



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Text

File #: O2020-819, Version: 1

ORDINANCE FOR RELEASE OF USE RESTRICTION COVENANT

WHEREAS, on September 13, 2006, the City Council of the City of Chicago ("City Council") passed a certain ordinance (C.J. pp.84835-84838) (referred to herein as the "Vacation . Ordinance"), which ordinance provided for an industrial program ("Industrial Program") street vacation ("Vacation") of all of N. Talman Avenue between the south right of way line of W. Fulton Street and the north right of way line of W. Lake Street ("Subject Property"); and

WHEREAS, the Vacation Ordinance provided that the Vacation of the Subject Property was conditioned upon the recording of 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 facilitiesSi storage, employee and customer parking, and other similar uses and facilities"; and

WHEREAS, the Restrictive Use Covenant was recorded on January 18, 2007 with the Office of the Cook County Recorder of Deeds as Document Number 0701815119, and is attached hereto as Exhibit A: and

WHEREAS, the Vacation Ordinance was recorded on January 18, 2007 with the Office of the Cook County Recorder of Deeds as Document No. 0701815118, and is attached hereto as Exhibit B: and

WHEREAS, Section 6 of the Vacation Ordinance sets forth that the Restrictive Use Covenant "may be released or abandoned by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the vacation of the public way with restrictions on its use"; and

WHEREAS, RDS Properties, LLC, an Illinois limited liability company ("Developer"), is the current beneficial titleholder of the vacated Subject Project, which is subject to the Restrictive Use Covenant; and

WHEREAS, the Developer intends to continue to use the land for a driveway but has requested a release of the Restrictive Use Covenant; and

WHEREAS, the City, upon due investigation and consideration, has determined that the public interest now warrants a release of the Restrictive Use Covenant reserved in Section 6 of the Vacation Ordinance for the payment of such additional compensation which it deems to be equal to the benefits accruing to the Developer because of the release of the Restrictive Use Covenant; now, therefore,

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

SECTION 1. The recitals above are incorporated herein.

SECTION 2. The release of the Restrictive Use Covenant, in its entirety, appearing in Section 6 of the Vacation Ordinance is hereby approved upon the express condition that within one hundred eighty.(180) days after the passage of this ordinance, the Developer shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the Developer the amount of (\$ _____), which sum in the judgment of this body will be equal to such benefits.

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

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

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

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

Release of Restrictive Use Covenant Approved:
Gia Biagi Commissioner Department of Transportation

Approved as to Form and Legality

QAISLtf

Arthur Dolinsky Senior Counsel

Introduced By:

Honorable T. Burnett Alderman, 27th Ward

EXHIBIT A

January 18, 2007 Recorded Restrictive Use Covenant (Attached)

Doc#: 0701816119 Fee: \$66.00 Eugene
"Gene" Moore RH8P Fee:\$10.00 Cook County
Recorder of Deeds Date: 01/18/2007 02:43 PM Pg:
1of17

RESTRICTIVE COVENANT

WHEREAS, RDS Properties, L.L.C., ("Owner"), holds legal title to certain parcels of real property ("Abutting Property") which are located at 2615 to 2625 West Fulton Street, 2635 to 2659 West Fulton Street, 2614 to 2624 West Lake Street, 2634 to 2658 West Lake Street, 200 to 270 North Talman Avenue and 201 to 271 North Talman Avenue 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 September 13, 2006, 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 North Talman Avenue lying between the south line of West Fulton Street and the north line of West Lake Street thereafter referred to as "Subject Premises"), the Subject Premises being more particularly described in Exhibit A which is attached and incorporated; and

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WHEREAS, the vacation provided in the Ordinance is conditioned upon the execution and recording by the Owner of a restrictive covenant running with the land that provides that the Subject Premises shall be used only for manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and other similar uses and facilities;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE PASSAGE AND APPROVAL OF THE VACATION ORDINANCE AND THE VESTING OF TITLE IN THE Owner, WITHOUT THE REQUIREMENT THAT THE Owner PAY COMPENSATION TO THE CITY, THE Owner DOES HEREBY AGREE WITH AND COVENANT TO THE CITY OF CHICAGO AS FOLLOWS:

1. USE. The Owner hereby covenant to the City of Chicago that the above-described Subject Premises shall not be used for any use or purpose other than those which are set forth in Exhibit B, which is attached and incorporated, and for those uses and purposes which are accessory to such activities, including, but not limited to, the location of necessary and appropriate offices and facilities, storage, employee and customer parking and other similar uses and facilities. The consideration for such covenant, which is deemed and agreed to be valuable and sufficient, is the vacation by the City of Chicago of the Subject Premises for the benefit of Owner without the requirement that the Owner pay compensation to the City.
2. COVENANT TO RUN WITH THE LAND AND TERM THEREOF. The burdens of the covenant herein contained shall run with the Subject Premises. The benefits of

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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 221 North Washtenaw, Chicago, Illinois 60612. 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

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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 day of A*e#Aer-, 2006.

RDS Properti^L.L.C / P^-K*.

Its: Branko Vardijan, President

ATTEST:

Its: Anton Vardijan, Vice President

ACCEPTED:

APPROVED AS TO FORM AND LEGALITY:

Commissioner of Transportation

0 AS TO FORM A Assistant Corporation Counsel

provisions ofthis Section 3(a) shall » .kerned «ull and void.

BS WITNESS WHEREOF, uk Own* caused this Cov««nt to b. duly executed
and aoesWd ro this ^^ of 2006.

RDS

By:

Ttt. a^ft vardijan. President.

ATTEST:

Ttt ftrrftn tin. Wa> prp3ident _

ACCEPTED:

F0«M AND L£fl>

Commissioner of Tranapottttian

Axtv^JrA K-aOM AND LEGALITY:

AssiSiam Corporation Counsel /

EXHIBIT A - VACATION ORDINANCE

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

0701815119 Page: 8 of 17 EXHIBIT "A"

9/13/2006

REPORTS OF COMMITTEES 84833

• Yeas - Aldermen Halthcock, Tillman. Preckwinkle, Hairston, Lyle, Beavers, Stroger, Beale, Pope, Balcer, Cardenas, Olrvo, Burke, T. Thomas, Coleman, L. Thomas, Murphy, Rugal, Troutman, Brookins, Munoz, Zalewski, Chandler, Soils. Ocaslo, Burnett, E. Smith, Carothers, Reboyras, Suarez, Matlak, Mell, Austin, Colon, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Natarus. Daley, Tunney. Levar, Shiller, Schulter, M. Smith, Moore, Stone - 49.

Nays - None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost. The following is said ordinance as passed:

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

SECTION 1. The ordinance passed by the City Council of the City of Chicago for Vivo Restaurant on April 26, 2006, and printed upon page 75787 of the Journal of the Proceeding of the City Council of the City of Chicago Is hereby amended by adding the words: "sidewalk cafe area Number 2 shall be forty-four (44) feet in length and four (4) feet in width for a total of one hundred seventy-six (176) square feet. Additional Compensation: \$29.20/Seatlng: 6."

SECTION 2. This ordinance amendment shall be in effect upon its passage.

VACATION OF NORTH TALMAN AVENUE BETWEEN WEST FULTON
STREET AND WEST LAKE STREET.

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

CHICAGO, September 11, 2006.

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 North Talman Avenue lying between the south line of West Fulton Street and the north line of West Lake Street. This ordinance was referred to the Committee on July 26, 2006.

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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 Alien, the said proposed ordinance transmitted with the foregoing committee report was Passed by yeas and nays as follows:

Yeas - Aldermen Haithcock, Tillman, Preckwinkle, Hairston, Lyle, Beavers, Stroger, Beale, Pope, Balcer, Cardenas, Ollvo, Burke, T. Thomas, Coleman, L. Thomas, Murphy, Rugai, Troutman, Brookins, Munoz, Zalewski, Chandler, Soils, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Matlak, Mell, Austin, ColOn, Banks, Mitts, Allen, Laurino, O'Connor, Doherry, Natarus, Daley, Tunney, Levar, Shiller, Schulter, M. Smith, Moore, Stone 49.

Nays -- None.

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

The following is said ordinance as passed:

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

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

WHEREAS, Many 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

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REPORTS OF COMMITTEES

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

DREAS, The properties at 2615 to 2625 West Fulton Street, 2635 to 2659 West ifpjn Street, 2614 to 2624 West Lake Street 2634 to 2658 West Lake Street 200 \$70 North Talman Avenue and 201 to 271 North Talman Avenue are owned by JS Properties, L.L.C., a firm employing eighty-five (85) full time and two (2) part-Individuals in the operation of a construction and demolition recycling and ^ fer process; and

WHEREAS, RDS Properties, L.L.C. proposes to use the portion of the street to be cited herein for construction of a concrete transit mix batch plant and additional infant security by limiting access to the property and other such uses which are reasonably necessary therefor, and

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

Be It Enacted by the City Council, of the City of Chicago:

SECTION 1. All that part of North Talman Avenue, lying west of the west line of Lots 1 and 2 in Sullivan Resubdivision of part of the southeast quarter of Section IV 12, Township 39 North, Range 13. East of the Third Principal Meridian, in Cook County Illinois, lying east of the east line of Lot 1 and the east line of Lots 33 to 53, both inclusive, all in Block 6 in Davis Addition to Chicago, being the east 15/16 of the south half of the north half of the southeast quarter of Section 12, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois, lying east of the east line of the vacated east/west 15 foot public alley vacated by ordinance approved August 30, 1962 and recorded December 14, 1962 in the Office of the Recorder of Deeds of Cook County, Illinois, as Document Number 18674007, said east line of the vacated east/west 15 foot public alley being described as a line drawn from the southeast corner of Lot 1 in Block 6 in Davis Addition to Chicago aforesaid to the northeast corner of Lot 53 in Block 6 in Davis Addition to Chicago aforesaid, lying south of a line drawn from the northwest corner of Lot 1 in Sullivan Resubdivision aforesaid to the northeast corner of Lot 1 in Block 6 in Davis Addition to Chicago aforesaid and lying north of the north line of that part of North Talman Avenue, as opened by Order of Possession, General Order Number 79051, entered of record on August 30, 1886, and recorded July 5, 1887 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 847471, said north line of the last cited Order of Possession being described as the north line of Lots 4, 5 and 6 in Mary Smith's Subdivision of Lot 3 of the Circuit Court Partition of the south half of the southeast quarter of Section 12 aforesaid.

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Also,

that part of North Talman Avenue, as opened by Order of Possession, General Order Number 79051, entered of record on August 30, 1886, and recorded July 5, 1887 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 847471, being described as Lot 4 (except the east 7.42 feet of Lot 4), all of Lot 5 and Lot 6 (except the west 1.58 feet of Lot

6) and lying between the north and south lines of Lots 4, 5 and 6 in Mary Smith's Subdivision of Lot 3 of the Circuit Court Partition of the south half of the southeast quarter of Section 12 Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois, said part of public street being further described as North Talman Avenue lying between the south line of West Fulton Street and the north line of West Lake Street as shaded and indicated by the words "To Be Vacated" on the drawing hereto attached, which drawing for greater certainty, is hereby made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The City of Chicago hereby reserves that part of the public street as herein vacated, as a right-of-way for an existing water main and appurtenances thereto, and for the installation of any additional water mains or other municipally-owned service facilities now located or which in the future may be located in that part of the public street as herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. It is further provided that no buildings or other structures shall be erected on the said right-of-way herein reserved or other use made of said area, which in the judgment of the municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities.

SECTION 3. The vacation herein provided for is made upon the express condition that RDS Properties, L.L.C. shall agree to accept and maintain as private sewers all existing sewers and appurtenances thereto which are located in that part of the public street as herein vacated.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, SBC and Comcast, 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, telephonic and telecommunications and associated services under, over, and along that part of the street as herein vacated, with the right of ingress and egress.

The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Company an easement to operate, maintain, repair, renew and replace existing underground facilities in all of the "to be vacated" part of public street, with the

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right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Company or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal or replacement of said facilities.

SECTION 5. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, RDS Properties, L.L.C. shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrances to that part of North Talman Avenue hereby vacated similar to the sidewalk and curb along the south side of West Fulton Street and along the north side of West Lake 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.

SECTION 6. The Commissioner of Transportation is hereby authorized to accept, subject to the approval of the Corporation Counsel as to form and legality, and on behalf of the City of Chicago, the benefits of a covenant or similar instrument restricting the use of the public way vacated by this ordinance to the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and similar other uses and facilities. Such covenant shall be enforceable in law or in equity and shall be deemed to provide for reconveyance of the property to the city upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released or abandoned by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the vacation of the public way with restrictions on its use.

SECTION 7. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, RDS Properties, L.L.C. 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 6 of this ordinance, approved by the Corporation Counsel and an attached drawing approved by the Superintendent of Maps.

SECTION 8. 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 84838 of this Journal]

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Ordinance associated with this drawing and legal description printed on pages 84835 through 84837 of this Journal

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Rec Dec. 14.1902

Doc # 16674007

Ordinance amended Auo 22. 1083 plawoVlg for r eaeuafcun tor VtB ajusanQ eewer ^\ N. Washtenaw Av.

Dr. No. 12-27-05-2883

Note. Street Vacated under b Industrial Street and A toy Vacation Program

* W. FULTON

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Lot 2

W. LAKE ST.

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:RestrictiveCovenantRDSPropertiesL.L.C.

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**Agreement in lieu of escrow Industrial Street
Vacation Program**

Re: Vacation of North Talman Avenue lying between the south line of West Fulton Street and the north line of West lake Street

With respect to the above referenced vacation, RDS Properties, L.L.C., ("Applicant"), through their duly authorized agents who have executed this Agreement below, hereby acknowledges receipt of the fully executed and accepted original of the Restrictive Covenant document, a copy of which is

attached. In lieu of the requirement of entering into and paying the cost of an escrow agreement, the Applicant agrees as follows:

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

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

AGREED:

The City of Chicago

H:RestrictiveCovenantRDSProperties,L.L.C.

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OOC-05-c*006 09:16 From: LOU DEPT

Nvr-30-06 0ii35pii From: OT ADMINISTRATION

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Re: Vacation of North Talman Avenue lying between the south line of West Fulton Street and the north line of West Lake Street

With respect to the above referenced vacation, RDS Properties, L.L.C., ("Applicant"), through their duly authorized agents who have executed this Agreement below, hereby acknowledges receipt of and has fully executed and accepted original of the Restrictive Covenant document, a copy of which is attached. In lieu of the requirement of entering into and paying the cost of an escrow agreement, the Applicant agrees as follows;

1. To record such original document with the Cook County Recorder of Deeds;

and

2. To provide and pay for an endorsement to a policy of title insurance issued by a title insurance company acceptable to the City which policy shall name the City as an additional insured in an amount not less than TEN THOUSAND DOLLARS (\$10,000.00) and shall insure that the Restrictive Covenant is a valid obligation running with the land subject only to encumbrances acceptable to the City; and

3. To deliver to the City evidence of compliance with this Agreement within thirty' (30^ days of date executed below.

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

AGREED:

NQU-30-S006 12s31PM

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2628 32 W. Lake Street
2629 33 W. Fulton Street Chicago, Illinois

PIN:	16-12-409-032-0000	16-12-409-044-0000	16-12-409-048-0000
	16-12-409-051-0000	16-12-409-053-0000	16-12-410-001-0000
	0000		

The following is said ordinance as passed:

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

function pertaining to its government and affairs; and

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

WHEREAS, Many 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

COPIES ^

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

WHEREAS, The properties at 2615 to 2625 West Fulton Street, 2635 to 2659 West Fulton Street 2614 to 2624 West Lake Street, 2634 to 2658 West Lake Street, 200 to 270 North Talman Avenue and 201 to 271 North Talman Avenue are owned by RDS Properties, L.L.C, a firm employing eighty-five (85) full time and two (2) part-time individuals in the operation of a construction and demolition recycling and transfer process; and

WHEREAS, RDS Properties, L.L.C. proposes to use the portion of the street to be vacated herein for construction of a concrete transit mix batch plant and additional plant security by limiting access to the property and other such uses which are reasonably necessary therefor; and

WHEREAS, The City Council of the City of Chicago, after due investigation and consideration, has

determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of the part of public street 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 Talman Avenue, lying west of the west line of Lots 1 and 2 in Sullivan Resubdivision of part of the southeast quarter of Section 12, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois, lying east of the east line of Lot 1 and the east line of Lots 33 to 53, both inclusive, all in Block 6 in Davis Addition to Chicago, being the east 15/16 of the south half of the north half of the southeast quarter of Section 12, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois, lying east of the east line of the vacated east/west 15 foot public alley vacated by ordinance approved August 30, 1962 and recorded December 14, 1962 in the Office of the Recorder of Deeds of Cook County, Illinois, as Document Number 18674007, said east line of the vacated east/west 15 foot public alley being described as a line drawn from the southeast corner of Lot 1 in Block 6 in Davis Addition to Chicago aforesaid to the northeast corner of Lot 53 in Block 6 in Davis Addition to Chicago aforesaid, lying south of a line drawn from the northwest corner of Lot 1 in Sullivan Resubdivision aforesaid to the northeast corner of Lot 1 in Block 6 in Davis Addition to Chicago aforesaid and lying north of the north line of that part of North Talman Avenue, as opened by Order of Possession, General Order Number 79051, entered of record on August 30, 1886, and recorded July 5, 1887 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 847471, said north line of the last cited Order of Possession being described as the north line of Lots 4, 5 and 6 in Mary Smith's Subdivision of Lot 3 of the Circuit Court Partition of the south half of the southeast quarter of Section 12 aforesaid,

0701815118 Page: 3 of 9 JOURNAL-CITY COUNCIL-CHICAGO 9/13/2006

Also,

that part of North Talman Avenue, as opened by Order of Possession, General Order Number 79051, entered of record on August 30, 1886, and recorded July 5, 1887 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 847471, being described as Lot 4 (except the east 7.42 feet of Lot 4), all of Lot 5 and Lot 6 (except the west 1.58 feet of Lot 6) and lying between the north and south lines of Lots 4, 5 and 6 in Mary Smith's Subdivision of Lot 3 of the Circuit Court Partition of the south half of the southeast quarter of Section 12 Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois, said part of public street being further described as North Talman Avenue lying between the south line of West Fulton Street and the north line of West Lake Street as shaded and indicated by the words "To Be Vacated" on the drawing hereto attached, which drawing for greater certainty, is hereby made a part of this ordinance, be and the same is hereby vacated and closed. Inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The City of Chicago hereby reserves that part of the public street as herein vacated, as a right-of-way for an existing water main and appurtenances thereto, and for the

installation of any additional water mains or other municipally-owned service facilities now located or which in the future may be located in that part of the public street as herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. It is further provided that no buildings or other structures shall be erected on the said right-of-way herein reserved or other use made of said area, which in the judgment of the municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities.

SECTION 3. The vacation herein provided for is made upon the express condition that RDS Properties, L.L.C. shall agree to accept and maintain as private sewers all existing sewers and appurtenances thereto which are located in that part of the public street as herein vacated.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, SBC and Comcast, 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, telephonic and telecommunications and associated services under, over, and along that part of the street as herein vacated, with the right of ingress and egress.

The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Company an easement to operate, maintain, repair, renew and replace existing underground facilities in all of the "to be vacated" part of public street, with the

0701815118 Page: 4 of 9 **REPORTS OF COMMITTEES**

right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Company or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal or replacement of said facilities.

SECTION 5. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, RDS Properties, L.L.C. shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrances to that part of North Talman Avenue hereby vacated similar to the sidewalk and curb along the south side of West Fulton Street and along the north side of West Lake 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,

SECTION 6. The Commissioner of Transportation is hereby authorized to accept, subject to the approval of the Corporation Counsel as to form and legality, and on behalf of the City of Chicago, the benefits of a covenant or similar instrument restricting the use of the public way vacated by this ordinance to the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and similar other uses and facilities. Such covenant shall be

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

SECTION 7. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, RDS Properties, L.L.C. 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 6 of this ordinance, approved by the Corporation Counsel and an attached drawing approved by the Superintendent of Maps.

SECTION 8. 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 84838 of this Journal.]

0701815118 Page: 5 of 9

JOURNAL-CITY COUNCIL-CHICAGO

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Ordinance associated with this drawing and legal description on pages 84835 through 84837 of this Journal

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0701615118 Page: 6 of 9

Permit #701750312

Received Date: Jan 17,2007 10:10:14

RAVENSWOOD DISPOSAL SERVICE INC

221 NORTH WASHTENAW

CHICAGO, IL 60612

4652

City of Chicago
Department of Transportation
BRANKO 773-638-7676 (312) 744-

ACTIVITY HOURS

See RESTRICTIONS for permitted hours

DATES Jan 17,2007 through Dec
31,2007

ACTIVITIES

Alley/Street Vacation:

An ordinance has been approved to Vacate the Street.

Office of Underground Coordination Number (OUC): 31327 Maps and
Plats Project Number: 12-27-05-2883

Application (Case) Tracking Number: 05-002429

proposed street vacation for RDS properties LLC-27th Ward North Talman Av. from
West Lake Street to West Fulton Street

Restrictions:

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

RAVENSWOOD DISPOSAL SERVICE INC

Permit # 701750312

Counter

Page#: 1

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0701815118 Page: 7 of 9

ACTIVITY	TRANSACTION	AM	°H^1	CAPS
Alley/Street Vacation	Fee for Activity	\$	8,336.00	100-58-2705-4710

Total Fees: \$ 8,336.00 Grand Total Fees: \$

8,336.00

EFFECTIVE DATES OF PERMIT

Current: Jan 17, 2007 through Dec 31,2007 (Input date: Jan 17, 2007 10:10:14 a.m.)

END OF PERMIT

2628 32 W. Lake Street
2629 33 VV. Fulton Street Chicago, Illinois

PIN: 16-12-409-032-0000 ~ 16-12-409-044-0000 - 16-12-409-048-0000 -16-
12-409-051-0000 *~ 16-12-409-053-0000-16-12^10-001-0000 -

STATE OF ILLINOIS))
COUNTY OF COOK)

I, EDMUND W. KANTOR Deputy City Clerk of the City of Chicago in the County

of Cook and State of Illinois, DO HEREBY CERTIFY that the annexed and foregoine is a true and

correct copy of that certain ordinance now on file in my office: Vacation of North Talman Avenue

between West Fulton Street and West Lake Street

.-

I DO FURTHER CERTIFY that the said ordinance was passed by the City Council of the said City of Chicago on the thirteenth (13th) day of September, 2006. and deposited in my office on the thirteenth H day of September, 2006.

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 42 Nays 0

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the passage thereof by the said City Council, without delay, by the Deputy 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 sixteenth (16th) day of October, 2006.

[V.E.]

EXHIBIT C

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

(The Above Space For Recorder's Use Only)

CITY OF CHICAGO, an Illinois municipal corporation ("CITY"), pursuant to a September 13, 2006 ordinance ("Vacation Ordinance") which Ordinance was recorded on January 18, 2007, with the Office of the Cook County Recorder of Deeds as Document Number 0701815118, and is attached hereto as Exhibit A, and provided for an industrial program ("Industrial Program") street vacation ("Vacation") Of all of N. Talman Avenue between south right of way line of W. Fulton Street and the north right of way line of W. Lake Street ("Subject Property"), as legally described on Exhibit B attached hereto.

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

The Restrictive Use Covenant was recorded on January 18, 2007 with the Office of the Cook

Ms. Gia Biagi 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 , 2020.

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

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

EXHIBIT A
OF THE RELEASE OF RESTRICTIVE USE COVENANT

January 18, 2007 Recorded Vacation Ordinance (Attached)

The following Is said ordinance as passed:

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

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

WHEREAS, Many 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

COPIES & n

0701815118 Page: 2 of 9 REPORTS OF COMMITTEES

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

WHEREAS. The properties at 2615 to 2625 West Fulton Street 2635 to 2659 West Fulton Street 2614 to 2624 West Lake Street, 2634 to 2658 West Lake Street 200 to 270 North Talman Avenue and 201 to 271 North Talman Avenue are owned by RDS Properties, LLC, a firm employing eighty-five (85) full time and two (2) part-time individuals in the operation of a construction and demolition recycling and transfer process; and

WHEREAS, RDS Properties, LLC, proposes to use the portion of the street to be vacated herein for construction of a concrete transit mix batch plant and additional plant security by limiting access to the property and other such uses which are reasonably necessary therefor; and

WHEREAS, The City Council of the City of Chicago, after due Investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of the part of public street 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 Talman Avenue, lying west of the west line of Lots 1 and 2 in Sullivan Resubdivision of part of the southeast quarter of Section 12, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois, lying east of the east line of Lot 1 and the east line of Lots 33 to 53, both inclusive, all in Block 6 in Davis Addition to Chicago, being the east 15/16 of the south half of the north half of the southeast quarter of Section 12, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois, lying east of the east line of the vacated east/west 15 foot public alley vacated by ordinance approved August 30, 1962 and recorded December 14, 1962 in the Office of the Recorder of Deeds of Cook County, Illinois, as Document Number 18674007, said east line of the vacated east/west 15 foot public alley being described as a line drawn from the southeast corner of Lot 1 in Block 6 in Davis Addition to Chicago aforesaid to the northeast corner of Lot 53 in Block 6 in Davis Addition to Chicago aforesaid, lying south of a line drawn from the northwest corner of Lot 1 in Sullivan Resubdivision aforesaid to the northeast corner of Lot 1 in Block 6 in Davis Addition to Chicago aforesaid and lying north of the north line of that part of North Talman Avenue, as opened by Order of Possession, General Order Number 79051, entered of record on August 30, 1886, and recorded July 5, 1887 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 847471, said north line of the last cited Order of Possession being described as the north line of Lots 4, 5 and 6 in Mary Smith's Subdivision of Lot 3 of the Circuit Court Partition of the south half of the southeast quarter of Section 12 aforesaid.

Also,

that part of North Talman Avenue, as opened by Order of Possession, General Order Number 79051, entered of record on August 30, 1886, and recorded July 5, 1887 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 847471, being described as Lot 4 (except the east 7.42 feet of Lot 4), all of Lot 5 and Lot 6 (except the west 1.58 feet of Lot 6) and tying between the north and south lines of Lots 4, 5 and 6 in Mary Smith's Subdivision of Lot 3 of the Circuit Court Partition of the south half of the southeast quarter of Section 12 Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois, said part of public street being further described as North Talman Avenue tying between the south line of West Fulton Street and the north line of West Lake Street as shaded and indicated by the words "To Be Vacated" on the drawing hereto attached, which drawing for greater certainty, is hereby made a part of this ordinance, be and the same is hereby vacated and closed. Inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The City of Chicago hereby reserves that part of the public street as herein vacated, as a right-of-way for an existing water main and appurtenances thereto, and for the installation of any additional water mains or other municipally owned service facilities now located or which in the future may be located in that part of the public street as herein vacated, and for the maintenance, renewal, and reconstruction of such facilities, with the right of ingress and egress at all times upon reasonable notice. It is further provided that no buildings or other structures shall be erected on the said right-of-way herein reserved or other use made of said area, which in the judgment of the municipal officials having control of the aforesaid service facilities would interfere with the use, maintenance, renewal, or reconstruction of said facilities, or the construction of additional municipally-owned service facilities.

SECTION 3. The vacation herein provided for is made upon the express condition that RDS Properties, L.L.C. shall agree to accept and maintain as private sewers all existing sewers and appurtenances thereto which are located in that part of the public street as herein vacated.

SECTION 4. The City of Chicago hereby reserves for the benefit of Commonwealth Edison, SBC and Comcast, 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, telephonic and telecommunications and associated services under, over, and along that part of the street as herein vacated, with the right of ingress and egress.

The City of Chicago hereby reserves for the benefit of The Peoples Gas Light and Coke Company an easement to operate, maintain, repair, renew and replace existing underground facilities in all of the "to be vacated" part of public street, with the

0701815118 Page. 4 of 9 REPORTS OF COMMITTEES

right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas light and Coke Company or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal or replacement of said facilities.

SECTION 5. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance. RDS Properties, L.L.C. shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrances to that part of North Talman Avenue hereby vacated similar to the sidewalk and curb along the south side of West Fulton Street and along the north side of West Lake 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.

SECTION 6. 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 dry upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released or abandoned by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the vacation of the public way with restrictions on its use,

SECTION 7. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, RDS Properties, L.L.C. 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 6 of this ordinance, approved by the Corporation Counsel and an attached drawing approved by the Superintendent of Maps.

SECTION 8. 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 84838 of this Journal]

0701815118 Page: 5 of 9

Ordinance associated with this drawing and legal description printed^, on pages 8483S through 84837 of this Journal. &

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0701815118 Page: 6 of 9

Permit #701750312

Received Date: Jan 17,2007 10:10:14

City of Chicago Department of Transportation (312) 74<M652

RAVENSWOOD DISPOSAL SERVICE INC 221 NORTH
WASHTENAW CHICAGO, IL 60612

BRANKO 773-638-7676

ACTIVITY HOURS

See RESTRICTIONS for permitted hours

DATES Jan 17,2007 through Dec 31,2007

ACTIVITIES

Alley/Street Vacation:

An ordinance has been approved to Vacate the Street.

Office of Underground Coordination Number (OUC): 31327 Maps and Plats

Project Number: 12-27-05-2883

Application (Case) Tracking Number: 05-002429

proposed street vacation for RDS properties LLC-27th Ward North Talman Av. from
West Lake Street to West Fulton Street

Restrictions:

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

RAVENSWOOD DISPOSAL SERVICE INC

Permit # 701750312

Counter

Page*: 1

5141348131

0701815118 Page: 7 of 9

ACTIVITY Alley/Street Vacation

TRANSACTION Fee for Activity

AMOUNT _ CAPS _ \$ 8,336.00 100-58-2705-4710

Total Fees: \$ 8,336.00

Grand Total Fees: \$ 8-336.00

EFFECTIVE DATES OF PERMIT

Current: Jan 17, 2007 through Dec 31, 2007 (Input date: Jan 17, 2007 10:10:14 a.m.)

END OF PERMIT

RAVENSWOOD DISPOSAL SERVICE INC 5141348131

0701815118 Page: 8 of 9

PROPERTY ADDRESS: 2628-32 W. Lake Street
2629-33 W. Fulton Street Chicago, Illinois

PIN: 16-12-409-032-0000 ^ 16-12-409-044-0000 - 16-12-409-048-0000
" 16-12-409-051-0000 *"" 16-12-409-053-0000-16-12-410-001-
0000 -

0701815118 Page: 9 of 9

STATE OF ILLINOIS))
COUNTY OF COOK)

I, EDMUND W. KANTOR Deputy 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 North Talman Avenue between West Fulton Street and West Lake Street -.

I DO FURTHER CERTIFY that the said ordinance was passed by the City Council of the said City of Chicago on the thirteenth (13th) day of September, 2006 and deposited in my office on the thirteenth (13th) day of September, 2006.

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 42 Nays 0

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the passage thereof by the said City Council, without delay, by the Deputy 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 sixteenth (16th) day of October, 2006.

[V.E.]

EXHIBIT B
OF THE RELEASE OF RESTRICTIVE USE COVENANT

**Legal Description Of
Subject Property**

All that part of North Talman Avenue, lying west of the west line of Lots 1 and 2 in Sullivan Resubdivision of part of the southeast quarter of Section 12, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois, lying east of the east line of Lot 1 and the east line of Lots 33 to 53, both inclusive, all in Block 6 in Davis Addition to Chicago, being the east 15/16 of the south half of the north half of the southeast quarter of Section 12, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois, lying east of the east line of the vacated east/west 15 foot public alley vacated by ordinance approved August 30, 1962 and recorded December 14, 1962 in the Office of the Recorder of Deeds of Cook County, Illinois, as Document Number 18674007, said east line of the vacated east/west 15 foot public alley being described as a line drawn from the southeast corner of Lot 1 in Block 6 in Davis Addition to Chicago aforesaid to the northeast corner of Lot 53 in Block 6 in Davis Addition to Chicago aforesaid, lying south of a line drawn from the northwest corner of Lot 1 in Sullivan Resubdivision aforesaid to the northeast corner of Lot 1 in Block 6 in Davis Addition to Chicago aforesaid and lying north line of the north line of that part of North Talman Avenue, as opened by Order of Possession, General Order Number 79051, entered of record on August 30, 1886, and recorded July 5, 1887 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 847471, said north line of the last cited Order of Possession being described as the north line of Lots 4, 5 and 6 in Mary Smith's Subdivision of Lot 3 of the Circuit Court Partition of the south half of the southeast quarter of Section 12 aforesaid.

Also,

that part of North Talman Avenue, as opened by Order of Possession, General Order Number 79051, entered of record on August 30, 1886, and recorded July 5, 1867 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 847471, being described as Lot 4 (except the east 7.42 feet of Lot 4), all of Lot 5 and Lot 6 (except the west 1.58 feet of Lot 6) and lying between the north and south lines of Lots 4, 5 and 6 in Mary Smith's Subdivision of Lot 3 of the Circuit Court Partition of the south half of the southeast quarter of Section 12 Township 39 North Range 13, East of the Third Principal Meridian, in Cook County Illinois, said part of public street being further described as North Talman Avenue lying between the south line of West Fulton Street and north of the north line of west Lake Street

EXHIBIT C
OF THE RELEASE OF RESTRICTIVE USE COVENANT

January 18, 2007 Recorded Restrictive Use Covenant (Attached)

Doc#: 0701816119 Fee: \$56.00 Eugene
"Gene" Moore RH8P Fee;\$10.00 Cook County
Recorder of Deeds Date: 01/18/2007 02:43 PM Pg: 1
of 17

RESTRICTIVE COVENANT

WHEREAS, RDS Properties, L.L.C, ("Owner"), holds legal title to certain parcels of real

property ("Abutting Property") which are located at 2615 to 2625 West Fulton Street, 2635 to 2659 West Fulton Street, 2614 to 2624 West Lake Street, 2634 to 2658 West Lake Street, 200 to 270 North Talman Avenue and 201 to 271 North Talman Avenue 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 September 13, 2006, 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 North Talman Avenue lying between the south line of West Fulton Street and the north line of West Lake Street thereafter referred to as "Subject Premises"), the Subject Premises being more particularly described in Exhibit A which is attached and incorporated; and

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0701815119 Page: 2 of 17

WHEREAS, the vacation provided in the Ordinance is conditioned upon the execution and recording by the Owner of a restrictive covenant running with the land that provides that the Subject Premises shall be used only for manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only, and for those structures and additional uses which are reasonably

necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and other similar uses and facilities;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE PASSAGE AND APPROVAL OF THE VACATION ORDINANCE AND THE VESTING OF TITLE IN THE Owner, WITHOUT THE REQUIREMENT THAT THE Owner PAY COMPENSATION TO THE CITY, THE Owner DOES HEREBY AGREE WITH AND COVENANT TO THE CITY OF CHICAGO AS FOLLOWS:

1. USE. The Owner hereby covenant to the City of Chicago that the above-described Subject Premises shall not be used for any use or purpose other than those which are set forth in Exhibit B, which is attached and incorporated, and for those uses and purposes which are accessory to such activities, including, but not limited to, the location of necessary and appropriate offices and facilities, storage, employee and customer parking and other similar uses and facilities. The consideration for such covenant, which is deemed and agreed to be valuable and sufficient, is the vacation by the City of Chicago of the Subject Premises for the benefit of Owner without the requirement that the Owner pay compensation to the City.

2. COVENANT TO RUN WITH THE LAND AND TERM THEREOF. The burdens of the covenant herein contained shall run with the Subject Premises. The benefits of

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0701815119 Page: 3 of 17

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 221 North Washtenaw, Chicago, Illinois 60612. 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

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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 Mb day of Mw#ieir , 2006.

Its: Branko Vardijan, President

ATTEST:

Its: Anton Vardi.ian. Vice President

ACCEPTED:
Commissioner of Transportation

APPROVED AS TO FORM AND LEGALITY:
lion Counsel

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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 Is equity, igniting injunctive relief. IN WITNESS WHEREOF, the Owner has caused this Covenant to ba duly executed and attested to this \$&b day of M*e?ier-. 2006.

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Its: Branko Vardijan. President

ATTEST:

Its; Anton vawff-hn. Yia> Pwqi^mnt ACCEPTED:
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Commissioner of Transportation AP^K^ET^CSn&D F0RM AND LEGALITY:
Assistant Corporation Counsel .

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EXHIBIT A - VACATION ORDINANCE

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

0701815119 Page: 8 of 17 EXHIBIT "A"

9/13/2006

REPORTS OF COMMITTEES 84833

Yeas - Aldermen Halthcock, Tillman. Preckwinkle, Hairston, Lyle, Beavers, Stroger. Beale, Pope, Balcer, Cardenas, Olvo, Burke, T.Thomas, Coleman, L.Thomas, Murphy, Rugai, Troutman, Brookins, Munoz, ZalcwskJ, Chandler, Solis. Ocaslo, Burnett E. Smith, Carothers, Reboyras, Suarez, Matlak, Mell, Austin. Colon, Banks, Mitts, Allen, Laurlno, O'Connor, Doherty, Natarus, Daley, Tunney. Levar, Shiller, Schulter, M. Smith, Moore, Stone - 49.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost. The following is said ordinance as passed:

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

SECTION 1. The ordinance passed by the City Council of the City of Chicago for Vivo Restaurant on April 26, 2006, and printed upon page 75787 of the Journal of the Proceedings of the City Council of the City of Chicago is hereby amended by adding the words: "sidewalk cafe area Number 2 shall be forty-four (44) feet in length and four (4) feet in width for a total of one hundred seventy-six (176) square feet. Additional Compensation: \$29.20/Seat/Ing: 6."

SECTION 2. This ordinance amendment shall be in effect upon its passage.

VACATION OF , NORTH TALMAN AVENUE BETWEEN WEST FULTON STREET
AND WEST LAKE STREET.

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

CHICAGO, September 11, 2006.

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 North Talman Avenue lying between the south line of West Fulton Street and the north line of West Lake Street. This ordinance was referred to the Committee on July 26, 2006.

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84834

JOURNAL-CITY COUNCIL-CHICAGO 9/13/200*

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 Haithcock, Tillman, Preckwinkle, Hairston, Lyle, Beavers, Stroger, Beale, Pope, Balcer, Cardenas, Olivo, Burke, T. Thomas, Coleman, L. Thomas, Murphy, Rugai, Troutman, Brookins, Munoz, Zalewski, Chandler, Sobs, Ocaslo, Burnett, E. Smith, Carothers, Reboyras, Suarez, Matlak, Mell, Austin, Colon, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Natarus, Daley, Tunney, Levar, Shiller, Schulter, M. Smith, Moore, Stone - 49.

Nays - None.

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

The following is said ordinance as passed:

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

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

WHEREAS, Many 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

0701815119 Page: 10 of

REPORTS OF COMMITTEES

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

WHEREAS, The properties at 2615 to 2625 West Fulton Street, 2635 to 2659 West \ Street, 2614 to 2624 West Lake Street, 2634 to 2658 West Lake Street 200 i North Talman Avenue and 201 to 271 North Talman Avenue are owned by jj§ Properties, L.L.C., a firm employing eighty-five (85) full time and two (2) part-Individuals in the operation of a construction and demolition recycling and fer process; and

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^WHEREAS, RDS Properties, L.L.C. proposes to use the portion of the street to be ited herein for construction of a concrete transit mix batch plant and additional it security by limiting access to the property and other such uses which are mably necessary therefor; and

.•WHEREAS, The City Council of the City of Chicago, after due investigation and pohsideratlon, has determined that the nature and extent of the public use and the fffjiblic interest to be subserved Is such as to warrant the vacation of the part of street described in the following ordinance; now, therefore,

Ordained by the City Council of the City of Chicago:

h SECTION 1. All that part of North Talman Avenue, lying west of the west line of Lots 1 and 2 in Sullivan Resubdivision of part of the southeast quarter of Section 12, Township 39 North, Range 13. East of the Third Principal Meridian, in Cook County Illinois, hying east of the east line of Lot 1 and the east line of Lots 33 to 53. both inclusive, all in Block 6 in Davis Addition to Chicago, being the east 15/16 of the south half of the north half of the southeast quarter of Section 12. Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois, lying east of the east line of the vacated east/west 15 foot public alley vacated by ordinance approved August 30, 1962 and recorded December 14, 1962 in the Office of the Recorder of Deeds of Cook Counry. Illinois, as Document Number 18674007. said east line of the vacated east/west 15 foot public alley being described as a line drawn from the southeast corner of Lot 1 in Block 6 in Davis Addition to Chicago aforesaid to the northeast corner of Lot 53 in Block 6 in Davis Addition to Chicago aforesaid, lying south of a line drawn from the northwest corner of Lot 1 in Sullivan Resubdivision aforesaid to the northeast corner of Lot 1 in Block 6 in Davis Addition to Chicago aforesaid and lying north of the north line of that part of North Talman Avenue, as opened by Order of Possession, General Order Number 79051. entered of record on August 30, 1886, and recorded July 5, 1887 in the Office of the Recorder of Deeds of Cook Counry, Illinois as Document Number 847471, said north line of the last cited Order of Possession being described as the north line of Lots 4, 5 and 6 in Mary Smith's Subdivision of Lot 3 of the Circuit Court Partition of the south half of the southeast quarter of Section 12 aforesaid.

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84836

JOURNAL-CITY COUNCIL-CHICAGO 9/13/2'

Also,

that part of North Talman Avenue, as opened by Order of Possession, General Order Number 79051, entered of record on August 30, 1886, and recorded July 5, 1887 in the Office of the Recorder of Deeds of Cook Counry, Illinois as Document Number 847471. being described as

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right of ingress and egress at all times for any and all such purposes. It is further provided that no buildings or other structures shall be erected on said easement herein reserved for The Peoples Gas Light and Coke Company or other use made of the said area which would interfere with the construction, operation, maintenance, repair, removal or replacement of said facilities.

SECTION 5. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, RDS Properties, L.L.C. shall deposit in the City Treasury of the City of Chicago a sum sufficient to defray the costs of removing paving and curb returns and constructing sidewalk and curb across the entrances to that part of North Talman Avenue hereby vacated similar to the sidewalk and curb along the south side of West Fulton Street and along the north side of West Lake 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.

SECTION 6. The Commissioner of Transportation is hereby authorized to accept, subject to the approval of the Corporation Counsel as to form and legality, and on behalf of the City of Chicago, the benefits of a covenant or similar instrument restricting the use of the public way vacated by this ordinance to the manufacturing (including production, processing, cleaning, servicing, testing and repair) of materials, goods or products only and for those structures and additional uses which are reasonably necessary to permit such manufacturing use including the location of necessary facilities, storage, employee and customer parking, and similar other uses and facilities. Such covenant shall be enforceable in law or in equity and shall be deemed to provide for reconveyance of the property to the city upon substantial breach of the terms and conditions thereof. The benefits of such covenant shall be deemed in gross to the City of Chicago, its successors and assigns, and the burdens of such covenant shall run with and burden the public way vacated by this ordinance. The covenant may be released or abandoned by the City only upon approval of the City Council which may condition its approval upon the payment of such additional compensation which it deems to be equal to the benefits accruing because of the vacation of the public way with restrictions on its use.

SECTION 7. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, RDS Properties, L.L.C. 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 6 of this ordinance, approved by the Corporation Counsel and an attached drawing approved by the Superintendent of Maps.

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This ordinance shall take effect and be in force from and after its

[Drawing and legal description referred to in this ordinance printed on page 84838 of this Journal]

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JOURNAL-CITY COUNCIL-CHICAGO 9/13/2006

Ordinance associated with this drawing and legal description printed on pages 84835 through

84837 of this Journal.

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W. LAKE ST.

0701815119 Page: 14 of 17

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:RestrictiveCovenantRDSPropertiesL.L.C.

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**Agreement in lieu of escrow Industrial Street
Vacation Program**

Re: Vacation of North Talman Avenue lying between the south line of West Fulton Street and the north line of West lake Street

With respect to the above referenced vacation, RDS Properties, L.L.C., ("Applicant"), through their duly authorized agents who have executed this Agreement below, hereby acknowledges receipt of the fully executed and accepted original of the Restrictive Covenant document, a copy of which is attached. In lieu of the requirement of entering into and paying the cost of an escrow agreement, the Applicant agrees as follows:

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

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

AGREED:

The City of Chicago

H:RestrictiveCovenantRDSProperties,L.L.C.

OeC-05-£006 09:16 FRDMrLPW DEPT

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**ABTBgnrnt to licy pfnvrtrw
Industrial Street Vacation Program**

**Re: Vacation of Nona Talman Avenue lying between the south line of West
Fulton Street end ihe north line of West lake Street**

With respect to the above referenced vacation, RDS Properties, UkC.^"Applicant"), through their duly authorized agents who have executed This Agreement below, hereby acknowledges receipt ofthe fully executed and accepted original ofthe Restrictive Covenant document, a copy of which is attached. In lieu of the requirement of entering into and paying the cost of en escrow agreement, the Applicant agrees as. follows:

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2. To provide and pay for an endorsement to a policy of title insurance issued by a title insurance company acceptable to me City which policy shall name the City as an additional insured in an amount not lees than TEN THOUSAND DOLLARS (\$10,000,00) and shall insure that the Restrictive Covenant is a valid obligation running with die land subject only to encumbrances acceptable to the City; and
3. To deliver to the City evidence of compliance with this Agreement within thirty (30) nays of date executed below.

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

AGREED:

0701815119 Page: 17 of 17

2628 32 W. Lake Street
2629 33 W. Fulton Street Chicago, Illinois

PIN: 16-12-409-032-0000 16-12-409-044-0000 16-12-409-048-0000
 16-12-409-051-0000 16-12-409-053-0000 16-12-410-001-0000