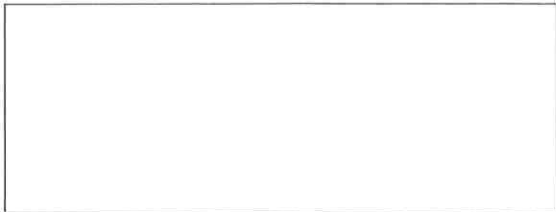




# PLANNED DEVELOPMENT APPLICATION



Case Number: \_\_\_\_\_

## 1. PROPERTY

Address(es)/Location(s)

1621-31 Chicago Avenue

Brief Narrative Summary of Proposal:

The proposed development, referred to as The Legacy, is located in a Transit-Oriented Development area and consists of a 12-story, mixed-use building containing:

- 1) approximately 6,812 sq. ft. of ground floor commercial space;
- 2) 110 bicycle parking spaces located on the ground floor;
- 3) 48 automobile parking spaces located on the 2nd and 3rd floors;
- 4) 110 residential units located on floors 3-11; and
- 5) a partial, setback, 12th floor amenity level.

The proposed building will be a predominantly concrete and glass clad structure. This Planned Development application replaces Applicant's two previous applications for this Property: 1) a 2018 application consisting of a 211 foot, 19-story, 240 residential unit building; and 2) a 2022 application consisting of a 165 foot, 15-story, 140 residential unit building. The current proposal materially addresses previous height objections, while maintaining previously offered public benefits and improving several aspects of the project such that it is now in-line and consistent with pertinent City planning and development policies and area plans. The project also includes 8 on-site Affordable units and shall be in full compliance with the Evanston IHO.

## 2. APPLICANT

Name: Horizon Group XXIII, LLC Organization: Contact: Jeffrey Michael

Address: 1946 W. Lawrence Avenue City, State, Zip: Chicago, IL 60640

Phone: Work: 773-529-7200 x 5001 Home: \_\_\_\_\_ Cell/Other: 847-812-8768

Fax: Work: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail: jmichael@horizonrealtygroup.com [PRIMARY MEANS OF CONTACT]

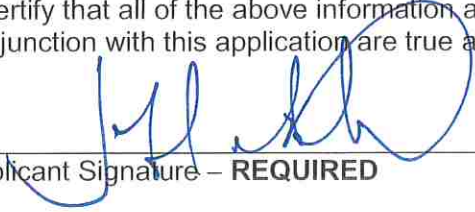
Please circle the primary means of contact.

What is the relationship of the applicant to the property owner?

- same
- builder/contractor
- potential purchaser
- potential lessee
- architect
- attorney
- lessee
- real estate agent
- officer of board of directors
- other: \_\_\_\_\_

## 3. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

  
Applicant Signature – **REQUIRED**

8/27/24  
Date

## 4. PRE-SUBMISSION REQUIREMENTS

Prior to actually submitting an application for Planned Development, you must:

A. Complete a Zoning Analysis of the Development Plan

The Zoning Office staff must review the development plan and publish a written determination of the plan's level of compliance with the zoning district regulations. Apply at the Zoning Office.

B. Present the planned development at a pre-application conference

Contact the Zoning Office to schedule a conference with Planning & Zoning Division staff.

## 5. REQUIRED SUBMISSION DOCUMENTS AND MATERIALS

- (This) Completed Application Form**
- Application Fee (\$6,000)**
- Two (2) Copies of Application Binder**

Your application must be in the form of a binder with removable pages for copying. You must submit two application binders for initial review.

The Application Binder must include:

- Certificate of Disclosure of Ownership Interest Form
- Plan drawing illustrating development boundary and individual parcels and PINs
- Plat of Survey of Entire Development Site
- Zoning Analysis Results Sheet
- Preliminary Plat of Subdivision *N/A*
- Pre-application Conference Materials
- Development Plan
- Landscape Plan
- Inclusionary Housing Ordinance Application
- Statement addressing how the planned development approval will further public benefits
- Statement describing the relationship with the Comprehensive Plan and other City land use plans
- Statement describing the development's compliance with any other pertinent city planning and development policies
- Statement addressing the site controls and standards for planned developments
- Statement of proposed development's compatibility with the surrounding neighborhood
- Statement of the proposed development's compatibility with the design guidelines for planned developments
- Statements describing provisions for care and maintenance of open space and recreational facilities and proposed articles of incorporation and bylaws
- Restrictive Covenants *N/A*
- Schedule of Development
- Market Feasibility Statement
- Traffic Circulation Impact Study
- Statement addressing development allowances for planned developments

### Notes:

- **Plats of survey** must be drawn to scale and must accurately and completely reflect the current conditions of the property.
- **Building plans** must be drawn to scale and must include interior floor plans and exterior elevations.
- **Application Fees** may be paid by cash, check, or credit card.
- **Mailing Fees** also apply and will be provided to the applicant from the City's mailing vendor.

- **Civic Engagement Website** will be set up for the duration of the planned development review process at applicant expense.

## **6. OTHER PROFESSIONAL REPRESENTATIVE INFORMATION**

### **Attorney**

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### **Architect**

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### **Surveyor**

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### **Civil Engineer**

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### **Traffic Engineer**

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### **Other Consultant**

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**7. MULTIPLE PROPERTY OWNERS**

Use this page if the petition is on behalf of many property owners.

*"I understand that the regulations governing the use of my property may change as a result of this petition. By signing below, I give my permission for the named petitioner on page 1 of this form to act as my agent in matters concerning this petition. I understand that 1) the named petitioner will be the City of Evanston's primary contact during the processing of this petition, 2) I may not be contacted directly by City of Evanston staff with information regarding the petition while it is being processed, 3) I may inquire the status of this petition and other information by contacting the Zoning Office, and 4) the property owners listed below may change the named petitioner at any time by delivering to the Zoning Office a written statement signed by all property owners and identifying a substitute petitioner."*

NAME and CONTACT INFORMATION (telephone or e-mail)	ADDRESS(es) or PIN(s) of PROPERTY OWNED	SIGNATURE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____
_____	_____	_____
_____	_____	_____

Copy this form if necessary for a complete listing.

## **Application Procedure**

- (A) Pre-Application Conference: Pre-Application Conference: Prior to application submittal, an applicant shall meet with the Zoning Administrator, Planning & Zoning staff, and the Alderman of the ward in which the proposed planned development is located. Where applicable, a representative of the Preservation Commission shall be present. The purpose of the conference is to present the concept of the proposed plan and discuss procedures and standards for approval. No representation made by City staff or the representative of the Preservation Commission during such conference or at any other time shall be binding upon the City with respect to the application subsequently submitted. The pre-application conference shall be scheduled within 15 calendar days after receiving the applicant's request.
- (B) Information Needed for Pre-Application Conference: The applicant shall include the following information at the time of request for the meeting:
1. Narrative summary of proposal.
  2. Conceptual site plan.
  3. Plat of survey (including the location of utilities).
  4. Proposed elevations.
  5. Photographs of the subject and surrounding properties.
  6. Description of adjacent land uses and neighborhood characteristics.
  7. Description of critical historical structures, details or characteristics (if applicable).
- (C) Zoning Analysis Application: Prior to review of the project, the applicant must submit the project for "zoning analysis." The Zoning Division's response to this application is a Zoning Analysis Review Sheet addressing specific regulatory areas, and indicating compliance or deficiency.
- (D) Results of Pre-Application Conference and Zoning Analysis: Following the pre-application conference, the Zoning Administrator shall be available to suggest modifications to the site plan as discussed during the pre-application conference. Within 7 calendar days, minutes of the pre-application conference shall be sent to the applicant and shall be available upon request to interested parties by the Zoning Administrator.

## **Review Procedure - Decision**

- (A) Review Procedure: Upon the review of an application for a planned development the Zoning Administrator shall notify the developer of any deficiencies or modifications necessary to perfect the planned development application.
- (B) Public Hearing: After determining that the application is complete, the Zoning Administrator shall schedule a public hearing to be held by the Plan Commission at which time a formal presentation of the planned development application will be presented. The public hearing shall be held not less than 15 calendar days and no more than 30 calendar days from the date of receipt of the complete application. In addition, a sign shall be posted on the property for a minimum of 10 working days prior to the public hearing indicating the place, time and date of the hearing.
- (C) Mailed Notices Required: Notice shall also be given by first class mail to all owners of property within a 1,000-foot radius of the subject property as provided by the City. The failure of delivery of such notice, however, shall not invalidate any such hearing. The City, through its Geographic Information System, will supply the names and addresses of the owners of property within the 1,000-foot radius. A third party mailing service mails notice of the hearing to the neighboring property owners. The applicant must pay any and all fees and postage associated with mailing this notice. The City publishes a notice of the hearing in a locally circulating newspaper, generally the Evanston Review, no less than 15 days nor more than 30 days prior to hearing.
- (D) Recommendation: The Plan Commission holds a public hearing and makes a recommendation, based on findings of fact, to the City Council within 60 days of the close of the public hearing. The Planning and Development Committee of the City Council considers the Plan Commission's recommendation and forwards it to the full Council with or without a recommendation. The City Council considers the Plan Commission's recommendation and may introduce an ordinance granting the planned development. The City Council may adopt an ordinance granting the planned development at the following or any subsequent City Council meeting. The developer shall record the ordinance granting the planned development and the development plan with the Cook County Recorder.

## **Submittal Requirements**

- 1) Planned Development Application Form.
- 2) Certificate of Disclosure of Ownership Interest Form listing each individual lot contained within the proposed development identified by parcel identification number and each owner having legal or equitable interest in each

individual parcel. Connection to the ownership interest in the property must be documented in the form of a title insurance policy, deed, lease or contract to lease or purchase.

- 3) Exhibit illustrating the boundaries of each individual parcel contained within the property(ies) proposed for development with coincide parcel identification numbers.
- 4) Plat of Survey, drawn to scale, showing dimensions and areas of the parcel(s), lot(s), block(s), or portions thereof, according to the recorded plat of the subject property(ies).
- 5) Preliminary Plat of Subdivision, if necessary, showing the development consists of, and is coterminous with, a single lot legally described in a recorded plat of subdivision or proposed subdivision or consolidation.
- 6) Pre-application Conference Materials:
  - a) Conceptual site plan, showing parking and bicycle facilities where appropriate;
  - b) Plat of survey showing location of utilities;
  - c) Elevations;
  - d) Photographs of the subject and surrounding properties;
  - e) Description of adjacent land uses and neighborhood characteristics; and
  - f) Description of critical historical structures, details or characteristics.
- 7) Zoning Analysis Results Sheet, if available.
- 8) Development Plan showing:
  - a) Location, dimensions and total area of site;
  - b) Location, dimensions, floor area, construction type and use of each structure;
  - c) Number, type and size of dwelling units, and the overall dwelling unit density;
  - d) Number and location of parking spaces and loading docks, with means of ingress and egress;
  - e) Traffic circulation pattern, location and description of public improvements, streets and access easements to be installed or created;
  - f) All existing and proposed dedications and easements;
  - g) Drainage plan;
  - h) Locations, dimensions and uses of adjacent properties, rights of way, easements and utilities serving the site;
  - i) Significant topographical or physical features, including trees;
  - j) Soil or subsurface conditions; and
  - k) Historical structures or features.
- 9) Landscape Plan, including:
  - a) Location, dimensions and total area of site;
  - b) Locations, dimensions and uses of adjacent properties, rights of way, easements and utilities serving the site;
  - c) Landscaping location and treatment, plant material types, size and quantity, open spaces, and exterior surfaces of all structures with sketches of proposed landscaping;
  - d) Topographic and physical site features including soils and existing trees and vegetation;
  - e) Location, type and size of trees to be removed, and preservation plan for existing trees to remain through construction; and
  - f) Location, type, height and material of all fences and walls.
- 10) Inclusionary Housing Ordinance Application.
- 11) Statement addressing how the planned development approval will further public benefits including:
  - a) Preservation and enhancement of desirable site characteristics, open space, topographic and geologic features, and historic and natural resources;
  - b) Use of design, landscape, and architectural features to create a pleasing environment;
  - c) Provide a variety of housing types in accordance with the City's housing goals;
  - d) Eliminate blighted structures or incompatible uses through redevelopment or rehabilitation;
  - e) Business, commercial, and manufacturing development to enhance the local economy and strengthen the tax base;
  - f) Efficiently use land resulting in more economic networks of utilities, streets, schools, public grounds, and other facilities; and
  - g) Incorporate recognized sustainable design practices and building materials to promote energy conservation and improve environmental quality.
  - h) Additional benefits related to transit alternatives, public art, public space improvements, etc.

- 12) Statement describing the relationship between the proposed development and the Comprehensive General Plan and other City land use plans.
- 13) Statement describing the developments compliance with the Zoning Ordinance and any other pertinent city planning and development policies.
- 14) Statement addressing the site controls and standards for planned developments in the subject property's zoning district regarding the following:
  - a) Minimum area
  - b) Tree preservation
  - c) Landscaped strip
  - d) Open space
  - e) Walkways
  - f) Parking and loading
  - g) Utilities
  - h) Stormwater treatment
- 15) Statement of proposed developments compatibility with the surrounding neighborhood.
- 16) Statement of proposed developments compatibility with the design guidelines for planned developments.
- 17) Statement describing provisions for care and maintenance of open space and recreational facilities and, if owned by an entity other than a government authority, proposed articles of incorporation and bylaws.
- 18) Restrictive Covenants to be recorded against proposed development.
- 19) Schedule of Development phases or stages stating beginning and completion time for each phase.
- 20) Market Feasibility Statement indicating the consumer market areas for all proposed uses in the development, the population potential of the area to be served by the proposed uses and other pertinent information concerning the demand for such uses of land.
- 21) Traffic Circulation Impact Study showing the effect of the development upon adjacent roadways, anticipated vehicular trips and traffic flow, and what road improvements and traffic control upgrading might be necessary.
- 22) Statement addressing the development allowances for planned developments in the subject property's zoning district regarding the following:
  - a) Height increases
  - b) Density increases
  - c) The location and placement of buildings varying from that otherwise permitted in the district
  - d) Floor area ratio increases

**Standing**

The applicant must own, lease, or have legal or equitable interest in the subject property. The Planning and Zoning Division requires the applicant to demonstrate his or her connection to the ownership interest in the property. Documentation can be in the form of a title insurance policy or a deed, and a lease or contract to lease or purchase.



# SPECIAL USE APPLICATION

## 1. PROPERTY

Address 1621-31 Chicago Avenue

Permanent Identification Number(s):

PIN 1: 1 1 - 1 8 - 4 0 3 - 0 2 1 - 0 0 0 0 PIN 2:     -    -    -    -    -    -    -    

(Note: An accurate plat of survey for all properties that are subject to this application **must** be submitted with the application.)

## 2. APPLICANT

Name: Horizon Group XXIII, LLC

Organization: C/O Jeffrey Michael

Address: 1946 W. Lawrence Ave.

City, State, Zip: Chicago, IL 60640

Phone: Work: 773-529-7200 x 5001 Home: \_\_\_\_\_ Cell/Other: 847-812-8768

Fax: Work: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail: jmichael@horizonrealitygroup.com [Primary Means of Contact]

Please circle the primary means of contact.

What is the relationship of the applicant to the property owner?

- same
- architect
- officer of board of directors
- builder/contractor
- attorney
- other: \_\_\_\_\_
- potential purchaser
- lessee
- potential lessee
- real estate agent

## 3. PROPERTY OWNER (Required if different than applicant. All property owners must be listed and must sign below.)

Name(s) or Organization: Applicant owns the property

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: Work: \_\_\_\_\_ Home: \_\_\_\_\_ Cell/Other: \_\_\_\_\_

Fax: Work: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

Please circle the primary means of contact.

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office in writing."

Property Owner(s) Signature(s) -- **REQUIRED** \_\_\_\_\_ Date \_\_\_\_\_

## 4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Applicant Signature - **REQUIRED** \_\_\_\_\_

Date 8/27/24



## 5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- (This) Completed and Signed Application Form**
- Plat of Survey** Date of Survey: May 1, 2018
- Project Site Plan** Date of Drawings: \_\_\_\_\_
- Plan or Graphic Drawings of Proposal** (If needed, see notes)
- Non-Compliant Zoning Analysis**
- Proof of Ownership** Document Submitted: Title Policy
- Application Fee** Amount \$ 6,000

**Notes: Incomplete applications will not be accepted.** Although some of these materials may be on file with another City application, individual City applications must be complete with their own required documents.

### **Plat of Survey**

- (1) One copy of plat of survey, drawn to scale, that accurately reflects current conditions.

### **Site Plan**

- (1) One copy of site plan or floor plans, drawn to scale, showing all dimensions.

### **Plan or Graphic Drawings of Proposal**

A Special Use application requires graphic representations for any elevated proposal-- garages, home additions, roofed porches, etc. Applications for a/c units, driveways, concrete walks do not need graphic drawings; their proposed locations on the submitted site plan will suffice.

### **Proof of Ownership**

Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents (price may be blacked out on submitted documents).

- **Tax bill will not be accepted as Proof of Ownership.**

### **Non-Compliant Zoning Analysis**

This document informed you that the proposed change of use is non-compliant with the Zoning Code and requires a variance.

### **Application Fee**

The application fee depends on your zoning district (see zoning fees). Acceptable forms of payment are: Cash, Check, or Credit Card.

## 6. PROPOSED PROJECT

### A. Briefly describe the proposed Special Use:

The proposed development, referred to as The Legacy, is located in a Transit-Oriented Development area and consists of a 12-story, mixed-use building containing:

- 1) approximately 6,812 sq.ft. of ground floor commercial space; 2) 110 bicycle parking spaces; 3) 48 automobile parking spaces located on the 2nd and 3rd floors;
- 4) 110 residential dwelling units located on floors 3-11; and 5) a partial, setback, 12th floor amenity level. The Proposed building will be a predominantly concrete and glass clad structure. This current proposal materially addresses previous height objections, while maintaining previously offered public benefits and improving aspects of the project such that it is now in-line and consistent with pertinent City planning and development policies and area plans. The project also includes 8 on-site affordable units and is in full compliance with the Evanston IHO.

## APPLICANT QUESTIONS

- a) Is the requested special use one of the special uses specifically listed in the Zoning Ordinance? What section of the Zoning Ordinance lists your proposed use as an allowed special use in the zoning district in which the subject property lies? (See Zoning Analysis Review Sheet)

Yes. Applicant's proposed development requires approval of a Special Use for a Planned Development under Sections 6-3-5-2 (c), 6-3-6-1, 6-11-1-10-(D)2, and 6-11-5-3 of the City of Evanston's Zoning Ordinance. Eligible Site Development Allowances are required in order to allow the height, number of dwelling units, number of off-street automobile parking spaces and reduction in size of 2 compact parking spaces, subject to and by the authority of Sections 6-3-6-5 (B), (D), and (E).

- b) Will the requested special use interfere with or diminish the value of property in the neighborhood? Will it cause a negative cumulative effect on the neighborhood?

The requested Special Use will not interfere or diminish the neighborhood property values in any way. In fact, the proposed Special Use will have a positive effect on the value of property in the neighborhood, as the proposed development will bring in new residents, customers and visitors to the area, thereby significantly increasing real estate and sales tax revenue, as well as supporting local businesses. The elimination of obsolete, vacant commercial space, replacing it with a modern commercial establishment and improved streetscape and pedestrian experience will also positively impact the neighborhood.

- c) Will the requested special use be adequately served by public facilities and services?

The planned development will be adequately served by public facilities and services. The Legacy development team has met with City staff and departments of public works, engineering, and fire department, along with project civil engineer to insure that adequate utilities, public facilities and services are available to the planned development. Additionally, the City of Evanston's Land Use Commission previously affirmed, at the time of Applicant's prior planned development application hearing, that the planned development at this Property met this standard.

d) Will the requested special use cause undue traffic congestion?

The planned development will not cause undue traffic congestion as set forth in the Traffic Impact Study conducted by KLOA. The subject Property is well located in a transit-oriented area, with reduced automobile parking and alternative modes of transportation available, including increased bicycle parking and public transportation further alleviate traffic.

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e) Will the requested special use preserve significant historical and architectural resources?

The subject Property does not contain any historically or architecturally significant buildings or resources.

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f) Will the requested special use preserve significant natural and environmental features?

The subject Property does not contain any significant natural or environmental features.

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g) Will the requested special use comply with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation?

Yes. The requested special use will comply with all applicable regulations of the district in which it is located, including the Evanston zoning ordinance, subject to approval of the four eligible site development allowances requested, as set forth in the Planned Development Application materials.

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# City of Evanston DISCLOSURE STATEMENT

(This form is required for all Major Variances and Special Use Applications)

The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made: Does not apply.

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2. *If a person or organization owns or controls the proposed land user*, list the name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number \_\_\_\_\_ above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

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3. List the name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number \_\_\_\_\_ above, or indicated below.

Horizon Group XXIII, LLC  
c/o Jeff Michael  
1946 W. Lawrence Avenue  
Chicago, IL 60640  
Attention: Jeffrey Michael

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number \_\_\_\_\_ above, or indicated below.

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**If Applicant or Proposed Land User is a Corporation**

Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

a. Names and addresses of all officers and directors.

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b. Names, addresses, and percentage of interest of all shareholders. If there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation or if there are more than 33 shareholders.

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**If Applicant or Proposed Land User is not a Corporation**

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief.

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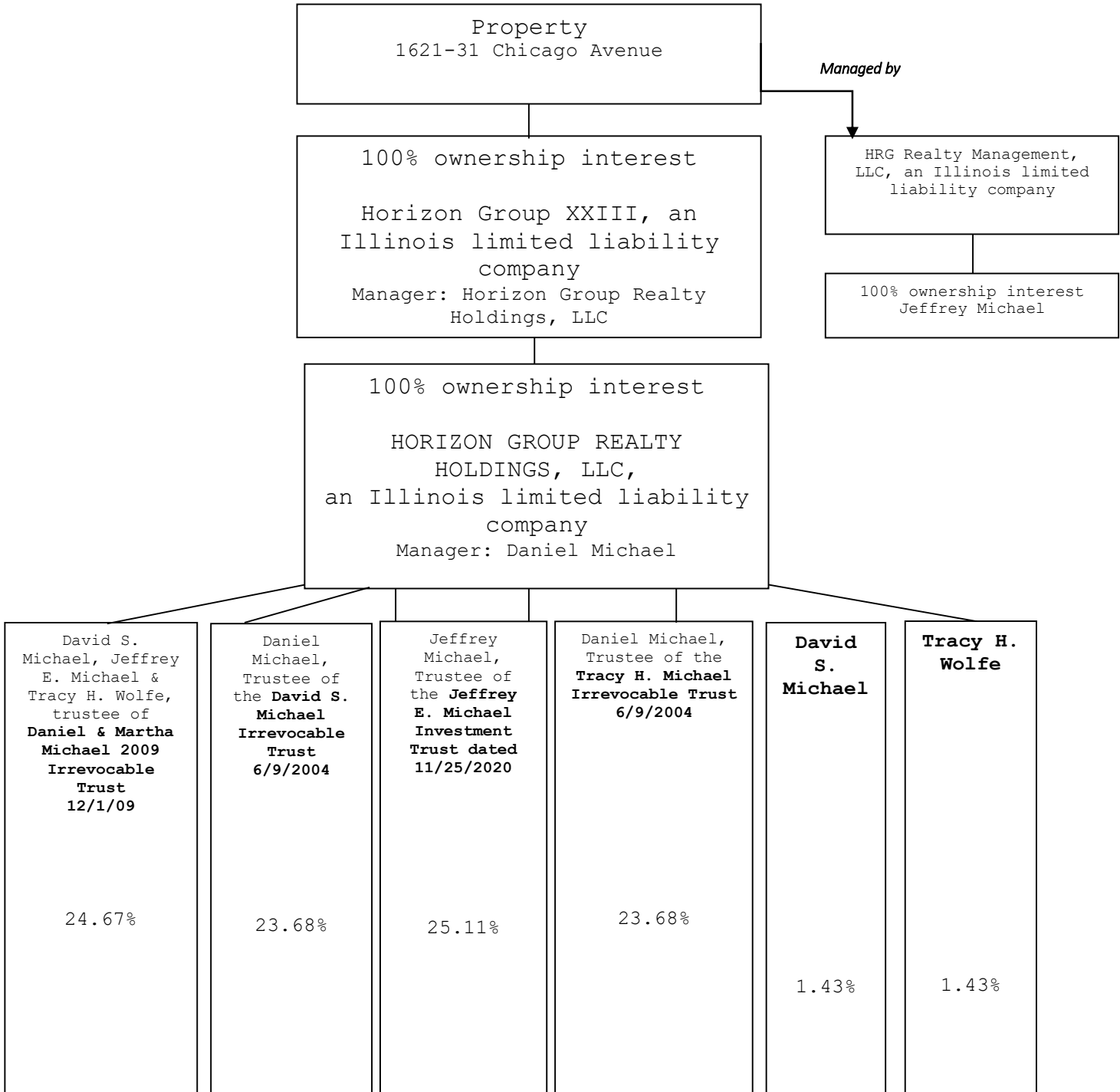
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**ORGANIZATIONAL CHART:**



CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY (2006)

SCHEDULE A

POLICY NUMBER: 1401 - 008861207 - D1

DATE OF POLICY: SEPTEMBER 12, 2012

AMOUNT OF INSURANCE: \$ [REDACTED]

1. NAME OF INSURED:

HORIZON GROUP XXIII, AN ILLINOIS LIMITED LIABILITY COMPANY

2. THE ESTATE OR INTEREST IN THE LAND THAT IS INSURED BY THIS POLICY IS:  
FEE SIMPLE, UNLESS OTHERWISE NOTED.

3. TITLE IS VESTED IN:  
THE INSURED

4. THE LAND HEREIN DESCRIBED IS ENCUMBERED BY THE FOLLOWING MORTGAGE OR TRUST DEED  
AND ASSIGNMENTS:

COMMERCIAL MORTGAGE (INCLUDING SECURITY AGREEMENT, ASSIGNMENT OF RENTS AND LEASES AND  
FIXTURE FILING) DATED AUGUST 30, 2012 AND RECORDED SEPTEMBER 12, 2012 AS DOCUMENT  
1225601077 MADE BY HORIZON GROUP XXIII, AN ILLINOIS LIMITED LIABILITY COMPANY TO  
THE NORTHERN TRUST COMPANY TO SECURE A NOTE IN THE AMOUNT OF \$ [REDACTED]

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

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in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY (2006)  
SCHEDULE A (CONTINUED)

POLICY NUMBER: 1401 - 008861207 - D1

5. THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

LOT "A" IN THE PLAT OF CONSOLIDATION, OF LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF) AND ALL OF LOTS 5, 6, 7, 8 AND 9 IN BLOCK 20 IN THE VILLAGE OF EVANSTON, BEING A SUBDIVISION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

**THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED**

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CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY (2006)

SCHEDULE B

POLICY NUMBER: 1401 - 008861207 - D1

EXCEPTIONS FROM COVERAGE

THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE, THE COMPANY WILL NOT PAY COSTS, ATTORNEY'S FEES OR EXPENSES THAT ARISE BY REASON OF:

GENERAL EXCEPTIONS:

- (1) RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY PUBLIC RECORDS.
- (2) ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
- (3) EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY PUBLIC RECORDS.
- (4) ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
- (5) TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.

6.

1. TAXES FOR THE YEAR(S) 2011 AND 2012  
2012 TAXES ARE NOT YET DUE OR PAYABLE.

1A. NOTE: 2011 FIRST INSTALLMENT WAS DUE MARCH 1, 2012  
NOTE: 2011 FINAL INSTALLMENT WAS DUE AUGUST 1, 2012

PERM TAX#	PCL	YEAR	1ST INST	STAT
11-18-403-019-0000	1 OF 1	2011	\$368,685.81	PAID

FINAL INSTALLMENT OF 2011 TAXES IN THE AMOUNT OF \$305,002.65 IS PAID

PERM TAX# 11-18-403-019-0000 PCL 1 OF 1 VOLUME 57

4A SPECIAL SERVICE AREA NUMBER 4, CITY OF EVANSTON, RECORDED AS DOCUMENT NUMBER 0434404070, ORDINANCE NUMBER 52-0-97.

7. RESTRICTIONS CONTAINED IN DEED RECORDED FEBRUARY 17, 1857 AS DOCUMENT 81567 AND RECORDED MARCH 3, 1863 AS DOCUMENT 63409 PROHIBITING THE MANUFACTURE, SALE OR GIVING AWAY OF LIQUORS

NOTE: SAID INSTRUMENT CONTAINS NO PROVISION FOR A FORFEITURE OF OR REVERSION OF



CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY (2006)

SCHEDULE B

POLICY NUMBER: 1401 - 008861207 - D1

EXCEPTIONS FROM COVERAGE (CONTINUED)

TITLE IN CASE OF BREACH OF CONDITION

(AFFECTS LOTS 6, 7, 8 AND 9)

- E 8. COVENANT RECORDED SEPTEMBER 14, 1978 AS DOCUMENT 24627321 MADE BY EXCHANGE NATIONAL BANK AS TRUSTEE UNDER < NO 25168 AND NORTH SHORE HOTEL LTD., THAT THE PRESENT AND FUTURE OWNERS OF THE BUILDING SHALL LEASE OR OTHERWISE PROVIDE ONE OFF-STREET PARKING SPACE FOR EACH VEHICLE OWNED OR REGISTERED TO A RESIDENT OF THE RETIREMENT HOTEL. IN NO EVENT SHALL THE SPECIAL USE PERMITTEE PROVIDE LESS THAN 15 OFF STREET PARKING SPACES.

(AFFECTS LOTS 6, 7, 8, AND 9)

- F 9. ENCROACHMENT OF THE CAR PORT LOCATED MAINLY ON THE LAND ONTO THE PROPERTY WEST AND ADJOINING BY AN UNDISCLOSED AMOUNT, AS SHOWN ON PLAT OF SURVEY NUMBER 12-175 PREPARED BY B.H. SUHR & COMPANY, INC. DATED JULY 10, 2012.

- G 10. ENCROACHMENT OF CANOPIES OVER THE WEST LINE AND SOUTH LINE AND ENCROACHMENT OF CONCRETE WALL OVER THE EAST LINE BY 1.10 FEET MORE OR LESS AS DISCLOSED BY SURVEY AFORESAID.

- H 11. ENCROACHMENT OF ONE STORY BRICK BUILDING LOCATED ON PROPERTY NORTH AND ADJOINING OVER AND ONTO THE LAND BY 0.10 FEET AS DISCLOSED BY SURVEY AFORESAID.

- AK 12. EXISTING UNRECORDED LEASES AS DISCLOSED BY THE RENT ROLL ATTACHED TO ALTA STATEMENT DATED AUGUST 30, 2012 WHICH CONTAIN NO RIGHT TO EXTEND OR PURCHASE.

