

THIS DOCUMENT WAS PREPARED BY AND UPON RECORDING PLEASE MAIL TO:

5103/0250 05 001 Page 1 of 8
2000-08-02 15:29:32
Cook County Recorder 35.00

Stephanie J. Kim
Katz Randall Weinberg & Richmond
333 West Wacker Drive
Suite 1800
Chicago, Illinois 60606



00587580

KRWR File No. 09246.00100

7857810 DZ MS

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is made as of the 21st day of July, 2000 (hereinafter referred to as the "Memorandum") by and between **LINCOLN PARK WEST ASSOCIATES L.L.C.**, an Illinois limited liability company (hereinafter referred to as the "Developer") and **BERNARD J. MCDERMOTT III** and **SHEPARI W. MCDERMOTT** (hereinafter referred to as the "Unit Owner").

RECITALS

A. The Developer has recorded a certain Declaration of Condominium Ownership and By-Laws Easements, Restrictions and Covenants for the 2120 Lincoln Park West Condominium Association (hereinafter referred to as the "Original Declaration") with the Cook County Recorder of Illinois on February 7, 2000 as Document Number 00096188, creating the 2120 Lincoln Park West Condominiums pursuant thereto and submitting certain real estate, as legally described on Exhibit "A" attached hereto, to the provisions of the Illinois Condominium Property Act, including that certain real estate as legally described on Exhibit "A-1" attached hereto, and known as Unit 5 to the Condominium.

B. Developer subsequently amended the Original Declaration pursuant to that certain First Amendment to Declaration of Condominium Ownership and By-Laws Easements, Restrictions and Covenants for the 2120 Lincoln Park West Condominium Association (hereinafter referred to as the "First Amendment"). Due to a scrivener's error, the Original Declaration did not designate a certain area on the fifth (5th) floor of the Condominium, as depicted on Exhibit "B" attached hereto (hereinafter referred to as the "Expanded Roof Deck Area") as a Limited Common Element. It was the Developer's intention at all times that the Expanded Roof Deck Area be designated as a Limited Common Element. The First Amendment amended the Original Declaration to add and designate the Expanded Roof Deck Area as a Limited Common Element. The Original Declaration and the First Amendment are hereinafter collectively referred to as the "Declaration."

Street Addresses: 2120 N. Lincoln Park West, Unit 5
Chicago, Illinois 60614

Permanent Index Numbers: 14-33-206-036-0000
14-33-206-037-0000
14-33-206-038-0000

SKIM/415374

RECORDING FEE 35.00
DATE 8/2/00 COPIES 0
OK BY [Signature] [Signature]

C. Unit Owner is the owner of Unit 5 of the Condominium. Developer is the developer of Condominium and desires to assign the Expanded Roof Deck Area as a Limited Common Element to Unit 5. Unit Owner desires to accept such assignment of the Expanded Roof Deck Area subject to the terms and provisions hereof and the Declaration.

D. The parties desire to memorialize certain agreements with respect to the Expanded Roof Deck Area.

NOW, THEREFORE, in consideration of the mutual agreements and covenants herein contained, and other good and valuable consideration, the parties agree as follows:

1. Recitals. The Recitals set forth above are hereby incorporated as though fully set forth herein.

2. Assignment. Developer hereby assigns to Unit Owner the Expanded Roof Deck Area as depicted on Exhibit "B" attached hereto, as a Limited Common Element appurtenant to Unit 5. Unit Owner hereby accepts the foregoing assignment in accordance with the terms and provisions hereof and of the Declaration.

3. Maintenance. In consideration of the foregoing assignment, Unit Owner, its successors and its assigns, hereby agree that it shall be responsible for all costs and expenses incurred in maintaining, repairing, and replacing any screening, landscaping or other improvements to the Expanded Roof Deck Area constructed or installed by the Developer or Unit Owner in accordance with the Declaration, the Planned Development approved by the City of Chicago and all applicable laws. Notwithstanding anything contained herein to the contrary, the Expanded Roof Deck Area shall be subject to: (i) all flues, shafts, pipes, wires, conduits, ducts, roof penetrations, and equipment which Developer now or hereafter installs, locates or maintains in the Expanded Roof Deck Area, (ii) an easement in favor of the Developer, the Board and the Association for access over and across the Expanded Roof Deck Area in the event of an emergency, and (iii) the right of the Board or Association to perform any repairs, replacements or other maintenance work to the roof of the Building and in the Expanded Roof Deck Area.

4. Binding Effect. This Memorandum shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto and shall be deemed to be an agreement which runs with the land.

UNOFFICIAL COPY

00587580

IN WITNESS WHEREOF, the parties have entered into this Memorandum as of the date above first written.

DEVELOPER:

LINCOLN PARK WEST ASSOCIATES
L.L.C., an Illinois limited liability company

By: _____

Warren Baker
Warren Baker, its Manager

UNIT OWNER:

BERNARD J. MCDERMOTT III

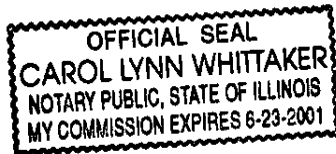
Sherril W. Mcdermott
SHERRI W. MCDERMOTT

STATE OF ILLINOIS)
)
COUNTY OF C O O K)

I, *Carol Lynn Whittaker*, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Warren Baker, as Manager of Lincoln Park West Associates L.L.C., who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Manager of said limited liability company, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said limited liability company for the uses and purpose therein set forth.

GIVEN under my hand and notarial seal this 31st day of July, 2000.

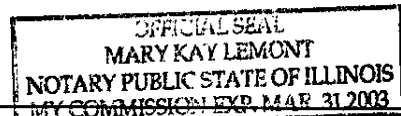
Carol Lynn Whittaker
Notary Public



STATE OF ILLINOIS)
)
COUNTY OF C O O K)

I, Mary Kay Lemont, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Bernard J. McDermott III, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 26 day of July, 2000.

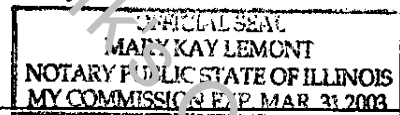


Notary Public

STATE OF ILLINOIS)
)
COUNTY OF C O O K)

I, Mary Kay Lemont, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Sherri W. McDermott, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 26 day of July, 2000.



Notary Public

EXHIBIT "A"

LEGAL DESCRIPTION

SUB-LOTS 3, 4 AND 5 IN MCNALLY'S SUBDIVISION OF PART OF LOT A IN THE SUBDIVISION OF LOTS 30 TO 44, INCLUSIVE, AND THAT PART OF LOT 29 SOUTH OF NEW ALLEY ALSO FORMER ALLEY EAST OF AND ADJOINING LOT 29 TO 35 INCLUSIVE IN ROBINSON'S SUBDIVISION OF BLOCK 19 IN CANAL TRUSTEES SUBDIVISION OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS,

ALSO

THAT PART OF THE 18 FOOT PUBLIC ALLEY IN BLOCK 19 IN CANAL TRUSTEE SUBDIVISION IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF LOT 3 IN MCNALLY SUBDIVISION OF PART OF LOT "A" IN THE SUBDIVISION OF LOTS 30 AND 44, BOTH INCLUSIVE, IN THAT PART OF LOT 29, SOUTH OF NEW ALLEY, ALSO FORMER ALLEY EAST OF AND ADJOINING LOTS 29 AND 35, BOTH INCLUSIVE, IN ROBINSON'S SUBDIVISION OF BLOCK 19 AFORESAID; THENCE SOUTH 22 55' 50" EAST 58.77 FEET ALONG THE NORTHEASTERLY LINE OF SAID 18 FOOT PUBLIC ALLEY TO A BEND THEREIN, THENCE SOUTH 67 03' 38" WEST 12.00 FEET ALONG THE SOUTHEASTERLY LINE OF SAID 18 FOOT PUBLIC ALLEY; THENCE NORTH 24 23' 33" WEST 4.40 FEET; THENCE NORTH 18 55' 41" EAST 15.67 FEET; THENCE NORTH 22 55' 50" WEST 43.41 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 3 AFORESAID; THENCE SOUTH 89 44' 00" EAST 1.80 FEET ALONG SAID WESTERLY EXTENSION TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBERS: 14-33-206-036-0000;
 14-33-206-037-0000;
 14-33-206-038-0000

COMMON ADDRESS: 2120 NORTH LINCOLN PARK WEST, CHICAGO, IL 60614

EXHIBIT "A-1"

LEGAL DESCRIPTION - UNIT 5

PARCEL 1:

UNIT 5 IN THE 2120 LINCOLN PARK WEST CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED LAND: SUBLOTS 3, 4 AND 5 IN McNALLY'S SUBDIVISION OF PART OF LOT "A" IN THE SUBDIVISION OF LOTS 30 TO 44, INCLUSIVE AND THAT PART OF LOT 29, SOUTH OF NEW ALLEY ALSO FORMER ALLEY EAST OF AND ADJOINING LOTS 29 TO 35, INCLUSIVE, IN ROBINSON'S SUBDIVISION OF BLOCK 19 IN CANAL TRUSTEES' SUBDIVISION IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

ALSO

THAT PART OF THE 18 FOOT PUBLIC ALLEY IN BLOCK 19 IN CANAL TRUSTEE SUBDIVISION IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF LOT 3 IN McNALLY SUBDIVISION OF PART OF LOT "A" IN THE SUBDIVISION OF LOTS 30 AND 44, BOTH INCLUSIVE, IN THAT PART OF LOT 29, SOUTH OF NEW ALLEY, ALSO FORMER ALLEY EAST OF AND ADJOINING LOTS 29 AND 35, BOTH INCLUSIVE, IN ROBINSON'S SUBDIVISION OF BLOCK 19 AFORESAID; THENCE SOUTH 22° 55' 50" EAST 58.77 FEET ALONG THE NORTHEASTERLY LINE OF SAID 18 FOOT PUBLIC ALLEY TO A BEND THEREIN, THENCE SOUTH 67° 03' 38" WEST 12.00 FEET ALONG THE SOUTHEASTERLY LINE OF SAID 18 FOOT PUBLIC ALLEY; THENCE NORTH 24° 23' 33" WEST 4.40 FEET; THENCE NORTH 18° 55' 41" EAST 15.67 FEET; THENCE NORTH 22° 55' 50" WEST 43.41 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 3 AFORESAID; THENCE SOUTH 89° 44' 00" EAST 1.80 FEET ALONG SAID WESTERLY EXTENSION TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS; WHICH SURVEY IS ATTACHED AS EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 00096188 TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE EXCLUSIVE RIGHT TO THE USE OF PARKING SPACES 13A, 13B, 15A AND 15B AND STORAGE SPACES 1 AND 3, LIMITED COMMON ELEMENTS AS DELINEATED ON THE SURVEY ATTACHED TO THE DECLARATION AFORESAID.

UNOFFICIAL COPY

00587580

EXHIBIT "B"

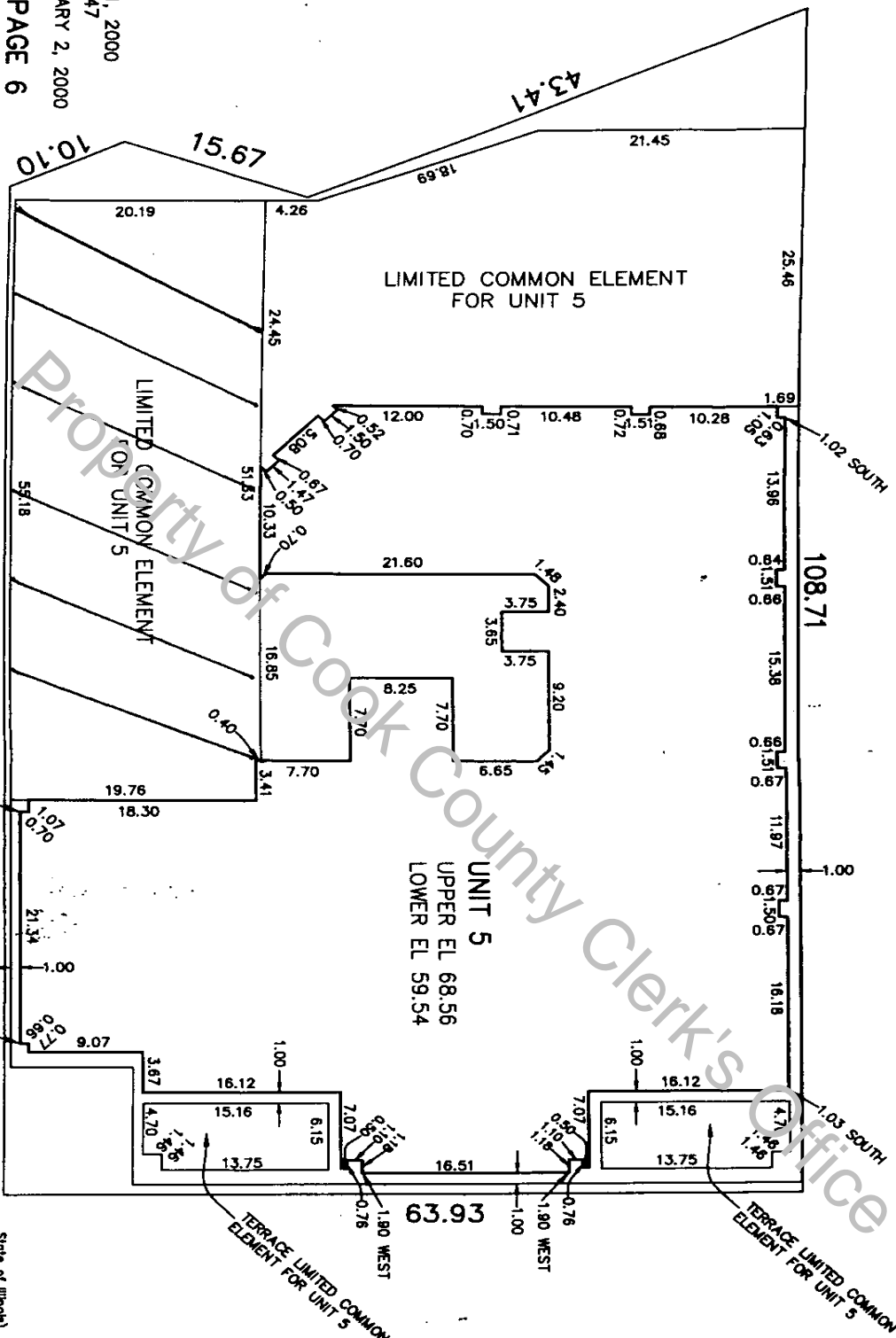
Depiction of Expanded Roof Deck Area

Property of Cook County Clerk's Office

Horizontal planes shown hereon are projected from architects plans.
 Vertical planes shown hereon are projected from architects plans.

UNEMILLI & DIECKMANN, INC.
PROFESSIONAL ILLINOIS LAND SURVEYORS
 4505 N. Dearborn Avenue
 Chicago, Illinois 60630
 Telephone: (773) 685-8102
 Fac: (773) 286-8184

REVISED: JUNE 1, 2000
 PER NO. #1001047
 REVISED: FEBRUARY 2, 2000
AMENDED PAGE 6
EXHIBIT "B"



Checked Drawn

ORDER NO. **992947**
 SCALE: 1 inch = 10 feet
 DATE: JANUARY 2, 2000
 ADDRESS: 2125 N. LINCOLN PARK, WEST
 ORDERED BY: BAKER DEVELOPMENT, INC.

Drawings are made to best and directed into Survey. Contents of job are based on data furnished by owner and it is the responsibility of the owner to verify the accuracy of the same and to correct any errors before the drawing is done.
 For easements, building lines and other restrictions not shown on survey plat refer to your official deed, contract, site plan and local building regulations.
 No dimensions shall be construed by scale measurement upon this plat.
 © GREALEY & BIEDERMANN, INC. 2000. All Rights Reserved.

N. LINCOLN PARK WEST

