



Office of the City Clerk

City Hall
121 N. LaSalle St.
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Chicago, IL 60602
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Legislation Details (With Text)

File #: O2018-8085

Type: Ordinance **Status:** Passed

File created: 10/31/2018 **In control:** City Council

Final action: 12/12/2018

Title: 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

Sponsors: Burnett, Jr., Walter

Indexes: Vacations

Attachments: 1. O2018-8085.pdf, 2. O2018-8085 (V1).pdf

Date	Ver.	Action By	Action	Result
12/13/2018	1	Office of the Mayor	Signed by Mayor	
12/12/2018	1	City Council	Passed	Pass
12/5/2018	1	Committee on Transportation and Public Way	Recommended to Pass	
10/31/2018	1	City Council	Referred	

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

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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 hVI UfrfceJ fjfl-u ^v&w\$e?c&tOOP), 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:

Dekah Seheinfeld Commissioner
Department of Transportation

Approved as to Form and Legality

Lisa Misher Deputy Corporation Counsel

honorable Walter Burnett ^ Alderman, 27th Ward (

EXHIBIT A

SEPTEMBER 18, 2008 RECORDED RESTRICTIVE USE COVENANT (ATTACHED)

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,

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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, cmpJoyee 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:

]. USE. The Owner hereby covenant to the City of Chicago lhat 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

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and facililics. 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 ofthe City of Chicago deems to be equal to the benefits accruing because ofthe 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,

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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 7Z/sdzy of~4_r.^.^t,/ 2008.

NEALEY FAMILY LIMITED PARTNERSHIP

ATTEST:

Its:

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Assistant Corporation Counsel

PIONEER WHOLESALE MEAT COMPANY

by: . sMI*^ c

Its: i°^cJjo£^/7

ATTEST:

H. CARRUTH PROPERTIES, LLC

By: (jjle^nj-

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A/fb'-l ATTEST:

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Assistant Corporation Counsel

PVJS Company formerly known as ACTIVE PROPANE

By: H~)|

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ATTEST:

Its:

Commissioner of Transportation Assistant Corporation Counsel

ROBERTS ELECTRIC

By

Its: PrJ-'^Sdi"rJ^'

ATTEST:

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Assistant Corporation Counsel

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STATE OF ILLINOIS)
)

COUNTY OF COOK)

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

HEREBY CERTIFY that /7 ■ personally known to me to

be the j ^^ J^J of The Nealey Family Partnership, who is personally

he/sl^ signed and delivered the said instrument, for the uses and purposes

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^^^^

therein set forth.

GIVEN under my hand and notarial seal this day of ^7c^r ,

[y 7 Notary Public

My commission expires

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" CHRISTINE PUGH

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STATE OF ILLINOIS)
)
COUNTY OF COOK)

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

that J/L (P/J, personally known to me to
be the /

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 J/L T/ya he/sjy- signed and delivered the said instrument, for the uses and
purposes therein set forth.

GIVEN under my hand and notarial seal this 1st day of July, 2008

My commission expires

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"

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AZULAYSEIDEN LAW GROUP o128323212 P.007

STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that ftc/iAi* *s OrS-£ " -fr , personally known to me to
be the 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 day of fli>.^5~r' , 2008

p Notary Public

My commission expires Mou^fccf- "7,

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

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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
PVJS <file:///PVJS> Company, formerly known as
be the President 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 _/jj^day of S>t*~C {^ ^, 2008

My commission expires *>V^o// Q

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" Kenneth L. Block
Notary Public, State of Illinois My Commission Exp. 05/30/2010 j

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STATE OF ILLINOIS)

)

COUNTY OF COOK)

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

HEREBY CERTIFY that "feJlf W>o < , personally known to me to

be the ?<V^\ cxen\ 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 P^fJ

he/she signed and delivered the said instrument, for the uses and purposes

therein set forth.

GIVEN under my hand and notarial seal this 2S day of

ojary Public

My commission expires ^{(Uj /

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

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- VACATION ORDINANCE

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

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It
EXHIBIT "A"

REPORTS OF COMMITTEES

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 arid burden the public way vacated by this ordinance. The covenant may be released by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the vacation of the public way with restrictions on its use.

SECTION 6. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership and Pioneer Wholesale Meat Company shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with a restrictive covenant complying with Section 5 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

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

[Drawing and legal description referred to in this ordinance printed on page 28130 of this Journal]

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

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

CHICAGO, May 12, 2008.

To the President and Members of the City Council:

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

(Continued on page 28131)

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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, Cardenas, Olivo, Burke, Foulkes, Thompson, Thomas, Lane, Rugai, Cochran, Brookins, Muhoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Austin, Colon, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Reilly, Daley, Tunney, Levar, Shiller, SchuJter, 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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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.

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]

JOURNAL-CITY COUNCIL-CHICAGO

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

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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

Requested By: ewagner, Printed: 6/8/2017 12:32 PM

EXHIBIT B

SEPTEMBER 18, 2008 RECORDED VACATION ORDINANCE (ATTACHED)

iiMsr-t-v-va

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 ttTeir^eontinued viability and growth; and

JOURNAL-CITY COUNCIL-CHICAGO 5/14/2008

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

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

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

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

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

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

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

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

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

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

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

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

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

REPORTS OF COMMITTEES

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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JOURNAL-CITY COUNCIL-CHICAGO 5/14/2008

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

Also,

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

SECTION 2. The vacations herein provided for are made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership, H. Carruth, L. L. 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.

REPORTS OF COMMITTEES

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

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^/ptr/n-f^nci^ni'^f Map*

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^ o*1 OF - [Qpinance associated with this drawing and legal description -f* ^V>», n^> printed on pages 28133 through 28135 of this Journal.)

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 Carrol Avenue.

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

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

NaysQ ,

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

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

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

[L.F.]

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

4- W. KINZIE STREET
block 3 GRAPHIC SCALE

VACATED W CARROLL AVE PER DOCUMENT NO 0825418122
SEE PAGE 2 FOR MONUMENTATION, IMPROVEMENTS AND LEGEND
SOUTH LINE OF LOT 5

TRAFFIC FLOW

VACATED W. WAYMAN ST
BLOCK 16
TRAFFIC FLOW
W. FULTON MARKET
(RECORD 80 FT. PUBLIC R.O.W.)

SURVEYOR'S NOTES

traffic flow (RECORD 79 18 FT. PUBLIC R.O.W.)

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

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CDOT# 08-27-18-3879

- 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

COPYRIGHT GREMLEY S BIEDERMANN, INC 2018 ■ ALL RIGHTS RESERVED-

STATE OF ILLINOIS) COUNTY OF COOKJSS

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.

PROFESSIONAL ILLINOIS LAND SB MY LICENSE EXPIRES NOVEMBER 30, 2018 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY

EXHIBIT C

PLAT OF PARTIAL RELEASE

LEGEND

< ■ HEREBY \ ' RELEASED

BUILDING HATCH

COOK CO.

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

lol

REVISED OCTOBER 22, 2018 REVISED OCTOBER 18, 2018 REVISED OCTOBER 17, 2018 AS PER ORDER f 2018-26030 REVISED FEBRUARY 20, 2018 AS PER ORDER # 2018-25049
OROEStGc SV HAI* GOODMAN A ASSOCIATES IKDKAWJ RJT

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CONCRETE HATCH

- AERIAL WIRES
- FENCE LINES
- LOT LINES
- UTILITY POLE
- MANHOLE
- ELECTRIC LIGHT POLE
- NOTCH
- RIGHT OF WAY

ROW

PINS

17-08-412-010

CDOT# 08-27-18-3879

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 COUNTY OF COOK

)
) SS)

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

Y

EXHIBIT 1
OF THE PARTIAL RELEASE OF RESTRICTIVE USE COVENANT

Recorded Vacation Ordinance (Attached)
MIGUEL DEL VALLE, CITY CLERK
CITY CLERK S OFFTCE-CITY OF CHICAGO

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 Hs tax base, due in part to Industrial firms' inability to acquire additional property needed for thefr'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

REPORTS OF COMMITTEES

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.

REPORTS OF COMMITTEES

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, Neafey 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.]

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*0 e?1 OF ^[OpInance associated with this drawing and legal description
-tf* ^/>^ ,V printed on pages 28133 through 28135 of this Journal.]-
^UNT* '

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 Carrol Avenue.

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

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

Yeas 48.

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

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

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

[L.F.]

MIQUEL DEUVALLE, City Clerk

EXHIBIT 2
OF THE PARTIAL RELEASE OF RESTRICTIVE USE COVENANT

Recorded Restrictive Use Covenant (Attached)

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,

Requested By: ewagner, Printed: 6/8/2017 12:31 PM

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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

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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 April, 2008.

NEALEY FAMILY LIMITED PARTNERSHIP

ATTEST:

Its:

ACCEPTED: Commissioner
of Transportation
APPROVED AS WFOITM AND LE(3/JTY):
Assistant Corporation Counsel

PIONEER WHOLESALE MEAT COMPANY

By: ■ a

Its: <°/?cJ)Q£^7

ATTEST:

Its:

^ornmissionerof Transportation

Assistant Corporation Counsel

H. CARRUTH PROPERTIES, LLC

By: <fcL*vnn+ uL« Its: Pti/-j\vt.\ATTEST:

Its:

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Assistant Corporation Counsel

PVJS Company formerly known as ACTIVE PROPANE a .

Its

ATTEST:

Its:
Commissioner of Transportation

Afg^^DA^T^

FQfiLM

AND

LEGALITY:

Assistant

Corporation Counsel

ROBERTS ELECTRIC By:

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Its: /fjL^dc^A

ATTEST:

Its:

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Assistant Corporation Counsel

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STATE OF ILLINOIS)
)
COUNTY OF COOK)

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

HEREBY CERTIFY that J?^^*/^//7 - personally known to me to
be the /)^/n/^o^>_j*jZ^ 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

he/sl^ signed and delivered the said instrument, for the uses and purposes
therein set forth.

GIVEN under my hand and notarial seal this day of ^7a^t ,

(y / Notary Public

My commission expires 7.

"OFFICIAL SEAL"

j f CHRISTINE PUGH

COMMISSION EXPIRES 07/13A"

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

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STATE OF ILLINOIS)

)

COUNTY OF COOK)

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

that J^n (^P^J, personally known to me to

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

JzJ{^/f^n ^O^J he/s)j|y signed and delivered the said instrument, for

the uses and purposes therein set forth.

GIVEN under my hand and notarial seal lh\s^_fi(d/ day of ,/-Pu^ t**^ 2008

My commission expires

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"
CHRISTINE PUGH

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STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO
HEREBY CERTIFY that }Je/iAt*~> C^/ifi.»-fr_ , personally known to me to
be the Pfi,(i -T-v *r/i ofthe II. 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 day of flix.gf,«5*T" . 2008

// Notary Public

My commission expires Maut»^bci~ "7, 3oO

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
PVJS Company, formerly known as
be the President of the Active Propane
Company, who is personally

HEREBY CERTIFY that _____, personally known to me to
be the _____ of the Roberts Electric Company, who is personally
he/she signed and delivered the said instrument, for the uses and purposes
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
therein set forth.

GIVEN under my hand and notarial seal this 2nd day of 11th
f

Notary Public
My commission expires

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

- VACATION ORDINANCE

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*m-ot-^io-⁰⁰¹-⁰⁰⁰**

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

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EXHIBIT "A"

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REPORTS OF COMMITTEES 28129

and similar other uses and facilities. Such covenant shall be enforceable in law or in equity and shall be deemed to provide for reconveyance of the property to the City upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the vacation of the public way with restrictions on its use.

SECTION 6. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, Nealey Family Limited Partnership and Pioneer Wholesale Meat Company shall file or cause to be filed for record in the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with a restrictive covenant complying with Section 5 of this ordinance, approved by the Corporation Counsel, and an attached drawing approved by the Superintendent of Maps.

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

[Drawing and legal description referred to in this ordinance printed on page 28130 of this Journal]

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

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

CHICAGO, May 12, 2008.

To the President and Members of the City Council:

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

(Continued on page 28131)

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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, Cardenas, Olivo, Burke, Foulkes, Thompson, Thomas, Lane, Rugai, Cochran, Brookins, Munoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Austin, Colon, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Reilly, Daley, Tunney, Levar, Shiller, Schalter, 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 rhotor 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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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. C 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]

JOURNAL-CITY COUNCIL-CHICAGO

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

"A"

C...vpenlerY; Addition to Chicago txing a Subdivision o* iho il C J* of Scnon 0-J', i-a

"B"

Subdlvion ol Bik n ol Carpenter's Addition to Chicago etc. (See 'A')

"C"

Dedication for Public Street ns provided lor in Ordinance Parboil ^eb 1899 Oct April <J. 1099 Hec April 12. 1090

"D"

12

E"

Ooc # 19694S0

Ooc # ?803S<16 Hoc * ?B0bl 7.1

Doc * 90031.Tyl

Vacated by Ordinance Passed Marcn 19. 1912 Rec May 17. 1913

Vacated by Ordinance Passed Ocl 25. 1989 dec Jan 19. 1990

Air Rights Easement 16 ft 3bovo estabhst>ed grade Hec Jan 19. 1990

IRTT

NORTH

hw*usinal Street And AMry Vi<raTxDO Program

jS W. WAYMAN "C" ST. S₁

r

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

Requested By: ewagner, Printed: 6/8/2017 12:32 PM

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.

Commissioner
Luann Hamilton Deputy Commissioner

RS: LH: RD

cc: Alderman Walter Burnett

Alderman Anthony Bcalej
-Pablo David

ILLINOIS 60602

A

CITY COUNCIL

City of Chicago

COUNCIL CHAMBER

City Hall-Second Floor 121 North LaSalle 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

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
Chairman

Beale,