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and when recorded return to:
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Doc#: 0436416175
Eugene "Gene" Moore Fee: \$42.50
Cook County Recorder of Deeds
Date: 12/29/2004 02:55 PM Pg: 1 of 10

FIFTH AMENDMENT TO AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANTS FOR OLD TOWN VILLAGE EAST, PHASE I

THIS FIFTH AMENDMENT TO AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANTS FOR OLD TOWN VILLAGE EAST, PHASE I ("FIFTH AMENDMENT TO DECLARATION") is entered into and effective as of December 27, 2004, by and between the Chicago Housing Authority (the "Authority"), an Illinois municipal corporation, with offices at 626 West Jackson Boulevard, Chicago, Illinois 60661, and Southwest Old Town Development Associates, L.L.C., an Illinois limited liability company (the "Owner"). Capitalized terms not otherwise defined herein shall have the meaning set forth in that certain Declaration of Restrictive Covenants for Old Town Village East, Phase I dated effective as of August 9, 2002 and recorded in the Recorder's Office of Cook County on August 15, 2002 as document no. 0020897562, and re-recorded (for the purpose of correcting the property index numbers and exhibits thereto) in the Recorder's Office of Cook County on August 20, 2002 as document no. 0020915261, and as amended by the First Amended and Restated Declaration of Restrictive Covenants dated effective August 29, 2003 and recorded in the Recorder's Office of Cook County on August 29, 2003 as document no. 0324119240, and as amended by the Second Amended and Restated Declaration of Restrictive Covenants dated effective September 26, 2003 and recorded in the Recorder's Office of Cook County on September 26, 2003 as document number 0326931121, as amended by the Third Amended and Restated Declaration of Restrictive Covenants dated effective November 4, 2003 and recorded in the Recorder's Office of Cook County on November 4, 2003 as document number 0330819097, and as amended by the Fourth Amended and Restated Declaration of Restrictive Covenants dated effective September 24, 2004 and recorded in the Recorder's Office of Cook County on September 24, 2004 as document number 0426839070 (as amended hereby, the "Amended Declaration").

WITNESSETH

WHEREAS, Authority and Owner have previously executed and recorded the Amended Declaration, which encumbers certain public housing units (the "CHA Condominium Units") described in Exhibit B thereto with certain low-income public housing requirements and imposes certain other obligations upon the Owner; and simultaneously releases certain non-public housing condominium units (the "Private Units") described in Exhibit A thereto; and

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WHEREAS, the Owner has converted a portion of the Development, as defined in the Amended Declaration, to a condominium form of ownership which includes certain CHA Condominium Units together with their undivided interest in the Development and all common elements and limited common elements; and

WHEREAS, the Authority and Owner desire to amend Exhibits A and B to the Amended Declaration to reflect the current status of the Private Units, the CHA Condominium Units, and all other real, personal and intangible property owned by the Owner that is now subject to the Amended Declaration and encumbered by the obligations set forth in the Amended Declaration;

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter set forth, and of other valuable consideration, the Owner and the Authority each agree as follows:

SECTION 1. AMENDMENT OF EXHIBIT A. Exhibit A to the Amended Declaration is hereby amended and restated to read as set forth in Exhibit A to this Fifth Amendment.

SECTION 2. AMENDMENT OF EXHIBIT B. Exhibit B to the Amended Declaration is hereby amended and restated to read as set forth in Exhibit B to this Fifth Amendment.

SECTION 3. FULL FORCE AND EFFECT. Except as amended by this Fifth Amendment to the Amended Declaration, the terms of the Amended Declaration remain in full force and effect, and are incorporated herein by reference as though fully set forth herein.

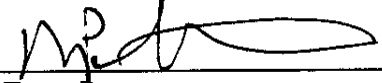
SECTION 4. COUNTERPARTS. This Fifth Amendment to the Amended Declaration may be executed in multiple counterparts, each of which shall be an original, but all of which together shall constitute but one in the same agreement.

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IN WITNESS WHEREOF, the Authority and Owner have executed this Fifth Amendment to the Amended Declaration by their duly authorized representatives, all as of the date first written herein above.

CHICAGO HOUSING AUTHORITY,
an Illinois municipal corporation

By: 

Terry Peterson
Chief Executive Officer

SOUTHWEST OLD TOWN DEVELOPMENT ASSOCIATES, L.L.C.
an Illinois limited liability company

By: Lincoln Park Development Associates, Inc.
an Illinois Corporation
Its: Manager

By: _____
Daniel McLean, President

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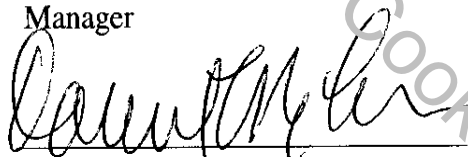
IN WITNESS WHEREOF, the Authority and Owner have executed this Fifth Amendment to the Amended Declaration by their duly authorized representatives, all as of the date first written herein above.

**CHICAGO HOUSING AUTHORITY,
an Illinois municipal corporation**

By: _____
Terry Peterson
Chief Executive Officer

**SOUTHWEST OLD TOWN DEVELOPMENT ASSOCIATES, L.L.C.,
an Illinois limited liability company**

By: Lincoln Park Development Associates, Inc.
an Illinois Corporation
Its: Manager

By: 
Daniel McLearn, President

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a notary public in and for the County and State aforesaid, do hereby certify that Terry Peterson, personally known to me to be the Chief Executive Officer of the Chicago Housing Authority (the "Authority") and 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 as such Chief Executive Officer, he signed and delivered the said instrument pursuant to authority of the Authority Board of Commissioners, as his free and voluntary act, and as the free and voluntary act and deed of said Authority, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 27th day of December, 2004.

Suzanne K Chung
Notary Public

(SEAL)



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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the county and State aforesaid, do hereby certify that Daniel McLean, personally known to me to be the President of Lincoln Park Development Associates, Inc., an Illinois Corporation (the "Corporation"), and the Manager of Southwest Old Town Development Associates, L.L.C., an Illinois limited liability company (the "Owner"), and 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 as such President, he/she signed and delivered the said instrument pursuant to authority given by the members of the company, and as his/her respective free and voluntary act and deed and as the free and voluntary act and deed of the company for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 27th day of December, 2004.

Maria Bazianos
Notary Public

(SEAL)

OFFICIAL SEAL
MARIA BAZIANOS
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. NOV. 26, 2005

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EXHIBIT A

RELEASED PRIVATELY OWNED CONDOMINIUM UNITS

Parcel 1:

Unit Nos. 102, 103, 104, 202, 203, 204, 301, 303, 304, 401, 403, 404, 501, 502, 504, 601, 602, 603, 702, 703, 704, 802, 803, 804, 902, 903, 904, 1002, 1003, 1004, 1102, 1103, 1104, 1202, 1203 and 1204 in the Condominiums of Old Town Village East as delineated on a survey of the following described real estate: certain lots in Old Town Village East being a subdivision in the West half of the Northeast Quarter of Section 4, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Common Addresses: 1255 North Orleans Court, Chicago, IL
 1245 North Orleans Court, Chicago, IL
 1235 North Orleans Court, Chicago, IL
 1225 North Orleans Court, Chicago, IL
 1215 North Orleans Court, Chicago, IL
 1205 North Orleans Court, Chicago, IL

Property Index Numbers: a portion of:
 17-04-220-002-0000
 17-04-220-016-0000

Parcel 2:

Easements for ingress and egress, use and enjoyment for the benefit of Parcel 1, as created by Declaration of Easements, Restrictions, and Covenants for Old Town Village East Homeowners Association recorded as Document Number 0322519031 and made by the Common Easement Agreement recorded as document number 0322519030

Parcel 3:

Units 201, 203, 204, 205, 206, 208, 209, 301, 302, 303, 304, 305, 306, 307, 308, 309, 401, 403, 404, 405, 406, 407, 408 and 409 in The Midrise of Old Town Village East Condominiums as delineated on a Plat of Survey of the following described real estate:

Lots 32 and 39 in Old Town Village East being a Subdivision in the West Half of the Northeast Quarter of Section 4, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

which Plat of Survey is attached as Exhibit E to the Declaration of Condominium recorded _____, 200_ in the office of the Recorder of Deeds of Cook County, Illinois, as Document No. _____.

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Common Addresses: 343 West Old Town Court, Chicago, IL 60610

Property Index Numbers: 17-04-219-080
17-04-220-001
17-04-220-002
17-04-220-016
all affecting this and other property

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EXHIBIT B

CHA CONDOMINIUM UNITS OWNED BY SOUTHWEST OLD TOWN DEVELOPMENT ASSOCIATES, L.L.C. AND CONVERTED TO A CONDOMINIUM FORM OF OWNERSHIP

Parcel 1:

Units 207, 210, 302, 310, 402, 503, 604, 701, 801, 901 and 1001 in the Condominiums of Old Town Village East as delineated on a survey of the following described real estate: certain lots in Old Town Village East, being a subdivision in the west half of the northeast quarter of Section 4, Township 39 north, Range 14, east of the Third Principal Meridian; which survey is attached as an exhibit to the Declaration of Condominium recorded as Document Number 0324127030; together with its undivided percentage interest in the Common Elements, all in Cook County, Illinois.

Each with its undivided interest in the Common Elements.

Common Address: 1215 North Orleans Court, Chicago, Illinois;
1225 North Orleans Court, Chicago, Illinois;
1235 North Orleans Court, Chicago, Illinois; and
1245 North Orleans Court, Chicago, Illinois.

Property Index Numbers: a portion of
17-04-220-002-0000
17-04-220-016-0000

Parcel 2:

Easements for ingress and egress, use and enjoyment for the benefit of Parcel 1, as created by Declaration of Easements, Restrictions, and Covenants for Old Town Village East Homeowners Association recorded as Document Number 0322519031 and made by the Common Easement Agreement recorded as document number 0322519030

Parcel 3:

Units 207, 210 and 310 in The Midrise of Old Town Village East Condominiums as delineated on a Plat of Survey of the following described real estate:

Lots 32 and 39 in Old Town Village East being a Subdivision in the West Half of the Northeast Quarter of Section 4, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

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which Plat of Survey is attached as Exhibit E to the Declaration of Condominium recorded _____, 200_____ in the office of the Recorder of Deeds of Cook County, Illinois, as Document No. _____.

Common Address: 343 West Old Town Court, Chicago, Illinois

Property Index Numbers: 17-04-219-080
17-04-220-001
17-04-220-002
17-04-220-016
all affecting this and other property

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