City of Chicago

O2019-5583

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	7/24/2019
Sponsor(s):	Burnett (27)
Type:	Ordinance
Title:	Release of restrictive use convenant regarding vacation of public alley within area bounded by W Washington Blvd, N Bishop St, W Madison St and N Ogden Ave
Committee(s) Assignment:	Committee on Transportation and Public Way

ORDINANCE
FOR RELEASE OF
USE RESTRICTION COVENANT

Trans

WHEREAS, on September 27, 2007 the City Council of the City of Chicago ("City Council") passed that certain ordinance (C.J. pp. 10239 to 10244), (referred to herein as the "Vacation Ordinance"), which ordinance provided for an industrial program ("Industrial Program") alley vacation ("Vacation") of the remaining east-west alley in the block bounded by W. Washington Boulevard, W. Madison Street, N. Bishop Street and N. Ogden Avenue ("Subject Property"); and

WHEREAS, the Vacation Ordinance provided that the Vacation of the Subject Property was conditioned, in part, upon a restrictive use covenant running with the land ("Restrictive Use Covenant"), that required the Subject Property be used only for "manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking and other similar uses and facilities"; and

WHEREAS, the Restrictive Use Covenant was recorded on November 30, 2007 with the Office of the Cook County Recorder of Deeds as Document Number 0733409021, and is attached hereto as **Exhibit A;** and

WHEREAS, the Vacation Ordinance was recorded on November 30, 2007 with the Office of the Cook County Recorder of Deeds as Document No. 0733409020, and is attached hereto as **Exhibit B**: and

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

WHEREAS, 14 North Bishop, LLC, an Illinois limited liability company ("Developer"), is the current beneficiary titleholder of the vacated Subject Project subject to the Restrictive Use Covenant; and

WHEREAS, the Developer intends to construct, on the Subject Property and on certain property adjacent to the Subject Property, a condominium building consisting of thirty-two (32) residential units and one commercial unit on the ground floor, and has requested a release of

the Restrictive Use Covenant; and

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

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

SECTION 1. The recitals above are incorporated herein.

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

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

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

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

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

Release of Restrictive Use Covenant
Approved:

Thomas Carney
Acting Commissioner
Department of Transportation

Approved as to Form and Legality

Arthur Dolinsky
Senior Counsel

Introduced By:

Honorable Walter Burnett
Alderman, 27th Ward

EXHIBIT A

November 30, 2007
Recorded Restrictive Use Covenant
(Attached)

0733409021
Doc#: 0733409021 Fee: $46.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 11/30/2007 11:23 AM Pg: 1 of 12

RESTRICTIVE COVENANT

WHEREAS, Pipe Fitters Association Local 597, U.A., ("Owner"), holds legal title to certain parcels of real property ("Abutting Property") which is located at 14 and 16 North Bishop Street and properties located at 1446 and 1458 West Madison Street are owned by Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under trust agreement dated March 25, 1969 and known as Trust Number 48-85729-6 in the County of Cook, State of Illinois, and which are currently used for the manufacturing (including production, processing, cleaning, servicing, testing and repair) 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 October 27, 2007, the City Council of the City of Chicago approved an ordinance, a copy of which is attached as Exhibit B and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of the remaining 137 feet, more or less, of the east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street (after referred to as "Subject

Premises"), the Subject Premises being more particularly described in Exhibit B 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 45 North Ogden Avenue, 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 15th day of November, 2007.

PIPE FITTERS ASSOCIATION, LOCAL 597

By: John E Kuzyprski

Its: Financial Secretary - Treas.

ATTEST:

Its: see next pg

ACCEPTED:

Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

Assistant Corporation Counsel

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that JOHN E. KUSZYNSKI, personally known to me to be the FINANCIAL SECRETARY-TREASURER of the PIPE FITTERS ASSOCIATION. LOCAL 597, 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 JOHN E. KUSZYNSKI he/she signed and delivered the said instrument, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 15 day of NOVEMBER, 2007.

Joseph J Barrett
Notary Public

My commission expires 3/10/2009.

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

OFFICIAL SEAL
JOSEPH J BARRETT
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:03/10/09

EXHIBIT A - 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:RestrictiveCovenantPipeFittersAssociationLocal597

EXHIBIT B - VACATION ORDINANCE

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

EXHIBIT "B"

VACATION OF PORTION OF PUBLIC ALLEY IN BLOCK BOUNDED BY WEST WASHINGTON BOULEVARD, WEST MADISON STREET, NORTH OGDEN AVENUE AND NORTH BISHOP STREET.

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

CHICAGO, September 24, 2007.

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 the remaining 137 feet, more or less, of the east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street. This ordinance was referred to the Committee on September 5, 2007.

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, Jackson, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, Foulkes, 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, M. Smith, Moore -- 48.

Nays -- None.

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

The following is said ordinance as passed:

WHEREAS, The City of Chicago ("City") is a home rule unit of local governmer 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 it government and affairs; and

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

WHEREAS, Many industrial firms adjoin streets and alleys that are no longe required for public use and might more productively be used for plant expansioı and modernization, employee parking, improved security, truck loading areas o other industrial uses; and

WHEREAS, The City would benefit from the vacation of these streets and alley by reducing City expenditures on maintenance, repair and replacement; by reducin fly-dumping, vandalism and other criminal activity; and by expanding the City' property tax base; and

WHEREAS, The City can strengthen established industrial areas and expand th City's job base by encouraging the growth and modernization of existing industria facilities through the vacation of public streets and alleys for reduced compensatior and

WHEREAS, The properties at 14 and 16 North Bishop Street are owned by the Pip Fitters Association Local 597, U.A.; and

WHEREAS, The properties at 1446 and 1458 West Madison Street are owned b Chicago Title Land Trust Company, a corporation of Illinois, as successor truste to Continental Illinois National Bank and Trust Company, as trustee, under trus agreement dated March 25, 1969, and known as, Trust Number 48-85729- (Beneficiary Pipe Fitters Association Local 597, U.A.); and

WHEREAS, The Pipe Fitters Association Local 597, U.A. employs thirty-eight (38 full-time employees and eight (8) part-time employees in the training and continuin education of vocational students; and

WHEREAS, The Pipe Fitters Association Local 597, U.A. proposes to use th portion of the alley to be vacated herein for additional visitor and employee parkin and other such uses which are reasonably necessary therefor; and

WHEREAS, The City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of part of a public alley described in the following ordinance; now, therefore,

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

SECTION 1. All of the remaining part of the east/west 10 foot public alley lying north of the north line of Lots 13, 14 and 15, lying south of the south line of Lot 16, lying east of the east line of the vacated east/west 10 foot public alley, vacated by ordinance approved by the City Council June 12, 1991 and recorded July 16, 1991 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 91351751, said east line being described in the last recorded ordinance as, the "northwardly extension of the east line of the west 13 feet of Lot 13" and lying west of the a line drawn from the northeast corner of Lot 15 to the southeast corner of Lot 16, all in Block 4 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition of the southwest quarter of Section 8, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois,

Also,

the remaining part of the east/west 6 foot public alley as dedicated by Plat of Dedication recorded July 31, 1964, as Document Number 19201644 in the Office of the Recorder of Deeds of Cook County, Illinois, said east/west 6 foot public alley described on said plat of dedication as the south 6 feet of Lot 16 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition of the southwest quarter of Section 8 aforesaid, lying east of the east line of the 16 foot alley vacated by ordinance approved by the City Council June 12, 1991 and recorded July 16,1991 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 91351751, said east line being described in the last recorded ordinance as, the "northwardly extension of the east line of the west 13 feet of Lot 13", lying west of the east line of Lot 16, all in Block 4 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition aforesaid, said part of public alley herein vacated being further described as the remaining 137 feet, more or less, of the east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street as shaded and indicated by the words "To Be Vacated" on the drawing hereto attached, which drawing for greater certainty, is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison Company and AT&T-Illinois/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 public alley as herein vacated, with the right of ingress and egress.

The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Company an easement to operate, maintain, repair, renew and replace existing underground facilities in all of the "To Be Vacated", 137 feet, more or less, of the remaining east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Company or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal or replacement of said facilities.

SECTION 3. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance the Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under trust agreement dated March 25, 1969, and known as, Trust Number 48-85729-6 and the Pipe Fitters Association Local 597, U.A., 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 alley hereby vacated similar to the sidewalk and curb in North Bishop Street between West Washington Boulevard and West Madison 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 4. The Commissioner of Transportation is hereby authorized to accept, subject to the approval of the Corporation Counsel as to form and legality, and on behalf of the City of Chicago, the benefits of a covenant or similar instrument restricting the use of the public way vacated by this ordinance to the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking and similar other uses and facilities. Such covenant shall be enforceable in law or in equity and shall be deemed to provide for reconveyance of the property to the city upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and

assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released 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 5. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Pipe Fitters Association Local 597, U.A. and Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under Trust Agreement Dated March 25, 1969, and known as Trust Number 4885729-6 shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with a restrictive covenant complying with Section 4 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

SECTION 6. This ordinance shall take effect and be in force from and after its passage.

[Drawing and legal description referred to in this ordinance printed on page 10244 of this *Journal*.]

VACATION OF PORTIONS OF PUBLIC ALLEYS IN BLOCK BOUNDED BY WEST 14TH PLACE, WEST 15TH STREET, SOUTH BLUE ISLAND AVENUE AND SOUTH RACINE AVENUE.

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

CHICAGO, September 24, 2007.

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 all of

(Continued on page 10245)

EXHIBIT B

November 30, 2007
Recorded Vacation Ordinance
(Attached)

0733409020

Doc#: 0733409020 Fee: $70.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 11/30/2007 11:19 AM Pg: 1 of 8

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

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 14 and 16 North Bishop Street are owned by the Pipe Fitters Association Local 597, U.A.; and

WHEREAS, The properties at 1446 and 1458 West Madison Street are owned by Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under trust agreement dated March 25, 1969, and known as, Trust Number 48-85729-6 (Beneficiary Pipe Fitters Association Local 597, U.A.); and

WHEREAS, The Pipe Fitters Association Local 597, U.A. employs thirty-eight (38) full-time employees and eight (8) part-time employees in the training and continuing education of vocational students; and

WHEREAS, The Pipe Fitters Association Local 597, U.A. proposes to use the portion of the alley to be vacated herein for additional visitor and employee parking and other such uses which are reasonably necessary therefor; and

WHEREAS, The City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of part of a public alley described in the following ordinance; now, therefore,

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

SECTION 1. All of the remaining part of the east/west 10 foot public alley lying north of the north line of Lots 13, 14 and 15, lying south of the south line of Lot 16, lying east of the east line of the vacated east/west 10 foot public alley, vacated by ordinance approved by the City Council June 12, 1991 and recorded July 16, 1991 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 91351751, said east line being described in the last recorded ordinance as, the "northwardly extension of the east line of the west 13 feet of Lot 13" and lying west of the a line drawn from the northeast corner of Lot 15 to the southeast corner of Lot 16, all in Block 4 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition of the southwest quarter of Section 8, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois,

Also,

the remaining part of the east/west 6 foot public alley as dedicated by Plat of Dedication recorded July 31, 1964, as Document Number 19201644 in the Office of the Recorder of Deeds of Cook County, Illinois. said east/west 6 foot public alley described on said plat of dedication as the south 6 feet of Lot 16 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition of the southwest quarter of Section 8 aforesaid, lying east of the east line of the 16 foot alley vacated by ordinance approved by the City Council June 12, 1991 and recorded July 16,1991 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 91351751, said east line being described in the last recorded ordinance as, the "northwardly extension of the east line of the west 13 feet of Lot 13", lying west of the east line of Lot 16, all in Block 4 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition aforesaid, said part of public alley herein vacated being further described as the remaining 137 feet, more or less, of the east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street as shaded and indicated by the words "To Be Vacated" on the drawing hereto attached, which drawing for greater certainty, is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison Company and AT&T-Illinois/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 public alley as herein vacated, with the right of ingress and egress.

The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Company an easement to operate, maintain, repair, renew and replace existing underground facilities in all of the "To Be Vacated", 137 feet, more or less, of the remaining east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Company or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal or replacement of said facilities.

SECTION 3. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance the Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under trust agreement dated March 25, 1969, and known as, Trust Number 48-85729-6 and the Pipe Fitters Association Local 597, U.A., 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 alley hereby vacated similar to the sidewalk and curb in North Bishop Street between West Washington Boulevard and West Madison 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 4. The Commissioner of Transportation is hereby authorized to accept, subject to the approval of the Corporation Counsel as to form and legality, and on behalf of the City of Chicago, the benefits of a covenant or similar instrument restricting the use of the public way vacated by this ordinance to the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking and similar other uses and facilities. Such covenant shall be enforceable in law or in equity and shall be deemed to provide for reconveyance of the property to the city upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and

assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released 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 5. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Pipe Fitters Association Local 597, U.A. and Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under Trust Agreement Dated March 25, 1969, and known as Trust Number 4885729-6 shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with a restrictive covenant complying with Section 4 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

SECTION 6. This ordinance shall take effect and be in force from and after its passage.

[Drawing and legal description referred to in this ordinance printed on page 10244 of this *Journal*.]

Ordinance associated with this drawing printed on pages 10241 through 10243 of this *Journal*.]

"A"

Union Park Add. to Chicago being a Sub of Lots 5 and 6 in Circuit Court Partition of the S W ¼ of Sec. 8-39-14.

"B"

E.C. Coles Sub of Lot 9, in Blk 4 of Union Park Add to Chicago being a Sub. of Lots 5 and 6 in Circuit Court Partition of the S.W.¼ of Sec 8-39-14

"C"

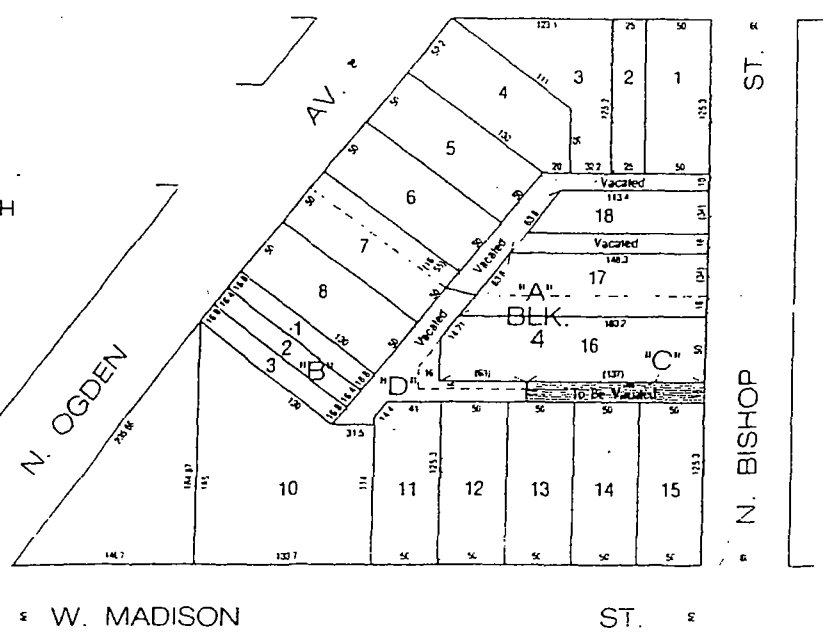
Dedication for Public Alley.
Rec. July 31, 1964 Doc # 19201644

"D"

Vacated by Ordinance Passed June 12, 1991
Rec. July 16, 1991 Doc. # 91351751

Note: This Alley is being Vacated under the Industrial Street and Alley Vacation Program

Dr. No. 08-27-07-3027



CITY OF CHICAGO
APPROVED
Laurence T. Parsel
Dept. of Maps
Nov. 30, 2007
EXAMINER OF SUBDIVISIONS
COUNTY

I hereby certify that this print is an exact copy of the original
Laurence T. Parsel
Supervisor of Maps
Nov. 30, 2007 City of Chicago

I FIND NO DEFERRED INSTALLMENTS OF OUTSTANDING UNPAID SPECIAL ASSESSMENTS DUE AGAINST THE PROPERTY INCLUDED IN THE ABOVE PLAT
DEPT. OF REVENUE - CHICAGO
BY
11/9/07

Permit # 733282367

Received Date: Nov 28, 2007 9:50:28

PIPEFITTERS' ASSOCIATION LOCAL #597
45 N. OGDEN AVENUE
CHICAGO, IL 60607

PAUL G. HULL 312-441-0881

City of Chicago
Department of Transportation
(312) 744-4652

ACTIVITY HOURS

See RESTRICTIONS for permitted hours

DATES

Nov 28, 2007 through Dec 31, 2007

ACTIVITIES

Alley/Street Vacation:

An ordinance has been approved to Vacate the Alley.

Office of Underground Coordination Number (OUC): 35494
Maps and Plats Project Number: 08-27-07-3027

Application (Case) Tracking Number: 00-00

PROPOSED ALLEY VACATION FOR PIPEFITTER'S ASSOCIATION LOCAL NO. 597. 27TH WARD. ALLEY BOUNDED BY WEST MADISON STREET, NORTH BISHOP STREET WEST WASHINGTON, AND NORTH OGDEN AV.

Restrictions:

1. A copy of the permit must remain on-site for inspector's review.
2. Permit fees must be paid within 24 hours of the date of issuance. Failure to pay will result in the immediate cancellation of the permit. Monthly billing accounts are not applicable.

5150407026

ACTIVITY	TRANSACTION	AMOUNT	CAPS
Alley/Street Vacation	Fee for Activity	$ 2,772.20	100-58-2705-4710

Total Fees: $ 2,772.20

Grand Total Fees: $ 2,772.20

EFFECTIVE DATES OF PERMIT

Current: Nov 28, 2007 through Dec 31, 2007 (Input date: Nov 28, 2007 9:51:25 a.m.)
Previous: Nov 28, 2007 through Dec 31, 2008 (Input date: Nov 28, 2007 9:50:28 a.m.)

END OF PERMIT

5150407026

EXHIBIT C

FORM OF
RELEASE OF
RESTRICTIVE USE COVENANT
(Attached)

RELEASE OF
RESTRICTIVE USE COVENANT

(The Above Space For Recorder's Use Only)

CITY OF CHICAGO, an Illinois municipal corporation ("City"), pursuant to an ordinance passed by the City Council of the City on September 27, 2007 ("Vacation Ordinance") and recorded on November 30, 2007 with the Office of the Cook County Recorder of Deeds as Document Number 0733409020, a copy of which is attached hereto as **Exhibit A**, provided for an industrial program ("Industrial Program") alley vacation ("Vacation") of all of the remaining east-west public alley in the block bounded by W. Washington Boulevard, W. Madison Street, N. Ogden Avenue and N. Bishop Street ("Subject Property"), as legally described on **Exhibit B** attached hereto.

The Vacation Ordinance provided that the Vacation of the Subject Property was conditioned upon a restrictive use covenant running with the land ("Restrictive Use Covenant"), that required the Subject Property "be used only for manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking and other similar uses and facilities".

The Restrictive Use Covenant was recorded on November 30, 2007 with the Office of the Cook County Recorder of Deeds as Document Number 0733409021, and is attached hereto as **Exhibit C**.

Section 4 of the Vacation Ordinance sets forth that the Restrictive Use Covenant "may be released by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the release or abandonment".

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

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

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 _____, 2019.

CITY OF CHICAGO,
an Illinois municipal corporation

By: _____
Thomas Carney
Acting 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 Thomas Carney, 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 he signed, sealed and delivered as the Acting Commissioner of the Department of Transportation, the said instrument as his 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 _____, 2019.

_____
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 A
OF THE RELEASE OF RESTRICTIVE USE COVENANT

November 30, 2007
Recorded Vacation Ordinance
(Attached)

0733409020

Doc#: 0733409020 Fee: $70.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 11/30/2007 11:19 AM Pg: 1 of 8

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

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 14 and 16 North Bishop Street are owned by the Pipe Fitters Association Local 597, U.A.; and

WHEREAS, The properties at 1446 and 1458 West Madison Street are owned by Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under trust agreement dated March 25, 1969, and known as, Trust Number 48-85729-6 (Beneficiary Pipe Fitters Association Local 597, U.A.); and

WHEREAS, The Pipe Fitters Association Local 597, U.A. employs thirty-eight (38) full-time employees and eight (8) part-time employees in the training and continuing education of vocational students; and

WHEREAS, The Pipe Fitters Association Local 597, U.A. proposes to use the portion of the alley to be vacated herein for additional visitor and employee parking and other such uses which are reasonably necessary therefor; and

WHEREAS, The City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of part of a public alley described in the following ordinance; now, therefore,

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

SECTION 1. All of the remaining part of the east/west 10 foot public alley lying north of the north line of Lots 13, 14 and 15, lying south of the south line of Lot 16, lying east of the east line of the vacated east/west 10 foot public alley, vacated by ordinance approved by the City Council June 12, 1991 and recorded July 16, 1991 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 91351751, said east line being described in the last recorded ordinance as, the "northwardly extension of the east line of the west 13 feet of Lot 13" and lying west of the a line drawn from the northeast corner of Lot 15 to the southeast corner of Lot 16, all in Block 4 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition of the southwest quarter of Section 8, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois,

Also,

the remaining part of the east/west 6 foot public alley as dedicated by Plat of Dedication recorded July 31, 1964, as Document Number 19201644 in the Office of the Recorder of Deeds of Cook County, Illinois. said east/west 6 foot public alley described on said plat of dedication as the south 6 feet of Lot 16 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition of the southwest quarter of Section 8 aforesaid, lying east of the east line of the 16 foot alley vacated by ordinance approved by the City Council June 12, 1991 and recorded July 16,1991 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 91351751, said east line being described in the last recorded ordinance as, the "northwardly extension of the east line of the west 13 feet of Lot 13", lying west of the east line of Lot 16, all in Block 4 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition aforesaid, said part of public alley herein vacated being further described as the remaining 137 feet, more or less, of the east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street as shaded and indicated by the words "To Be Vacated" on the drawing hereto attached, which drawing for greater certainty, is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison Company and AT&T-Illinois/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 public alley as herein vacated, with the right of ingress and egress.

The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Company an easement to operate, maintain, repair, renew and replace existing underground facilities in all of the "To Be Vacated", 137 feet, more or less, of the remaining east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Company or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal or replacement of said facilities.

SECTION 3. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance the Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under trust agreement dated March 25, 1969, and known as, Trust Number 48-85729-6 and the Pipe Fitters Association Local 597, U.A., 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 alley hereby vacated similar to the sidewalk and curb in North Bishop Street between West Washington Boulevard and West Madison 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 4. The Commissioner of Transportation is hereby authorized to accept, subject to the approval of the Corporation Counsel as to form and legality, and on behalf of the City of Chicago, the benefits of a covenant or similar instrument restricting the use of the public way vacated by this ordinance to the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking and similar other uses and facilities. Such covenant shall be enforceable in law or in equity and shall be deemed to provide for reconveyance of the property to the city upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and

assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released 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 5. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Pipe Fitters Association Local 597, U.A. and Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under Trust Agreement Dated March 25, 1969, and known as Trust Number 4885729-6 shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with a restrictive covenant complying with Section 4 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

SECTION 6. This ordinance shall take effect and be in force from and after its passage.

[Drawing and legal description referred to in this ordinance printed on page 10244 of this *Journal*.]

Ordinance associated with this drawing printed on pages 10241 through 10243 of this *Journal*.]

"A"

Union Park Add. to Chicago being a Sub of Lots 5 and 6 in Circuit Court Partition of the S.W ¼ of Sec. 8-39-14.

"B"

E C. Coles Sub. of Lot 9, in Blk 4 of Union Park Add to Chicago being a Sub of Lots 5 and 6 in Circuit Court Partition of the S.W.¼ of Sec. 8-39-14

"C"

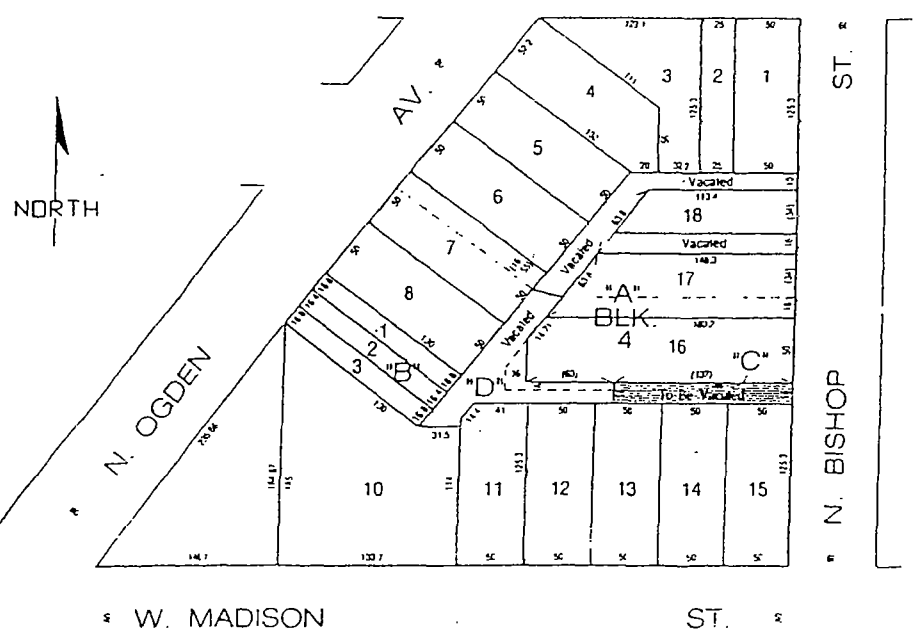
Dedication for Public Alley.
Rec. July 31, 1964 Doc # 19201644

"D"

Vacated by Ordinance Passed June 12, 1991.
Rec. July 16, 1991 Doc.# 91351751

Note: This Alley is being Vacated under the Industrial Street and Alley Vacation Program

Dr. No. 08-27-07-3027



CITY OF CHICAGO
APPROVED
Lawrence T. Parker
Dept. of Maps
Nov. 30, 2007
EXAMINED
OF
SUBDIVISION PLATS
COUNTY

I hereby certify that this print is an exact copy of the original tracing which is on file in this office.
Lawrence T. Parker
Supervising Dept. of Maps
Nov. 30, 2007 City of Chicago

I FIND NO DEFERRED INSTALLMENTS OF OUTSTANDING UNPAID SPECIAL ASSESSMENTS DUE AGAINST THE PROPERTY INCLUDED IN THE ABOVE PLAT
DEPT. OF REVENUE-CHICAGO
BY
11/9/07

Permit # 733282367

Received Date: Nov 28, 2007 9:50:28

PIPEFITTERS' ASSOCIATION LOCAL #597
45 N. OGDEN AVENUE
CHICAGO, IL 60607

PAUL G. HULL 312-441-0881

City of Chicago
Department of Transportation
(312) 744-4652

ACTIVITY HOURS

See RESTRICTIONS for permitted hours

DATES

Nov 28, 2007 through Dec 31, 2007

ACTIVITIES

Alley/Street Vacation:

An ordinance has been approved to Vacate the Alley.

Office of Underground Coordination Number (OUC): 35494
Maps and Plats Project Number: 08-27-07-3027

Application (Case) Tracking Number: 00-00

PROPOSED ALLEY VACATION FOR PIPEFITTER'S ASSOCIATION LOCAL NO. 597. 27TH WARD. ALLEY BOUNDED BY WEST MADISON STREET, NORTH BISHOP STREET WEST WASHINGTON, AND NORTH OGDEN AV.

Restrictions:

1. A copy of the permit must remain on-site for inspector's review.
2. Permit fees must be paid within 24 hours of the date of issuance. Failure to pay will result in the immediate cancellation of the permit. Monthly billing accounts are not applicable.

515040702E

ACTIVITY	TRANSACTION	AMOUNT	CAPS
Alley/Street Vacation	Fee for Activity	$ 2,772.20	100-58-2705-4710

Total Fees: $ 2,772.20

Grand Total Fees: $ 2,772.20

EFFECTIVE DATES OF PERMIT

Current: Nov 28, 2007 through Dec 31, 2007 (Input date: Nov 28, 2007 9:51:25 a.m.)
Previous: Nov 28, 2007 through Dec 31, 2008 (Input date: Nov 28, 2007 9:50:28 a.m.)

END OF PERMIT

5150407026

EXHIBIT B
OF THE RELEASE OF RESTRICTIVE USE COVENANT

Legal Description
Of
Subject Property

All of the remaining part of the east/west 10 foot public alley lying north of the north line of Lots 13,14,and 15, lying south of the south line of Lot 16, lying east of the east line of the vacated east/west 10 foot public alley, vacated by ordinance approved by the City Council June 12,1991 and recorded July 16 1991 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 91351751, said east line being described in the last recorded ordinance as, the "northwardly extension of the east line of the west 13 feet of Lot 13" and lying west of a line drawn from the northeast corner of Lot 15 to the southeast corner of Lot 16, all in Block 4 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition of the southwest quarter of Section 8, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois,

Also,

the remaining part of the east/west 6 foot public alley as dedicated by Plat of Dedication recorded July 31, 1964, as Document Number 19201644 in the Office of the Recorder of Deeds of Cook County, Illinois, said east/west 6 foot public alley described on said plat of dedication as the south 6 feet of Lot 16 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition of the southwest quarter of Section 8 aforesaid, lying east of the east line of the 16 foot alley vacated by ordinance approved by the City Council June 12, 1991 and recorded July 16, 1991 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 91351751, said east line being described in the last recorded ordinance as "the northwardly extension of the east line of the west 13 feet of Lot 13" lying west of the east line of Lot 16, all in Block 4 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition aforesaid, said part of the public alley herein vacated being further described as the remaining 137 feet, more or less, of the east/west 16 foot public alley in the block bounded by W. Washington Boulevard, W. Madison Street, N. Ogden Avenue and N. Bishop Street.

EXHIBIT C
OF THE RELEASE OF RESTRICTIVE USE COVENANT

November 30, 2007
Recorded Restrictive Use Covenant
(Attached)

0733409021

Doc#: 0733409021 Fee: $46.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 11/30/2007 11:23 AM Pg: 1 of 12

RESTRICTIVE COVENANT

WHEREAS, Pipe Fitters Association Local 597, U.A., ("Owner"), holds legal title to certain parcels of real property ("Abutting Property") which is located at 14 and 16 North Bishop Street and properties located at 1446 and 1458 West Madison Street are owned by Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under trust agreement dated March 25, 1969 and known as Trust Number 48-85729-6 in the County of Cook, State of Illinois, and which are currently used for the manufacturing (including production, processing, cleaning, servicing, testing and repair) 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 October 27, 2007, the City Council of the City of Chicago approved an ordinance, a copy of which is attached as Exhibit B and which is hereby incorporated ("Ordinance") which Ordinance provided for the vacation of the remaining 137 feet, more or less, of the east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street (after referred to as "Subject

Premises"), the Subject Premises being more particularly described in Exhibit B 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 45 North Ogden Avenue, 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 15th day of November, 2007.

PIPE FITTERS ASSOCIATION, LOCAL 597

By: John E Kuzyuski

Its: Financial Secretary - Treas.

ATTEST:

see next pg

Its:

ACCEPTED:

Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:

Assistant Corporation Counsel

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that JOHN E. KUSZYNSKI, personally known to me to be the FINANCIAL SECRETARY-TREASURER of the PIPE FITTERS ASSOCIATION. LOCAL 597, 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 JOHN E. KUSZYNSKI he/she signed and delivered the said instrument, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 15 day of NOVEMBER, 2007.

Joseph J Barrett
Notary Public

My commission expires 3/10/2009.

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

OFFICIAL SEAL
JOSEPH J BARRETT
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:03/10/09

EXHIBIT A - 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:RestrictiveCovenantPipeFittersAssociationLocal597

EXHIBIT B - VACATION ORDINANCE

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

EXHIBIT "B"

VACATION OF PORTION OF PUBLIC ALLEY IN BLOCK BOUNDED BY WEST WASHINGTON BOULEVARD, WEST MADISON STREET, NORTH OGDEN AVENUE AND NORTH BISHOP STREET.

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

CHICAGO, September 24, 2007.

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 the remaining 137 feet, more or less, of the east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street. This ordinance was referred to the Committee on September 5, 2007.

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, Jackson, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, Foulkes, 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, M. Smith, Moore -- 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 governmen 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 it government and affairs; and

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

WHEREAS, Many industrial firms adjoin streets and alleys that are no longe required for public use and might more productively be used for plant expansio and modernization, employee parking, improved security, truck loading areas o other industrial uses; and

WHEREAS, The City would benefit from the vacation of these streets and alley by reducing City expenditures on maintenance, repair and replacement; by reducin fly-dumping, vandalism and other criminal activity; and by expanding the City' property tax base; and

WHEREAS, The City can strengthen established industrial areas and expand th City's job base by encouraging the growth and modernization of existing industri facilities through the vacation of public streets and alleys for reduced compensatior and

WHEREAS, The properties at 14 and 16 North Bishop Street are owned by the Pip Fitters Association Local 597, U.A.; and

WHEREAS, The properties at 1446 and 1458 West Madison Street are owned b Chicago Title Land Trust Company, a corporation of Illinois, as successor truste to Continental Illinois National Bank and Trust Company, as trustee, under trus agreement dated March 25, 1969, and known as, Trust Number 48-85729- (Beneficiary Pipe Fitters Association Local 597, U.A.); and

WHEREAS, The Pipe Fitters Association Local 597, U.A. employs thirty-eight (3 full-time employees and eight (8) part-time employees in the training and continuin education of vocational students; and

WHEREAS, The Pipe Fitters Association Local 597, U.A. proposes to use th portion of the alley to be vacated herein for additional visitor and employee parkin and other such uses which are reasonably necessary therefor; and

WHEREAS, The City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of part of a public alley described in the following ordinance; now, therefore,

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

SECTION 1. All of the remaining part of the east/west 10 foot public alley lying north of the north line of Lots 13, 14 and 15, lying south of the south line of Lot 16, lying east of the east line of the vacated east/west 10 foot public alley, vacated by ordinance approved by the City Council June 12, 1991 and recorded July 16, 1991 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 91351751, said east line being described in the last recorded ordinance as, the "northwardly extension of the east line of the west 13 feet of Lot 13" and lying west of the a line drawn from the northeast corner of Lot 15 to the southeast corner of Lot 16, all in Block 4 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition of the southwest quarter of Section 8, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois,

Also,

the remaining part of the east/west 6 foot public alley as dedicated by Plat of Dedication recorded July 31, 1964, as Document Number 19201644 in the Office of the Recorder of Deeds of Cook County, Illinois, said east/west 6 foot public alley described on said plat of dedication as the south 6 feet of Lot 16 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition of the southwest quarter of Section 8 aforesaid, lying east of the east line of the 16 foot alley vacated by ordinance approved by the City Council June 12, 1991 and recorded July 16,1991 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 91351751, said east line being described in the last recorded ordinance as, the "northwardly extension of the east line of the west 13 feet of Lot 13", lying west of the east line of Lot 16, all in Block 4 in Union Park Addition to Chicago, being a subdivision of Lots 5 and 6 in Circuit Court Partition aforesaid, said part of public alley herein vacated being further described as the remaining 137 feet, more or less, of the east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street as shaded and indicated by the words "To Be Vacated" on the drawing hereto attached, which drawing for greater certainty, is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The City of Chicago hereby reserves for the benefit of Commonwealth Edison Company and AT&T-Illinois/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 public alley as herein vacated, with the right of ingress and egress.

The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Company an easement to operate, maintain, repair, renew and replace existing underground facilities in all of the "To Be Vacated", 137 feet, more or less, of the remaining east/west 16 foot public alley in the block bounded by West Washington Boulevard, West Madison Street, North Ogden Avenue and North Bishop Street, with the right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Company or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal or replacement of said facilities.

SECTION 3. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance the Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under trust agreement dated March 25, 1969, and known as, Trust Number 48-85729-6 and the Pipe Fitters Association Local 597, U.A., 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 alley hereby vacated similar to the sidewalk and curb in North Bishop Street between West Washington Boulevard and West Madison 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 4. The Commissioner of Transportation is hereby authorized to accept, subject to the approval of the Corporation Counsel as to form and legality, and on behalf of the City of Chicago, the benefits of a covenant or similar instrument restricting the use of the public way vacated by this ordinance to the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking and similar other uses and facilities. Such covenant shall be enforceable in law or in equity and shall be deemed to provide for reconveyance of the property to the city upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and

assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released 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 5. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Pipe Fitters Association Local 597, U.A. and Chicago Title Land Trust Company, a corporation of Illinois, as successor trustee to Continental Illinois National Bank and Trust Company, as trustee, under Trust Agreement Dated March 25, 1969, and known as Trust Number 4885729-6 shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with a restrictive covenant complying with Section 4 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

SECTION 6. This ordinance shall take effect and be in force from and after its passage.

[Drawing and legal description referred to in this ordinance printed on page 10244 of this *Journal*.]

VACATION OF PORTIONS OF PUBLIC ALLEYS IN BLOCK BOUNDED BY WEST 14TH PLACE, WEST 15TH STREET, SOUTH BLUE ISLAND AVENUE AND SOUTH RACINE AVENUE.

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

CHICAGO, September 24, 2007.

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 all of

(Continued on page 10245)