



# City of Chicago



O2018-8085

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	10/31/2018
<b>Sponsor(s):</b>	Burnett (27)
<b>Type:</b>	Ordinance
<b>Title:</b>	Partial release of industrial restrictive covenant for benefit of PVJS Active Propane associated with ordinance vacating N Sangamon St between W Carroll Ave and W Wayman St, and portion of W Carroll Ave between N Sangamon St and N Morgan St
<b>Committee(s) Assignment:</b>	Committee on Transportation and Public Way

**ORDINANCE  
FOR PARTIAL RELEASE OF  
USE RESTRICTION COVENANT**

**WHEREAS**, on May 14, 2008, the City Council of the City of Chicago ("City Council") passed that certain ordinance (C.J., pp. 28129, and 28121 to 28136), (referred to herein as the "Vacation Ordinance"), which provided for an industrial program street vacation of a portion of N. Sangamon Street between W. Carroll Street and vacated W. Wayman Street, as well as a portion of W. Carroll Street between N. Sangamon Street and N. Morgan Street (such vacated property, together, the "Subject Property"); and

**WHEREAS**, the Vacation Ordinance provided that the vacation of the Subject Property was conditioned, in part, upon Nealey Family Limited Partnership, Pioneer Wholesale Meat Company, H. Carruth, L.L.L.P, Active Propane Company (n/k/a PVJS Company, an Illinois corporation) and Roberts Electric Company, each of which at the time of the passage of the Vacation Ordinance owned property abutting the Subject Property, recording a restrictive use covenant running with the land ("Restrictive Use Covenant"), which required that 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 Recorder of Deeds of Cook County, Illinois (the "Recorder's Office"), as Document Number 0826245110, and a copy of such recorded Restrictive Use Covenant is attached hereto as **Exhibit A**; and

**WHEREAS**, the Vacation Ordinance was recorded on September 18, 2008, with the Recorder's Office, as Document No. 0826245111, and a copy of such recorded Vacation Ordinance is attached hereto as **Exhibit B**; and

**WHEREAS**, Section 5 of the Vacation Ordinance states, in part, 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 restriction on its use"; and

**WHEREAS**, PVJS Company ("Developer") would like to be released from the Restrictive Covenant to the extent it affects such portion of the Subject Property that abuts Developer's property, as shown on the Plat attached hereto as **EXHIBIT C** (such portion of the Subject Property, the "Limited Area For Release"); and

**WHEREAS**, the City, upon due investigation and consideration, has determined that the public interest now warrants a release of the Restrictive Use Covenant solely with respect to the Limited Area for Release, subject to the payment of such additional compensation which it deems to be equal to the benefits accruing to the Developer because of the partial release of the Restrictive Use Covenant; now, therefore,

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

**SECTION 1.** The recitals above are incorporated herein.

**SECTION 2.** The release of the Restrictive Use Covenant, solely with respect to the Limited Area for Release, is hereby approved upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the Developer the amount of Five hundred fifty thousand (\$550,000) <sup>0</sup>, which sum in the judgment of this body will be equal to such benefits.


**SECTION 3.** The release of the Restrictive Use Covenant, solely with respect to the Limited Area for Release, is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer, shall file or cause to be filed in the Recorder's Office a certified copy of this ordinance, the Plat shown in **Exhibit C** and the Partial Release of Restrictive Use Covenant (see below).

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

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

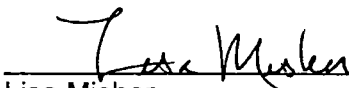
**SECTION 6.** This ordinance shall take effect upon its passage and approval.

Partial Release of Restrictive Use Covenant  
Approved:



Rebekah Scheinfeld  
Commissioner  
Department of Transportation

Approved as to Form and Legality



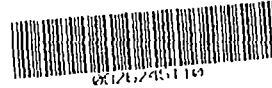
Lisa Misher  
Deputy Corporation Counsel



Honorable Walter Burnett  
Alderman, 27<sup>th</sup> Ward

**EXHIBIT A**

**SEPTEMBER 18, 2008  
RECORDED 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,

1

RECORDING FEE \$ 76.00  
DATE 9/18/08 COPIES 2  
OK 1/18

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

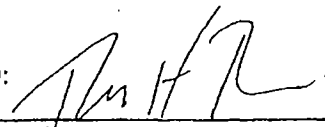
By: Douglas A. Nealey

Its: President


ATTEST:

Its: \_\_\_\_\_

ACCEPTED:

  
Commissioner of Transportation

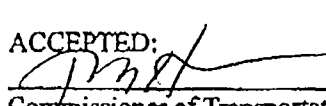
APPROVED AS TO FORM AND LEGALITY:

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


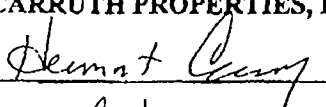
ATTEST:

\_\_\_\_\_  
Its: \_\_\_\_\_

ACCEPTED:

  
Commissioner of Transportation

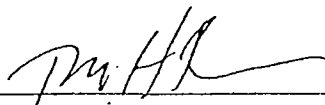
APPROVED AS TO FORM AND LEGALITY:

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

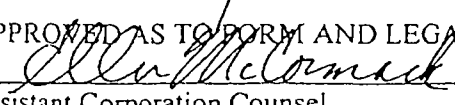
ATTEST:

\_\_\_\_\_  
Its: \_\_\_\_\_

ACCEPTED:

 GH  
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

  
Assistant Corporation Counsel

PVJS Company  
formerly known as  
**ACTIVE PROPANE**


By:

Its:


ATTEST:

Its: \_\_\_\_\_

ACCEPTED:

 GH  
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

  
Assistant Corporation Counsel

**ROBERTS ELECTRIC**

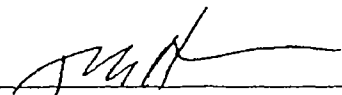
By:

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

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 Mulligan, 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 Mulligan 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 4<sup>th</sup> day of August, 2008

Meyer L. Seiden  
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        )

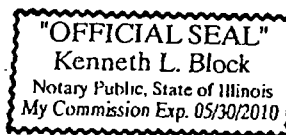
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO  
 HEREBY CERTIFY that Patrick Arlis, personally known to me to  
 be the President of PVJS Company, formerly known as  
of the Active Propane Company, who is personally  
 known to me to be the same person whose name is 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



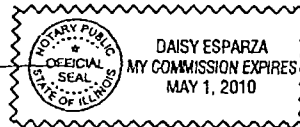


STATE OF ILLINOIS     )  
                                       )  
 COUNTY OF COOK        )

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*.]

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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

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(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, Schulter, 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

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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

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## REPORTS OF COMMITTEES

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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

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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. 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.

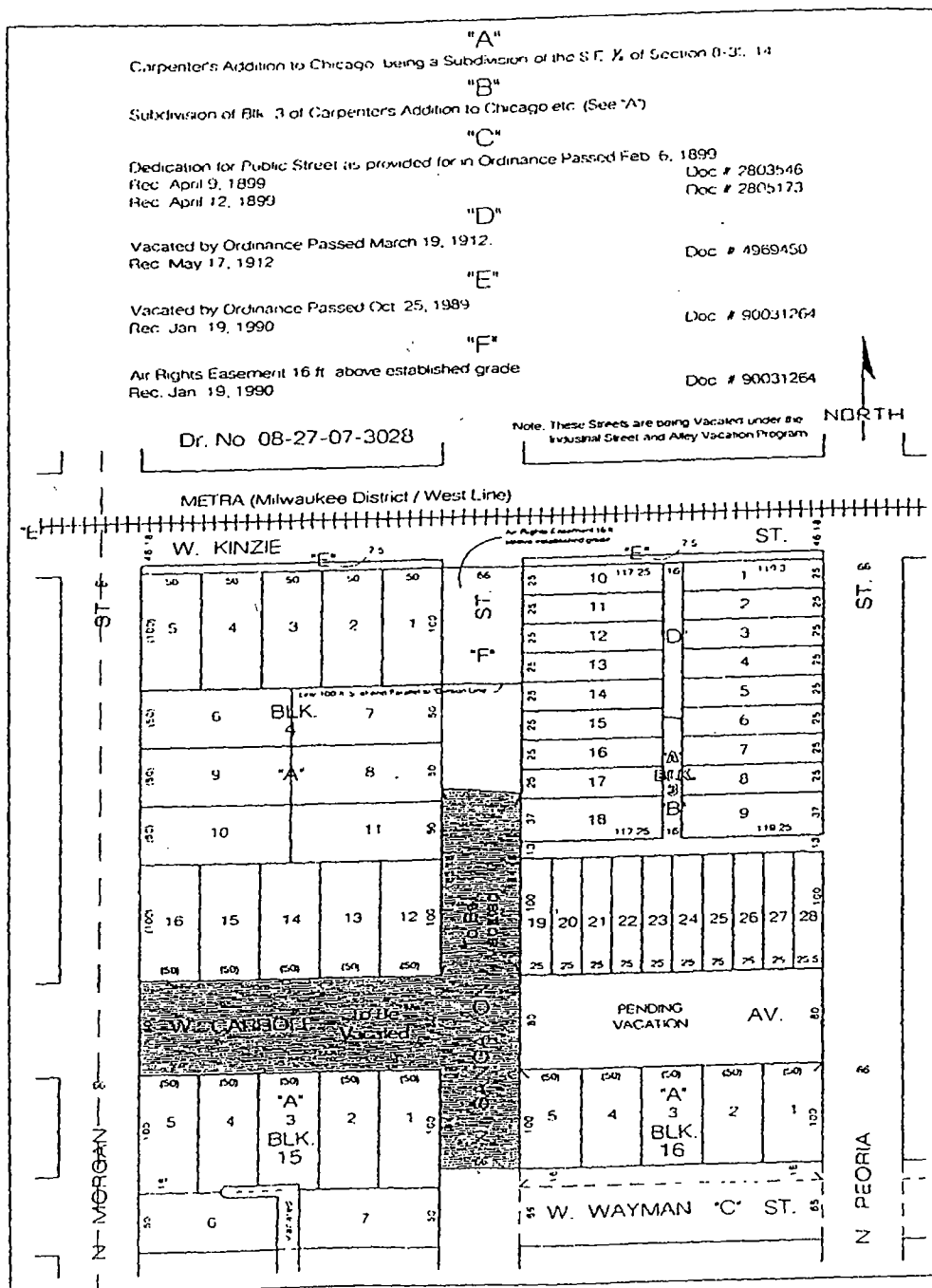
SECTION 7. This ordinance shall take effect and be in force from and after its passage.

[Drawing and legal description referred to in this ordinance  
printed on page 28136 of this *Journal*]



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

**EXHIBIT B**

**SEPTEMBER 18, 2008  
RECORDED VACATION ORDINANCE  
(ATTACHED)**

**MIGUEL DEL VALLE, CITY CLERK  
CITY CLERK'S OFFICE-CITY OF CHICAGO**

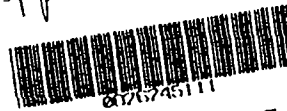
189467-5-BP-340

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

CC Approved 5/14/08



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

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

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

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. 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.

The vacations herein provided for are made upon the express condition that the Nealey Family Limited Partnership, H. Carruth, 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. 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

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

*Lawrence T. Kane*  
Superintendent of Maps  
Sept. 18, 2008  
EXAMINER

OF  
COOK SUBDIVISIONS  
COUNTY WILLING

[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 *David Morgan* - *City Clerk*

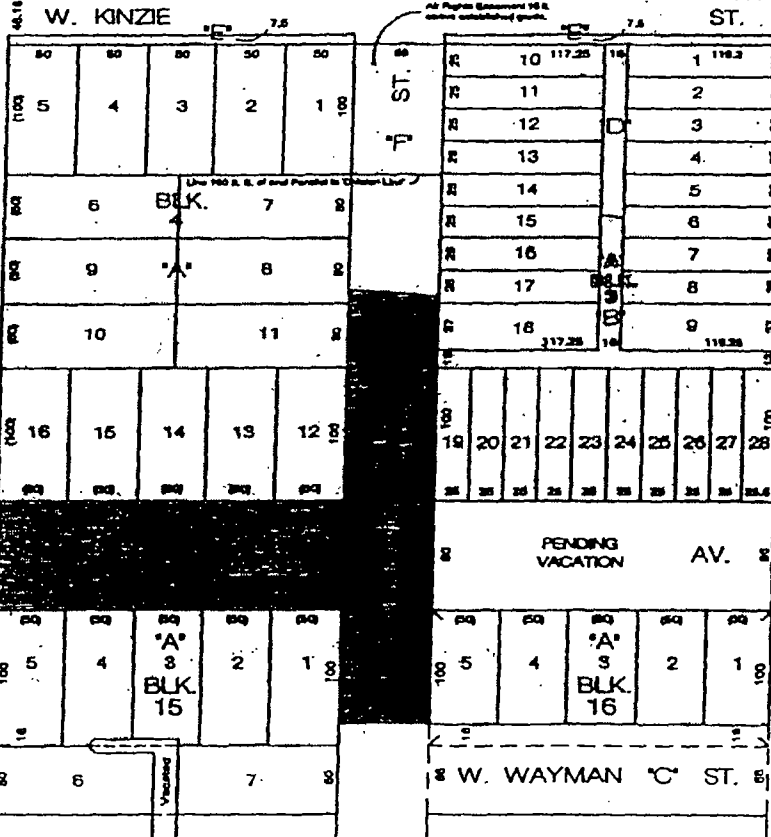
"A"  
Carpenter's Addition to Chicago, being a Subdivision of the S.E. 1/4 of Section 8-3C 14.  
"B"  
Subdivision of Blk. 3 of Carpenter's Addition to Chicago etc. (See "A").  
"C"  
Dedication for Public Street as provided for in Ordinance Passed Feb. 6, 1899.  
Rec. April 9, 1899. Doc. # 2803546  
Rec. April 12, 1899. Doc. # 2805173  
"D"  
Vacated by Ordinance Passed March 19, 1912.  
Rec. May 17, 1912. Doc. # 4969450  
"E"  
Vacated by Ordinance Passed Oct. 25, 1899.  
Rec. Jan. 19, 1900. Doc. # 90031264  
"F"  
Air Rights Easement 16 ft. above established grade.  
Rec. Jan. 19, 1900. Doc. # 90031264

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)



I hereby certify that this print  
is an exact copy of the original  
from which it was made.

*Lawrence T. Kane*  
Superintendent of Maps  
Sept. 18, 2008 City of Chicago

OR UNPAID CURRENT SPECIAL ASSESSMENTS DUE AGAINST THE  
LAND INCLUDED IN THE ABOVE PLAT.

*David Morgan*

COUNTY CLERK

8-6-08

DATE

N. MORGAN ST.

N. PEORIA ST.

RECORDED, FILED  
DATE 9/18/08 COPIES  
OK

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 (14<sup>th</sup>) day of May, 2008 and deposited in my office on the fourteenth (14<sup>th</sup>) 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 (27<sup>th</sup>) day of June, 2008.

[L.F.]

  
MIGUEL DEL VALLE, City Clerk

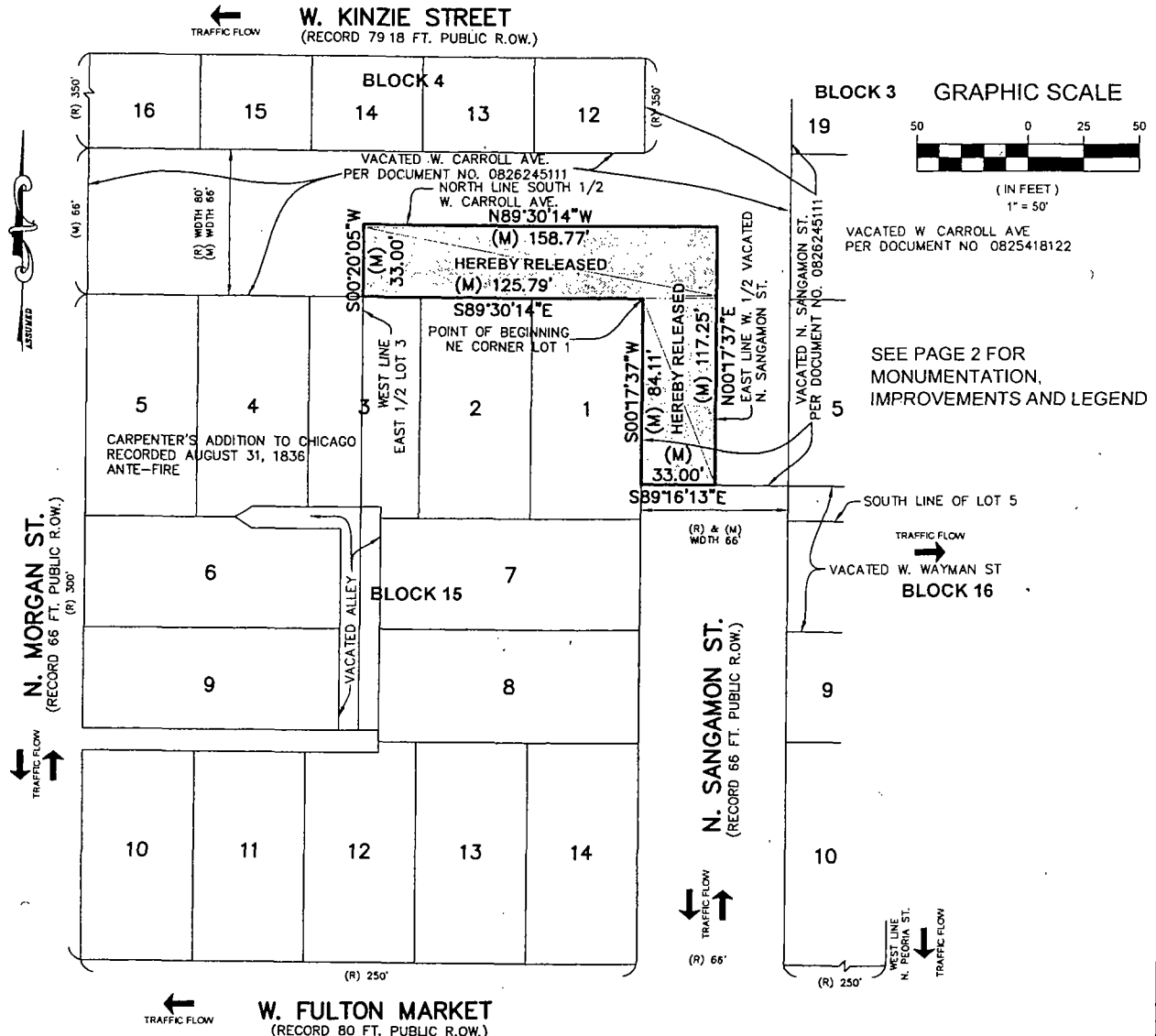
**EXHIBIT C**

**LIMITED AREA FOR RELEASE  
(PLAT ATTACHED)**

# EXHIBIT C PLAT OF PARTIAL RELEASE

THAT PART OF VACATED W CARROLL AVE TOGETHER WITH THAT PART OF VACATED N SANGAMON ST TAKEN AS A TRACT BOTH VACATED PER DOCUMENT NUMBER 0826245111 ADJOINING LOTS 1, 2 AND 3 IN BLOCK 15 IN CARPENTERS ADDITION TO CHICAGO A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 31, 1836 BEING AN ANTE-FIRE DOCUMENT, DESCRIBED AS FOLLOWS BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 00 DEGREES 17 MINUTES 37 SECONDS WEST ALONG THE EAST LINE THEREOF 84 11 FEET TO THE SOUTHERLY TERMINUS OF VACATED N SANGAMON ST AFORESAID, THENCE SOUTH 89 DEGREES 16 MINUTES 13 SECONDS EAST ALONG SAID SOUTHERLY TERMINUS 33 00 FEET TO THE EAST LINE OF THE WEST HALF OF VACATED N SANGAMON ST AFORESAID, THENCE NORTH 00 DEGREES 17 MINUTES 37 SECONDS EAST ALONG SAID EAST LINE OF THE WEST HALF OF VACATED N SANGAMON ST 117 25 FEET TO THE NORTH LINE OF THE SOUTH HALF OF VACATED W CARROLL AVE AFORESAID, THENCE NORTH 89 DEGREES 30 MINUTES 14 SECONDS WEST ALONG SAID NORTH LINE OF THE SOUTH HALF OF VACATED W CARROLL AVE 158 77 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF OF SAID LOT 3, THENCE SOUTH 00 DEGREES 20 MINUTES 05 SECONDS WEST ALONG SAID NORTHERLY EXTENSION 33 00 FEET TO THE NORTH LINE OF SAID LOT 3, THENCE SOUTH 89 DEGREES 30 MINUTES 14 SECONDS EAST ALONG THE NORTH LINE OF SAID LOTS 1, 2 AND 3 A DISTANCE OF 125 79 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS

CONTAINING 8,018 SQUARE FEET OR 0 18 ACRES, MORE OR LESS



## SURVEYOR'S NOTES

- 1 ZONING PER CITY WEB SITE PMD 4, M2-3
- 2 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY
- 3 NOTE (R) & (M) DENOTES RECORD AND MEASURED DISTANCES RESPECTIVELY
- 4 DISTANCES ARE MARKED IN FEET AND DECIMAL PARTS THEREOF
- 5 COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCES BEFORE DAMAGE IS DONE
- 6 FOR EASEMENTS, BUILDING LINES AND OTHER RESTRICTIONS NOT SHOWN ON SURVEY PLAT REFER TO YOUR ABSTRACT, DEED, CONTRACT, TITLE POLICY AND LOCAL BUILDING LINE REGULATIONS
- 7 NO DIMENSIONS SHALL BE ASSUMED BY SCALE MEASUREMENT UPON THIS PLAT
- 8 MONUMENTATION OR WITNESS POINTS WERE NOT SET AT THE CLIENTS REQUEST
- 9 UNLESS OTHERWISE NOTED HEREON THE BEARING BASIS, ELEVATION DATUM AND COORDINATE DATUM IF USED IS ASSUMED

STATE OF ILLINOIS  
COUNTY OF COOK

WE, GREMLEY & BIEDERMANN, INC. HEREBY CERTIFY THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY CORRECTED TO A TEMPERATURE OF 62° FAHRENHEIT.

FIELD MEASUREMENTS COMPLETED NOVEMBER 8, 2017.

SIGNED ON Oct. 23, 2018

BY

PROFESSIONAL ILLINOIS LAND SURVEYOR NO. 2802  
MY LICENSE EXPIRES NOVEMBER 30, 2018  
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY

REVISED OCTOBER 22, 2018  
REVISED OCTOBER 18, 2018  
REVISED OCTOBER 17, 2018  
AS PER ORDER # 2018-26036  
REVISED FEBRUARY 20, 2018  
AS PER ORDER # 2018-25049

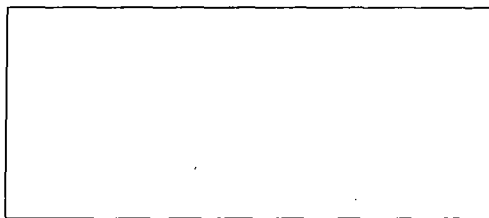
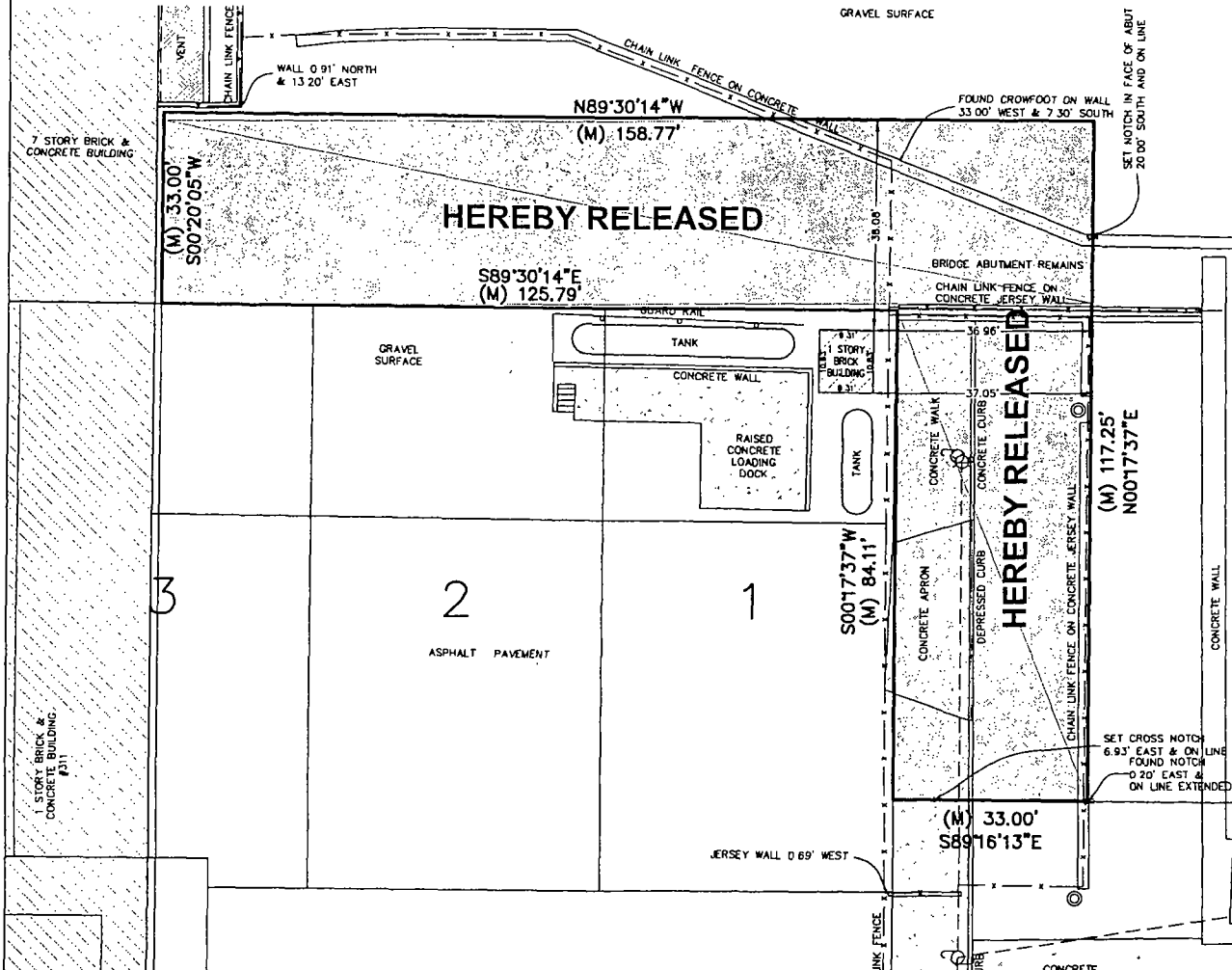
ORDERED BY	MARK GOODMAN & ASSOCIATES, INC.	CHECKED	DRAGON
ADDRESS	310 NORTH SANGAMON STREET CHICAGO		
<b>GREMLEY &amp; BIEDERMANN</b> P.L.C.S., CORPORATION LICENSE NO. 2802 4505 NORTH ELSTON AVENUE, CHICAGO IL 60630 TELEPHONE (773) 695-5122 FAX (773) 286-4184 EMAIL INFO@PLCS.SURVEY.COM			
ORDER NO.	DATE	PAGE NO.	
2017-24868-001	DECEMBER 19, 2017	1 of 2	
SCALE 1 INCH = 50 FEET			

CDOT# 08-27-18-3879

COPYRIGHT GREMLEY & BIEDERMANN, INC 2018  
"ALL RIGHTS RESERVED"

EXHIBIT C

# PLAT OF PARTIAL RELEASE



COOK CO.

SURVEY PREPARED FOR / MAIL TO:  
 Attorney Michael Ezgur, Acosta Erguz Law  
 1030 W. Chicago ave, 3rd Floor  
 CHICAGO, IL 60642

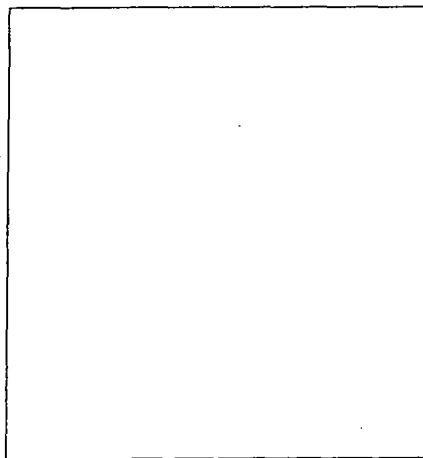
REVISED OCTOBER 22, 2018  
 REVISED OCTOBER 18, 2018  
 REVISED OCTOBER 17, 2018  
 AS PER ORDER # 2018-26036  
 REVISED FEBRUARY 20, 2018  
 AS PER ORDER # 2018-25049

ORDERED BY	MARK GOODMAN & ASSOCIATES INC	CHECKED	DEAN
ADDRESS	310 NORTH SANGAMON STREET CHICAGO	RJT	
<b>GREMLEY &amp; BIEDERMANN</b> PLCS CORPORATION LICENSE NO. 025332 PROFESSIONAL LAND SURVEYOR 4505 NORTH ELSTON AVENUE CHICAGO IL 60630 TELEPHONE (773) 685-5122 FAX (773) 280-6181 EMAIL INFO@PLCS-SURVEY.COM			

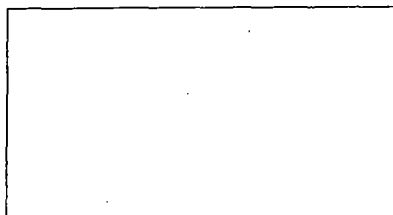
ORDER NO	DATE	PAGE NO
2017-24868-001	DECEMBER 19 2017	2 OF 2
SCALE 1 INCH = 50 FEET		

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CDOT# 08-27-18-3879



C.D.O.T.



CITY - DEPT. OF FINANCE

## LEGEND



HEREBY RELEASED



BUILDING HATCH



CONCRETE HATCH

--- AERIAL WIRES

- - - FENCE LINES

--- LOT LINES

○ UTILITY POLE

● MANHOLE

⊙ ELECTRIC LIGHT POLE

⊥ NOTCH

R O W RIGHT OF WAY

PINS
17-08-412-010

**EXHIBIT D**

**FORM OF  
RELEASE OF  
RESTRICTIVE USE COVENANT  
(Attached)**

**PARTIAL RELEASE OF  
RESTRICTIVE USE COVENANT**

(The Above Space For Recorder's Use Only)

**CITY OF CHICAGO**, an Illinois municipal corporation ("City"), pursuant to an ordinance passed by the City Council of the City on May 14, 2008 ("Vacation Ordinance"), and recorded on September 18, 2008, with the Office of the Recorder of Deeds of Cook County, Illinois (the "Recorder's Office") as Document Number 0826245111, a copy of which is attached hereto as **Exhibit 1**, provided for an industrial program street vacation of a portion of N. Sangamon Street between W. Carroll Street and vacated W. Wayman Street, as well as a portion of W. Carroll Street between N. Sangamon Street and N. Morgan Street (such vacated property, together, the "Subject Property").

The Vacation Ordinance provided that the vacation of the Subject Property was conditioned, in part, upon Nealey Family Limited Partnership, Pioneer Wholesale Meat Company, H. Carruth, L.L.L.P, Active Propane Company (n/k/a PVJS Company) and Roberts Electric Company, each of which at the time of the Vacation Ordinance owned property abutting the Subject Property, recording 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". an

The Restrictive Use Covenant was recorded on September 18, 2008, with the Recorder's Office as Document Number 0826245110, and a copy of such recorded Restrictive Use Covenant is attached hereto as **Exhibit 2**.

Section 5 of the Vacation Ordinance states, in part, 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 restriction on its use".

The City, upon due investigation and consideration, has determined that the public interest now warrants the release of the Restrictive Use Covenant solely with respect to the "Limited Area of Release" legally described in **Exhibit 3** attached hereto, subject to the payment of such additional compensation which it deems to be equal to the benefits accruing to Active Propane Company (n/k/a PVJS Company), an Illinois corporation, because of such release.

The City hereby releases the Restrictive Use Covenant solely from the Limited Area of Release.



**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 \_\_\_\_\_, 2018.

**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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS PREPARED BY:

Arthur Dolinsky  
Senior Counsel  
City of Chicago, Department of Law  
121 N. LaSalle Street, Room 600  
Chicago, Illinois 60601  
312/744-8731

**EXHIBIT 1**  
**OF THE PARTIAL RELEASE OF RESTRICTIVE USE COVENANT**

**Recorded Vacation Ordinance  
(Attached)**

**MIGUEL DEL VALLE, CITY CLERK**  
**CITY CLERK'S OFFICE-CITY OF CHICAGO**

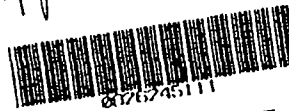
180407-5-SP-3/0

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

CC Approved 5/14/08



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

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

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. F. 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

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.

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

JOURNAL-CITY COUNCIL-CHICAGO

5/14/2008

*Sawyer T. Kuser*  
Superintendent of Maps  
Sept. 18, 2008  
EXAMINER

COOK SUBDIVISIONS  
COUNTY - ILLINOIS

Of [Finance 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 *David Morgan*

"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. # 2805173

"D"  
Vacated by Ordinance Passed March 19, 1912.  
Rec. May 17, 1912 Doc. # 4969450

"E"  
Vacated by Ordinance Passed Oct. 25, 1899.  
Rec. Jan. 19, 1899 Doc. # 80031264

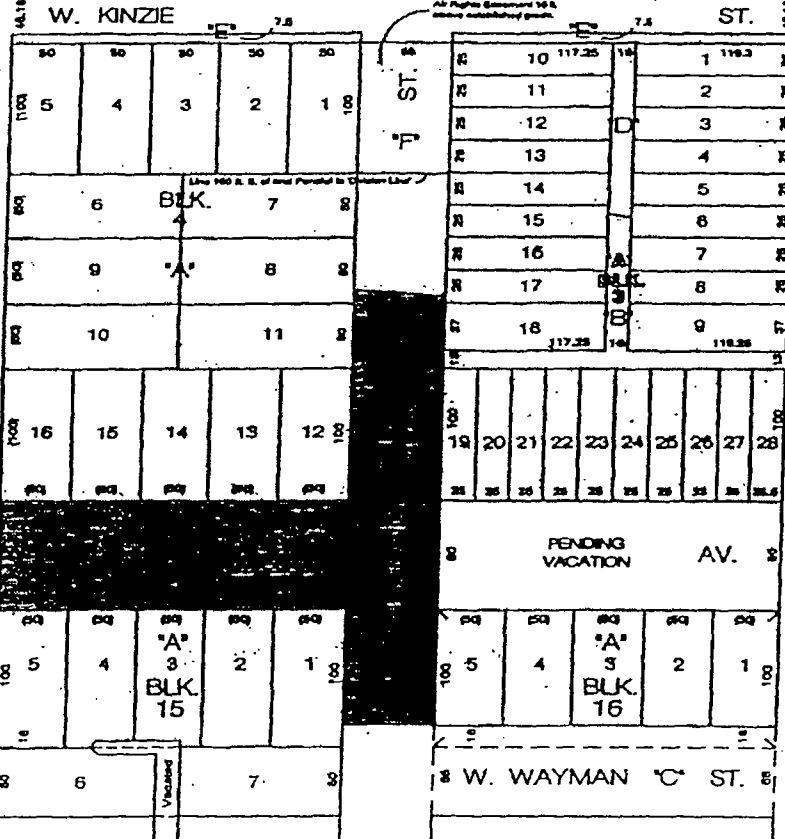
"F"  
Air Rights Easement 16 ft. above established grade.  
Rec. Jan. 19, 1899 Doc. # 80031264

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)



I hereby certify that this print  
is an exact copy of the original  
from which it was made.

*Sawyer T. Kuser*  
Superintendent of Maps  
Sept. 18, 2008 City of Chicago

FOR UNPAID CURRENT SPECIAL ASSESSMENTS DUE AGAINST THE  
LAND INCLUDED IN THE ABOVE PLAT.

*David Morgan*  
COUNTY CLERK

8-6-08

RECORDING 163-826  
DATE 9/18/08 COPIES 16

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 Carol Avenue.

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

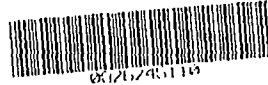
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the County and State aforesaid, this twenty-seventh (27<sup>th</sup>) day of June, 2008.

[L.F.]

  
MIGUEL DEL VALLE, City Clerk

**EXHIBIT 2**  
**OF THE PARTIAL RELEASE OF RESTRICTIVE USE COVENANT**

**Recorded 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,

1

RECORDING FEE \$ 76  
DATE 9/18/08 COPIES 2  
OK 118

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

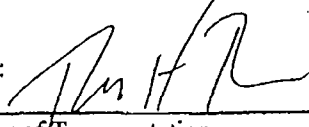
By: Douglas A. Nealey

Its: President

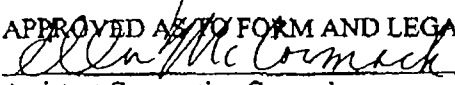
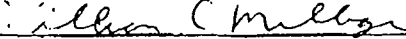
ATTEST:

Its: \_\_\_\_\_

ACCEPTED:

  
Commissioner of Transportation

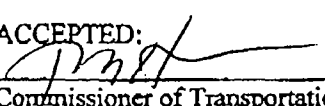
APPROVED AS TO FORM AND LEGALITY:

  
Assistant Corporation Counsel**PIONEER WHOLESALE MEAT COMPANY**By:   
\_\_\_\_\_Its: PRESIDENT  
\_\_\_\_\_

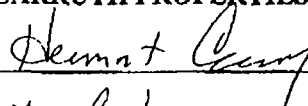
ATTEST:

\_\_\_\_\_  
Its: \_\_\_\_\_

ACCEPTED:

  
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

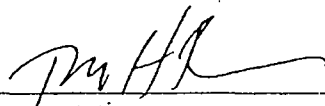
  
Assistant Corporation Counsel**H. CARRUTH PROPERTIES, LLC**By:   
\_\_\_\_\_Its: D. Carruth  
\_\_\_\_\_

ATTEST:

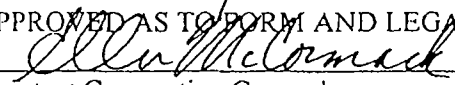
\_\_\_\_\_  
Its: \_\_\_\_\_



ACCEPTED:

 GH  
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

  
Assistant Corporation Counsel

PVJS Company  
formerly known as  
ACTIVE PROPANE


By: 

Its: President

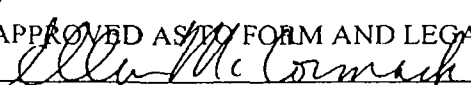
ATTEST:

Its: \_\_\_\_\_

ACCEPTED:

 GH  
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

  
Assistant Corporation Counsel

ROBERTS ELECTRIC


By: 

Its: President

ATTEST:


Its: \_\_\_\_\_

ACCEPTED:

  
Commissioner of Transportation

2H

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 Mulligan, 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 Mulligan 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 4<sup>th</sup> day of August, 2008

Megan E. [Signature]  
Notary Public

My commission expires November 7, 2010

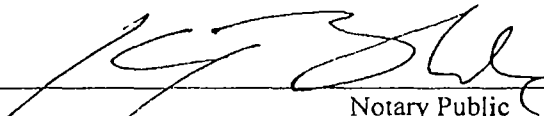
Prepared by and when recorded, return to:  
Ellen McCormack  
Assistant Corporation Counsel  
121 North LaSalle Street  
Room 600, City Hall  
Chicago, Illinois 60602  
312/744-6933

STATE OF ILLINOIS     )  
                                       )  
 COUNTY OF COOK        )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO

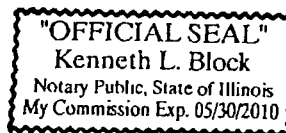
HEREBY CERTIFY that Patrick Arlis, personally known to me to  
 be the President PVJS Company, formerly known as  
of the Active Propane Company, who is personally  
 known to me to be the same person whose name is subscribed to the foregoing instrument,  
 appeared before me this day in person and acknowledged 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

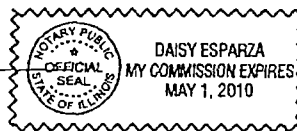


STATE OF ILLINOIS     )  
                                       )  
 COUNTY OF COOK        )

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

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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*.]

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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)

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## REPORTS OF COMMITTEES

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(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, Schulter, 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

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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

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## REPORTS OF COMMITTEES

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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

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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. 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.

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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.

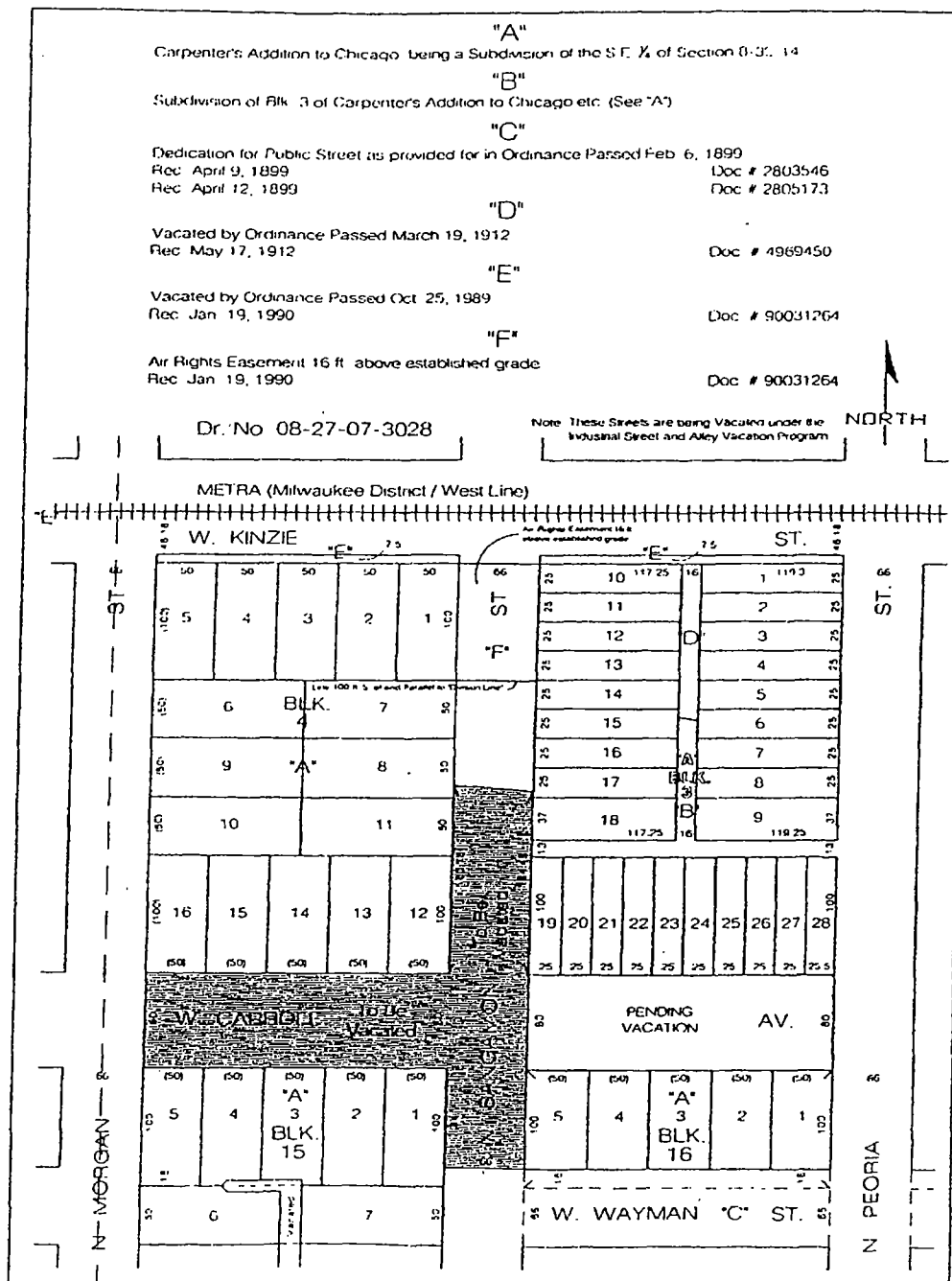
[Drawing and legal description referred to in this ordinance  
printed on page 28136 of this Journal]

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



**EXHIBIT 3**  
**OF THE PARTIAL RELEASE OF RESTRICTIVE USE COVENANT**

**Legal Description  
Of  
Limited Area to be Released**

THAT PART OF VACATED W. CARROLL AVE. TOGETHER WITH THAT PART OF VACATED N. SANGAMON ST. TAKEN AS A TRACT BOTH VACATED PER DOCUMENT NUMBER 0826245111 ADJOINING LOTS 1, 2 AND 3 IN BLOCK 15 IN CARPENTERS ADDITION TO CHICAGO A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 31, 1836 BEING AN ANTE-FIRE DOCUMENT, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00 DEGREES 17 MINUTES 37 SECONDS WEST ALONG THE EAST LINE THEREOF 84.11 FEET TO THE SOUTHERLY TERMINUS OF VACATED N. SANGAMON ST. AFORESAID; THENCE SOUTH 89 DEGREES 16 MINUTES 13 SECONDS EAST ALONG SAID SOUTHERLY TERMINUS 33.00 FEET TO THE EAST LINE OF THE WEST HALF OF VACATED N. SANGAMON ST. AFORESAID; THENCE NORTH 00 DEGREES 17 MINUTES 37 SECONDS EAST ALONG SAID EAST LINE OF THE WEST HALF OF VACATED N. SANGAMON ST. 117.25 FEET TO THE NORTH LINE OF THE SOUTH HALF OF VACATED W. CARROLL AVE. AFORESAID; THENCE NORTH 89 DEGREES 30 MINUTES 14 SECONDS WEST ALONG SAID NORTH LINE OF THE SOUTH HALF OF VACATED W. CARROLL AVE. 158.77 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF OF SAID LOT 3; THENCE SOUTH 00 DEGREES 20 MINUTES 05 SECONDS WEST ALONG SAID NORTHERLY EXTENSION 33.00 FEET TO THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 89 DEGREES 30 MINUTES 14 SECONDS EAST ALONG THE NORTH LINE OF SAID LOTS 1,2 AND 3 A DISTANCE OF 125.79 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

CONTAINING 8,018 SQUARE FEET OR 0.18 ACRES, MORE OR LESS.



CHICAGO DEPARTMENT OF TRANSPORTATION  
CITY OF CHICAGO

October 16, 2018

Mr. Edward Siskel  
Corporation Counsel  
Room 600 - City Hall  
Chicago, IL 60602-1289

Attention: Ms. Lisa Misher  
Deputy Corporation Counsel


**Re: Proposed Partial Release of Industrial Covenant for PVJS Active Propane  
Commercial Vacation File: 08-27-18-3879**

Dear Mr. Siskel:

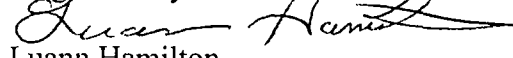
Pursuant to a request from Mr. Patrick Arlis, we are transmitting herewith for your review and approval as to form and legality an original and three (3) copies of a proposed partial release of the Industrial Program Restrictive Covenant on the area described as a portion of W. Carroll Street between N. Morgan Street and North Sangamon Street; and a portion of S. Sangamon Street between W. Carroll Street and W. Wayman Street. The Industrial Program Vacation was processed under CDOT File:08-27-07-3028 for PVJS (DBA Active Propane). Copies of the recorded ordinance and covenant have been forwarded to your office previously for the appraisal. The property is located in the 27th Ward.

PVJS remains the current owner of record to the properties adjoining the vacated street upon which their respective portion of the restrictive covenant is being released. PVJS is prepared to pay the appraised value at this time. (Note that the same area was appraised under file 08-27-18-3842 for Mr. Goodman in May 2018 for \$550k). The people to contact in connection with this proposed ordinance are Mr. Patrick Arlis at 708-514-0219 and Attorney Michael Ezgur at 312-617-8900.

Sincerely,

  
Rebekah Scheinfeld  
Commissioner

Originated by:

  
Luann Hamilton  
Deputy Commissioner

RS: LH: RD

cc: Alderman Walter Burnett  
Alderman Anthony Beale  
Pablo David

Sandra Foreman/w Attach. Dwg.-s.f. & Ord. (3) file copies  
(2) Maps & Plats  
30 NORTH LASALLE STREET, SUITE 1100, CHICAGO, ILLINOIS 60602



## CITY COUNCIL

### CITY OF CHICAGO

#### COUNCIL CHAMBER

CITY HALL—SECOND FLOOR  
121 NORTH LA SALLE STREET  
CHICAGO, ILLINOIS 60602  
TELEPHONE 312-744-4096  
FAX 312-744-8155

### COMMITTEE MEMBERSHIPS

TRANSPORTATION & PUBLIC WAY  
(CHAIRMAN)

BUDGET AND GOVERNMENT OPERATIONS

COMMITTEES, RULES AND ETHICS

EDUCATION AND CHILD DEVELOPMENT

FINANCE

PUBLIC SAFETY

WORKFORCE DEVELOPMENT AND AUDIT

### ANTHONY A. BEALE

ALDERMAN, 9TH WARD  
34 EAST 112TH PLACE  
CHICAGO, ILLINOIS 60628  
TELEPHONE (773) 785-1100  
FAX (773) 785-2790

E-MAIL: WARD09@CITYOFCHICAGO.ORG

December 12, 2018

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 ordinance transmitted herewith for a VACATIONS to PROPOSED PARTIAL RELEASE OF INDUSTRIAL COVENANT FOR PVJS ACTIVE PROPANE - 02018-8085 A proposed partial release of industrial covenant of the area bounded by W. Carroll St between N. Morgan St and N. Sangamon St; and a portion of N. Sangamon St between W. Carroll St and W. Wayman St. This ordinance was referred to Committee on October 31, 2018.

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

(Ward 27)

Respectfully submitted,

Anthony Beale,  
Chairman

APPROVED

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

CORPORATION COUNSEL

DATED: 12/13/18

APPROVED

A handwritten signature in black ink that reads "REumann" followed by a large, stylized flourish that ends in the letters "ES".

MAYOR

DATED: 12/13/18