extended and the west line of North Sangamon Street extended, 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 are hereby vacated and closed, inasmuch as the same are no longer required for public use and the public interest will be subserved by such vacations.

SECTION 2. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership, H. Caruth, L. L. P., Active Propane Company and Roberts Electric Company shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrance to that part of the public street hereby vacated, similar to the sidewalk and curb along east side of North Morgan Street lying between the south line of West Kinzie Street and the north line West Wayman Street. The precise amount of the sum so deposited shall be ascertained by the Office of Emergency Management and Communications -- Traffic Management Authority, Permits Division after such investigation as is requisite and deposited with the Chicago Department of Revenue.

SECTION 3. The City of Chicago hereby reserves that part of North Sangamon Street as herein vacated, as a right-of-way for an existing sewer and for the installation of any additional sewers or other municipally-owned service facilities now located or which in the future may be located in that part of North Sangamon Street as herein vacated, and for the maintenance, renewal and reconstruction of such facilities. It is further provided that no buildings or other structures shall be erected on said right-of-way herein reserved or other use made of said area, which in the judgment of the respective municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities.

5/14/2008

REPORTS OF COMMITTEES

28135

The vacations herein provided for are made upon the express condition that the Nealey Family Limited Partnership, H. Carruth, L. L. L. P., Active Propane Company, Roberts Electric Company and Pioneer Wholesale Meat Company shall agree to accept and maintain as private sewers all existing sewers and appurtenances thereto which are located in that part of West Carroll Avenue as herein vacated.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison and AT&T/SBC, 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 electrical energy and telephonic and associated services under, over and along that part of West Carroll Avenue and North Sangamon Street as herein vacated, with the right of ingress and egress.

SECTION 5. 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 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 vacation of the public ways with restrictions on its use.

SECTION 6. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership, Pioneer Wholesale Meat Company, H. Carruth, L. L. L. P., Active Propane Company and Roberts Electric Company shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with a restrictive covenant complying with Section 5 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 and legal description referred to in this ordinance
printed on page 28136 of this *Journal*.)

28136

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

[Ordinance associated with this drawing and legal description
printed on pages 28133 through 28135 of this Journal.]

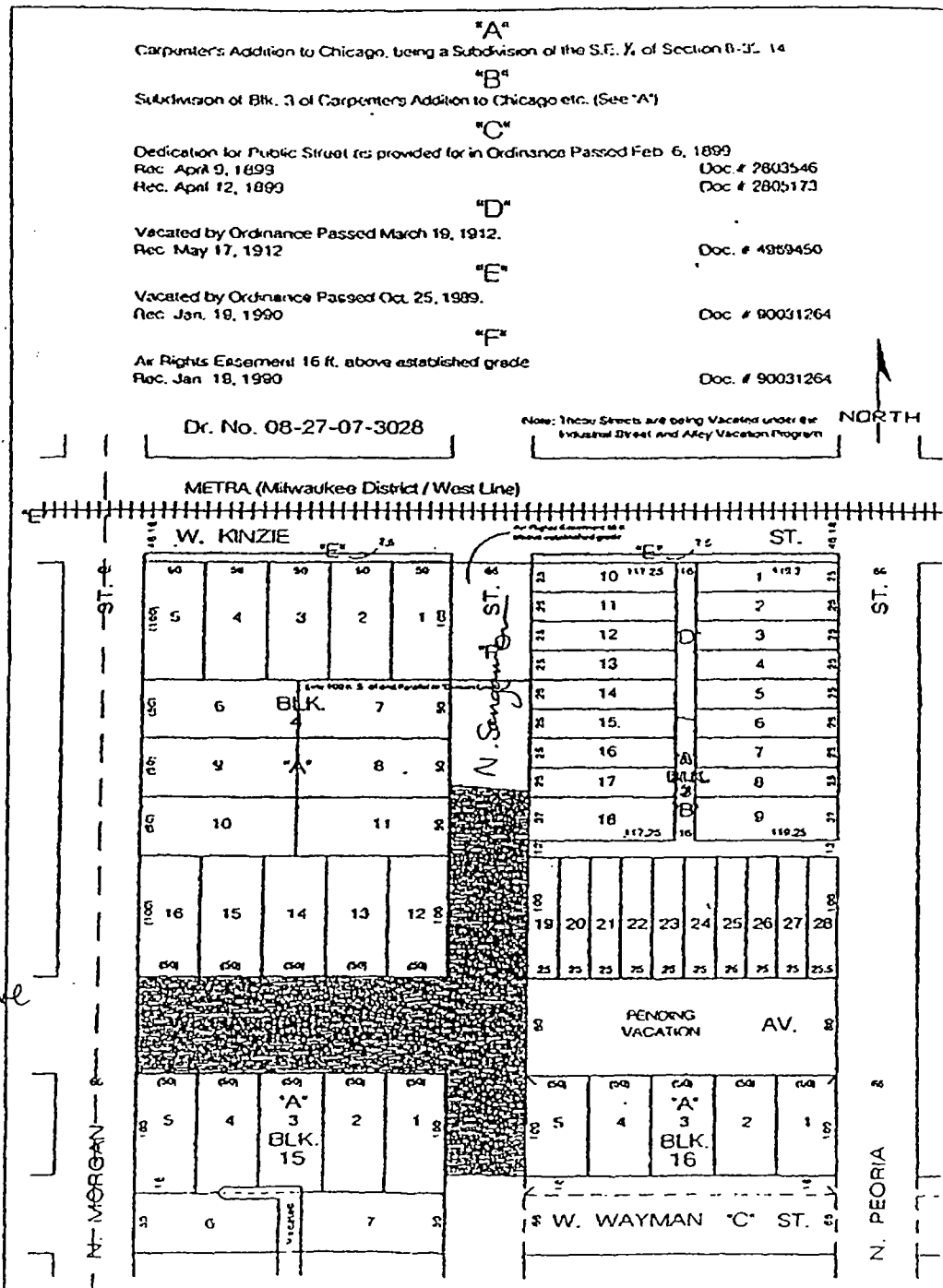


EXHIBIT B - PERMITTED USES

1. Manufacturing, production, processing, assembly, fabricating, cleaning, servicing and repair of materials, goods or products, including but not limited to the following:
 - a. Food and Kindred Products
 - b. Tobacco Products
 - c. Apparel and Other Textile Products
 - d. Lumber and Wood Products
 - e. Furniture and Fixtures
 - f. Paper and Allied Products
 - g. Printed and Published Products
 - h. Chemicals and Allied Products
 - i. Petroleum and Coal Products
 - j. Rubber and Miscellaneous Plastics
 - k. Leather and Leather Products
 - l. Stone, Clay and Glass Products
 - m. Primary Metals
 - n. Fabricated Metal Products
 - o. Industrial Machinery and Equipment
 - p. Electronic and Electric Equipment
 - q. Transportation Equipment
 - r. Instruments and Related Products
 - s. Scrap Metals
2. Transportation and wholesale trade, as distinguished from retail trade, of the materials, goods or products listed above.
3. Research and development of prototypes and processes related to the activities listed above.

H:RestrictiveCovenantNealeyFamilyPartnershipCarruthEM



CITY COUNCIL

CITY OF CHICAGO

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(CHAIRMAN)

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July 22, 2015

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body pass A proposed time extension ordinance for a proposed release of Industrial Program Restrictive Covenant on the area described as the Westernmost portion of vacated West Carroll Avenue between North Morgan Street and vacated North Sangamon Street. This ordinance was referred to the Committee on July 22, 2015.

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

(Ward 27)

Respectfully submitted,

Anthony Beale,
Chairman

APPROVED
Stephen R. Patton
CORPORATION COUNSEL

APPROVED
Robert Emmet RP
8/14/15 Mayor