

**ORDINANCE
FOR RELEASE OF
USE RESTRICTION COVENANT**

WHEREAS, the City of Chicago ("City") is a home rule unit of local government pursuant to 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, on May 18, 1994, the City Council of the City of Chicago ("City Council") passed a certain ordinance, published in the Journal of the Proceedings of the City Council for such date at pages 51134 through 51138 (the "Vacation Ordinance"), which provided for an Industrial Program alley vacation ("Vacation") of all of the east-west and north-south 16-foot public alleys in the block bounded by W. 28th Place, S. Stewart Avenue, W. 29th Street, and S. Canal Street (the "Subject Property"), known previously as CDOT File Number 28-11-88-1234 for LaSalle National Bank, as Trustee, Trust No. 40495; and

WHEREAS, 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"; and

WHEREAS, the Vacation Ordinance was recorded on August 16, 1994, with the Office of the Cook County Recorder of Deeds as Document Number 94727787, and is attached hereto as Exhibit A: and

WHEREAS, the Restrictive Use Covenant was recorded on August 16th, 1994, with the Office of the Cook County Recorder of Deeds as Document Number 94727788, and is attached hereto as Exhibit B; and

WHEREAS, the Subject Property is legally described in Exhibit C attached hereto; and

WHEREAS, Section 2 of the Vacation Ordinance provides 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 release or abandonment"; and

WHEREAS, 29 Canal Development LLC, an Illinois limited liability company (the "Developer") is the current beneficial titleholder of the vacated Subject Property, subject to the Restrictive Use Covenant; and

WHEREAS, the Developer intends to use and assemble the Subject Property and surroundings for commercial development and has requested a release of the Restrictive Use Covenant under current CDOT File Number 28-11-26-4131; 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 2 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, 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 as compensation for the benefits which will accrue to the Developer as a result of such release the amount of Two Hundred Fifty-Five Thousand dollars (\$255,000.00), 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 Cook County Clerk / Recordings Division a certified copy of this ordinance, together with the similarly approved associated full sized plat as authorized by the Superintendent of Maps and Plats.

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 D, 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.