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Cook County Recorder 32.00

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THIS INSTRUMENT PREPARED BY:

DAVID J. O'KEEFE
SCHAIN, BURNEY, ROSS & CITRON, LTD.
222 N. LASALLE STREET, SUITE 1910
CHICAGO, IL 60601-1102

UPON RECORDATION, RETURN TO SAME.

Property of Cook County Clerk's Office



DECLARATION OF AMENDMENT TO EASEMENT

This **DECLARATION OF AMENDMENT TO EASEMENT** ("Amendment") is made and entered into as of the 23rd day of May, 2002, by **BUCKINGHAM GLEN, L.L.C.**, an Illinois limited liability company ("Declarant").

WITNESSETH:

WHEREAS, Declarant is the record owner of fee simple title to a certain parcel of real property located in Glenview, Cook County, Illinois, consisting of approximately 2.6380 acres and legally described in Exhibit "A" attached hereto and made a part hereof (the "Property"); and

WHEREAS, the Property is subject to a certain fifteen-foot (15') sanitary sewer easement heretofore established by Easement recorded August 16, 1963 as Document LR2107332 (the "Easement") which provided for an easement for sanitary sewer drainage from the Property over other property lying north of the Property; and

WHEREAS, a Final Plat of Subdivision of the Property creating the Buckingham Glen Subdivision (the "Plat") was recorded on May 14, 2002 as Document No. 0020548207; and

WHEREAS the Plat by its terms did not vacate the Easement notwithstanding that the Plat created new easements in different locations for the placement of sanitary sewer lines (and other utilities);

WHEREAS, the Property has always been a dominant tenement rather than a servient tenement under the Easement in that the Easement has always provided for and resulted in the drainage of sanitary sewage from the Property over other properties affected by the Easement (the "Adjoining Properties") but has never provided for nor resulted in the drainage of sanitary sewage from the Adjoining Properties over the Property; and

BOX 333-CTI

WHEREAS, the Property could never become a servient tenement under the Easement in that the Easement terminates within the Property and as a result could never be utilized for the drainage of sanitary sewage across the Property; and

WHEREAS, in developing the Property, Buckingham Glen has worked with Northfield Township (the "Township"), the governmental entity having jurisdiction over same, to relocate the sanitary sewer lines to another location within the Property as shown on the Plat; and

WHEREAS, there are no longer any sanitary sewer lines existing within that portion of the Easement on the Property (except to the extent that new sanitary sewer lines placed within the new easements established by the Plat may bisect the abandoned Easement) and all homes that were formerly served by the sanitary sewer lines that existed within the Easement have been demolished; and

WHEREAS, the relocation of the sanitary sewer lines as described above causes no hardship or prejudice to the owners of the Adjoining Properties; and

WHEREAS, Declarant desires to declare for itself and its successors and/or assigns that the Easement is hereby amended to comport with the development of the Property as authorized by the Township without in any manner abrogating or interfering with the rights of the owners of the Adjoining Properties under the Easement.

NOW, THEREFORE, Declarant declares as follows:

1. The recitals set forth above are incorporated into this Amendment and shall be deemed terms and provisions hereof, the same as if fully set forth in this paragraph 1.
2. That portion of the Easement located within the Property is, to the extent allowed by law, hereby abrogated, vacated and canceled by Declarant, subject to the terms and conditions hereof.
3. All owners of any Adjoining Properties shall have the right to utilize the sanitary sewer lines located within the Property for drainage of sanitary sewage from the Adjoining Properties only to the extent that such Adjoining Properties formerly used the Easement for such purpose.
4. In all other respects, the Easement shall remain unmodified and in full force and effect.
5. This Amendment shall be deemed to run with the land and also shall bind and benefit the successors and assigns of the parties.

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IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and date first above written.

BUCKINGHAM GLEN, L.L.C., an Illinois limited liability company

By: Christopher F. Coleman
Name: CHRISTOPHER F. COLEMAN
Its: MANAGER

DJO/AGREEMENTS/COLEMAN/BGABR-FINAL

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, SUZANNE N. COLEMAN, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that CHRISTOPHER COLEMAN, the MANAGER of BUCKINGHAM GLEN, L.L.C., an Illinois limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing **DECLARATION OF AMENDMENT TO EASEMENT**, appeared before me this day in person and acknowledged that he/she voluntarily signed, sealed and delivered the said instrument, on behalf of the company as its free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal, this 23 day of MAY, 2002.

Suzanne N. Coleman
Notary Public



Property of Cook County Clerk's Office

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:

LOT 1 IN CHARLES GUSTAFSON'S SUBDIVISION, A SUBDIVISION OF THE WEST 240.00 FEET, THE EAST 290.00 FEET (EXCEPT THE NORTH 180.0 FEET THEREOF AND EXCEPT THE SOUTH 240.0 FEET THEREOF) OF THE NORTH 20 ACRES OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON MAY 20, 1959, AS DOCUMENT NUMBER 1862237.

PARCEL 2:

LOT TWO (2) IN CHARLES GUSTAFSON'S SUBDIVISION, A SUBDIVISION OF THE WEST 240.00 FEET, THE EAST 290.00 FEET (EXCEPT THE NORTH 180.0 FEET THEREOF AND EXCEPT THE SOUTH 240.0 FEET THEREOF) OF THE NORTH TWENTY (20) ACRES OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THE NORTH 90 FEET OF THE SOUTH 240 FEET OF THE WEST 240 FEET OF THE EAST 290 FEET OF THE NORTH 20 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THE WEST 240 FEET OF THE EAST 290 FEET OF THE SOUTH 150 FEET OF THE NORTH 20 ACRES OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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