



Doc#: 0425903039
Eugene "Gene" Moore Fee: \$30.00
Cook County Recorder of Deeds
Date: 09/15/2004 01:34 PM Pg: 1 of 4

**FIRST AMENDMENT TO
THE DECLARATION
OF CONDOMINIUM
OWNERSHIP AND
OF EASEMENTS,
RESTRICTIONS,
COVENANTS AND
BY-LAWS FOR
1908 WEST AUGUSTA
CONDOMINIUM
ASSOCIATION**

THIS INSTRUMENT PREPARED BY
Daniel G. Lauer & Assoc., P.C.
1424 W. DIVISION STREET
CHICAGO, IL 60622-3322

AFTER RECORDING DELIVER TO:
CTI-BOX #333

RECORDING FEE 30-
DATE 9/15 COPIES 4
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THIS DECLARATION is made and entered by Renata Drozdewicz, George Modzelewski, and Jerzy Mroczkowski, (hereinafter referred to as the "Declarant");

WITNESSETH:

WHEREAS, the Declarant hold legal title to the parcel of real estate situated in the City of Chicago, Cook County, Illinois (hereinafter called the "Parcel") and legally described below and by this reference made a part hereof; and,

WHEREAS, the Declarant submitted this Parcel to the provisions of the Condominium Property Act of the State of Illinois, as amended from time to time (hereinafter called the "Act") and recorded the Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for 1908 West Augusta Condominium Association ("the Declaration") on May 10, 2004 as Document 0413132134; and,

WHEREAS, the Declarant is desirous of more clearly setting forth the Unit Owners' rights and obligations as to certain Limited Common Elements on or about the Property and establishing, for its own benefit and for that of all future owners or occupants of the Property and each part thereof, certain easements and rights in, over and upon the property and certain mutually beneficial restrictions and obligations with respect to the use and maintenance thereof; and,

WHEREAS, the Declaration paragraph 3.01 provides that the "...Common Elements include, without limitation and if applicable, any of the following items located on the Property: the walls,

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roof, hallways, stairways, entrances and exits, security system, mechanical equipment areas...", as well as other structural components of the Property; and,

WHEREAS, paragraph 3.03 of the Declaration defines Limited Common Elements of the Property as "...such parts of the Common Elements serving exclusively a single Unit or adjoining Units as an inseparable appurtenance thereto, as designated as such in this Declaration, including in the Plat, or which by the nature or location thereof, or by the terms of this Declaration, are clearly intended to be reserved for or for the use of one or more Units to the exclusion of other Units. The Limited Common Elements appertaining to, or designated or reserved for or for the use of, or serving any Unit (alone or in conjunction with other Units) are hereinafter from time to time referred to as the Limited Common Elements of such Unit. The Limited Common Elements shall include, but shall not be limited to, the following (a) the interior surface of the perimeter walls, ceiling and floors which define the boundary planes of a Unit; (b) perimeter doors and windows which serve exclusively a single Unit; (c) any system or component part thereof which serves a Unit exclusively, to the extent that such system or component part is located outside the boundaries of a Unit; and (d) balconies, terraces and/or decks contiguous to a Unit (excluding any stair system and landings which provide ingress and egress to other Units). Nothing in the foregoing shall be deemed or construed to prevent the Board from establishing rules concerning the use of Limited Common Elements by Unit Owners, and such rules established by the Board in accordance with this Declaration shall be binding upon Unit Owners."

WHEREAS, paragraph 16.01 of the Declaration provided that all rights vested in the Board of Unit Owners shall be vested in the Declarant and/or Developer until the election of the initial Board by the Unit Owners.

WHEREAS, the legal description of the Parcel, common address and PIN is as follows:

Legal Description:	Please see below
Common Address:	1908 West Augusta Avenue and 1000 North Wolcott Chicago, Illinois 60622
PIN:	17-06-414-048-0000

UNITS 1, 2, AND 3 1908 WEST AUGUSTA CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

LOT 24, EXCEPT THE WEST 44.55 FEET, IN ALVIN N. LANCASTER'S RESUBDIVISION OF THE EAST 1/2 OF BLOCK 3 IN COCHRAN'S SUBDIVISION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

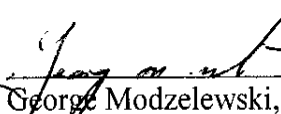
NOW THEREFORE, the Declarant and Developer, pursuant to the rights conferred on them in the Declaration, and for the purposes set forth herein, amends the Declaration and **DECLARES AS FOLLOWS**:

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1. The Declaration is amended to provide that an area, to be above and from a point immediately adjacent to the structural and physical components of the roof over Unit 3 of the 1000 N. Wolcott building, and to a point ten (10) feet above the physical components of the roof, shall be Limited Common Elements to the Owner of Unit 3 of the 1000 N. Wolcott building respectively, as a balcony and/or deck contiguous to a Unit, and as more fully set forth in paragraph 3.03 and 3.04 of the Declaration.
2. The Unit Owner of Unit 3 of the 1000 N. Wolcott building, its successors and/or assigns, hereby agree, if they shall construct such balcony and/or deck at all, it or they shall be constructed according to the following stipulations and conditions:
 - A. All work associated with the installation of a balcony or deck shall be completed in accord with all applicable building, zoning or other codes and regulations issued by the City of Chicago or other governmental jurisdiction.
 - B. By beginning construction, Unit 3 of the 1000 N. Wolcott building agrees that it shall be solely responsible for the cost of such construction; further Unit 3 of the 1000 N. Wolcott building shall hold harmless and indemnify 1908 West Augusta Condominium Association, the Declarant, the Developer its successors and/or assigns from any claim for loss or damage based on bodily injury or property damage associated with the construction or operation of such deck or balcony as to the roof or any other portion of the Common Elements of the Property;
 - C. The deck or decks, balcony or balconies to be constructed shall be of the "floating" variety and shall not be permanently affixed to the roof;
 - D. Installation and construction of the deck(s), balcony or balconies shall not begin until April 1, 2005.
3. At all times, including after the date on which this Amendment is executed by the Declarant, the roof at the Property shall remain a Common Element maintained by the 1908 West Augusta Condominium Association and in accord with Article III of the Declaration, but subject to the provisions of paragraph 2(B) above.

IN WITNESS WHEREOF, the said Renata Drozdewicz, George Modzelewski, and Jerzy Mroczkowski have affixed their signatures hereunto and caused their names to be signed in these presents, this 10th day of September, 2004.


Renata Drozdewicz,


George Modzelewski,


Jerzy Mroczkowski

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STATE OF ILLINOIS)
)
 COUNTY OF COOK) SS:

I, Katarzyna Modzelewska, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Renata Drozdewicz, George Modzelewski, and Jerzy Mroczkowski personally known to me to be the persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledge that they signed and delivered the said instrument as their own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 10TH day of September, A.D., 2004.



NOTARY PUBLIC

My commission expires: March 12 2008

Property of Cook County Clerk's Office