



Doc#: 0505632009
Eugene "Gene" Moore Fee: \$50.00
Cook County Recorder of Deeds
Date: 02/25/2005 10:17 AM Pg: 1 of 14

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THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKESHORE EAST

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKESHORE EAST ("Amendment") is made as of the 24th day of February, 2005, by Lakeshore East LLC, an Illinois limited liability company ("Declarant" and "Owner" of Parcels 16, 17 and 17A as shown on Exhibit 1-1 attached hereto).

RECITALS:

A. Declarant, together with certain other owners who joined therein, executed that certain Declaration Of Covenants, Conditions, Restrictions And Easements For Lakeshore East dated as of June 26, 2002, which was recorded July 2, 2002 with the Cook County Recorder as Document No. 0020732020 ("Original Declaration"), as amended by First Amendment to Declaration Of Covenants, Conditions, Restrictions And Easements For Lakeshore East dated as of March 3, 2003, which was recorded March 7, 2003 with the Cook County Recorder as Document No. 0030322531, and as amended by Second Amendment to Declaration Of Covenants, Conditions, Restrictions And Easements For Lakeshore East dated as of November 12, 2004, which was recorded November 19, 2004 with the Cook County Recorder as Document No. 0432427091, and re-recorded January 19, 2005 with the Cook County Recorder as Document No. 0501919098 (collectively, as amended, the "Declaration").

B. The legal description for the aggregate of the parcels included in the Declaration is attached hereto as Exhibit R-1.

C. Declarant reserved the right pursuant to Section 16.6 of the Declaration to amend the Declaration if it determines in good faith that the amendment does not have a material adverse effect on any Parcel Owner (as defined in the Declaration) that does not consent to the

RECORDING FEE 50
DATE 2-25-05 COPIES 6
OK BY BW

Near North National Title
222 N. LaSalle
Chicago, IL 60601

12/p

1 OF 14 - CM

NO1011604

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amendment, which amendment is effective upon recording of such amendment, and which amendment need only be executed by Declarant.

D. Declarant desires to amend the Declaration to reconfigure Parcels 17A and 17B as they existed prior to this Amendment, and to make certain other amendments in connection therewith.

E. Declarant has determined in good faith that this Amendment does not have a material adverse effect on any Parcel Owner (as defined in the Declaration) that is not consenting to this Amendment, it being acknowledged that Declarant is also joining in this Amendment as the Owner of Parcels 16, 17 and 17A, and that this Amendment therefore need only be executed by Declarant.

NOW, THEREFORE, in consideration of the foregoing and the covenants and agreements of the parties hereto, it is agreed as follows:

1. The recitals herein contained are hereby adopted and made a part hereof.
2. Exhibit 1-1 that was attached to the Declaration is hereby deleted and Exhibit 1-1 attached hereto is substituted therefor.
3. In Article I of the Declaration, the definition of "Streets" is hereby deleted and the following substituted therefor:

"Streets: The portion of Project Property designated on the Plans as (a) streets, (b) sidewalks, including those upper level sidewalks designated on the Plans as "Elevated Sidewalks" (such designated elevated sidewalks collectively the "Elevated Sidewalks"), the upper level sidewalks located on Temporary Upper East Street, Upper Harbor Drive Connection Area, and the Pedestrian Bridge, and the upper level sidewalks adjoining Upper Level Streets, and (c) the three park areas located within such streets, i.e., within (i) Temporary Upper East Street ("East Park"), (ii) the west entry boulevard ("West Park"), and (iii) Upper Harbor Court ("Northeast Park", which together with East Park and West Park are herein referred to as the "Street Parks"), together with related improvements thereto designated by Declarant at the time they are to be constructed, e.g., drainage, lighting, signals, landscaping. The Streets include Park Drive and the other Park Access Streets, the temporary street which will become a permanent walkway area at the upper level of the southern portion of Parcels 9 and 10 ("Temporary Upper East Street"), all Upper Level Streets, including Upper Harbor Court, although Upper Harbor Court may not be dedicated if an Upper Harbor Court Private Election is made, the street and walkway at the lower level of the southern portion of Parcels 9, 10 and 11 ("Lower East Street"), the extension of existing upper Harbor Drive to the north (including any future extension thereof over the easterly portion of Parcel 6 ("Upper Harbor Drive Connection Area") to access any extension of upper Wacker Drive that may be constructed in the future as shown in the PD), the street, although it may not be dedicated, at the lower level of the easterly portion of Parcels 6, 11 and 13 ("Lower Harbor Drive"), the street,

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although it may not be dedicated, at the lower level of the southerly portion of Parcels 3A and 3D, and the northerly portion of Parcel 14 ("Lower East South Water") and the other streets, sidewalks, and the Street Parks shown on the Plans."

4. In Section 4.1 of the Declaration, the second sentence that begins with the words "If Owners of Parcels..." and ends with the words "...areas owned by them." is hereby deleted and the following substituted therefor:

"If Owners of Parcels on which Vertical Connections are to be located so elect ("Supported Vertical Connections"), however, such Owners (each a "Supporting VC Owner") may, to the extent consistent with the PD, retain fee ownership and the right to utilize the area below the lower level of such Vertical Connections and the area above the upper level of such Vertical Connection (individually and collectively, as the context requires "VC Underlying Fee Parcels") for their own uses, e.g., parking garages, equipment or storage facilities, and shall in all events have the right to utilize adjoining areas owned by them."

5. In Section 4.2 of the Declaration, the second sentence that begins with the words "Notwithstanding the foregoing, ..." and ends with the words "...by the Supporting VC Owner as provided herein)." is hereby deleted and the following substituted therefor:

"Notwithstanding the foregoing it shall be the responsibility of the Owner of Parcel 4 to construct VC-NW, the Owner of Parcel 3 to construct VC-W, and the Owner of Parcel 17A to construct VC-SW (such owners as to each of their respective Vertical Connections is herein referred to as the "Responsible VC Owner"), together with any related VC Supporting Vertical Improvements (other than any VC Support Columns which will be constructed by the Supporting VC Owner as provided herein)."

6. Exhibit 8.3.1 that was attached to the Declaration is hereby deleted and Exhibit 8.3.1 attached hereto is substituted therefor.

7. Except as expressly amended by this Amendment, the Declaration remains unmodified and in full force and effect.

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

**DECLARANT AND OWNER OF
PARCELS 16, 17 AND 17A:**

LAKESHORE EAST LLC, an Illinois
limited liability company

By: 

Name: Scott M. Carlins

Its: Manager

Property of Cook County Clerk's Office

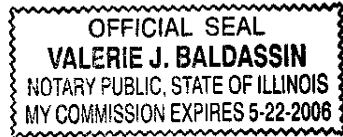
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Valerie J. Baldassin a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that Joel Carlins, Manager of LAKESHORE EAST LLC, an Illinois limited liability company, 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/she signed and delivered the said instrument as his/her own free and voluntary act and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 18th day of February, 2005.

Valerie J. Baldassin
Notary Public



Property of Cook County Clerk's Office

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CONSENT TO THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKESHORE EAST

The undersigned is the holder of a Mortgage which was recorded July 2, 2002 with the Cook County Illinois Recorder as Document No. 0020731607 (together with the other loan documents related thereto, as they may be amended, "Loan Documents"), hereby consents to this Amendment and acknowledges and agrees that the Loan Documents continue to be subject and subordinate to the Declaration as amended by the Amendment..

LASALLE BANK NATIONAL
ASSOCIATION, as Administrative Agent
and Lender

By: [Signature]
Name: JASON MANSKER
Its: COMMERCIAL BANKING OFFICER

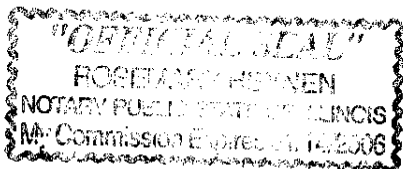
Property of Cook County Clerk's Office

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Rosemary Henneman, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that JASON MANSKER, Com/Bkng Officer of LASALLE BANK NATIONAL ASSOCIATION, 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/she signed and delivered the said instrument as his/her own free and voluntary act and as the free and voluntary act of said entity, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 24 day of February, 2005.

Rosemary Henneman
Notary Public



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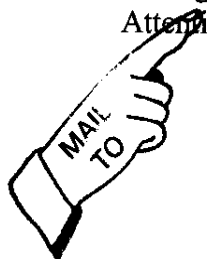
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PROPERTY ADDRESS: 221 Columbus Drive, Chicago, Illinois

PERMANENT INDEX NUMBERS:

PRIOR TO NEW PINS ASSIGNED FOR 2005	NEW PINS TO BE ASSIGNED FOR 2005
17-10-318-014-0000	17-10-318-038-0000
17-10-318-015-0000	17-10-318-039-0000
17-10-318-016-0000	17-10-318-040-0000
17-10-318-022-0000	17-10-318-041-0000
17-10-318-023-0000	17-10-318-042-0000
17-10-318-024-0000	17-10-318-043-0000
17-10-318-026-0000	17-10-318-044-0000
17-10-318-027-0000	17-10-318-045-0000
17-10-318-029-0000	17-10-318-046-0000
17-10-318-030-0000	17-10-318-047-0000
17-10-318-032-0000	17-10-318-048-0000
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17-10-318-035-0000	17-10-318-050-0000
17-10-318-036-0000	17-10-318-051-0000
17-10-400-015-0000	17-10-318-052-0000
17-10-400-016-0000	17-10-318-053-0000
17-10-401-010-0000	17-10-318-054-0000
17-10-401-012-0000	17-10-319-001-0000
17-10-401-013-0000	17-10-319-002-0000
	17-10-400-019-0000
	17-10-400-020-0000
	17-10-400-021-0000
	17-10-400-022-0000
	17-10-400-023-0000
	17-10-400-024-0000
	17-10-400-025-0000
	17-10-400-026-0000
	17-10-400-027-0000
	17-10-400-028-0000

This instrument was prepared by
and upon recording return to:
Perkins Coie, LLP
131 S. Dearborn Street Suite 1700
Chicago, Illinois 60603
Attention: Edward E. Wicks



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EXHIBIT R-1

Lots 1, 2, 3, 3A, 3B, 3C, 3D, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 in Lakeshore East Subdivision of part of the unsubdivided lands lying east of and adjoining Fort Dearborn Addition to Chicago, said addition being in the Southwest Fractional Quarter of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, according to the plat thereof recorded on March 4, 2003 as Document No. 0030301045 with the Recorder Of Deeds in Cook County, Illinois.

Together with that part of the land, property and space lying above a horizontal plane having an elevation of 44.00 feet above Chicago City Datum and lying within the boundaries projected vertically of that part of said tract of land bounded and described as follows:
Beginning at a point on the East line of N. Columbus Drive (as said N. Columbus Drive was dedicated and conveyed to the City of Chicago by instrument recorded on the 5th day of June 1972, as Document 21925615) said point being 461.18 feet, as measured along said East line, North of the point of intersection of said East line with the North line of East Randolph Street (as said E. Randolph Street was dedicated and conveyed to the City of Chicago by instrument recorded on the 11th day of December 1979, as Document 25276446) and running thence north along said East line of N. Columbus Drive, a distance of 160.00 feet; thence East along a line perpendicular to said East line, a distance of 90.00 feet; thence South along a line parallel to said East line of N. Columbus Drive, a distance of 160.00 feet; thence West along a line perpendicular to the last described line, a distance of 90.00 feet to the point of beginning [*which represents the portions of Parcels 1 and 2 as designated in the Declaration that constitute the Com Ed Parcels*].

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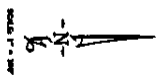
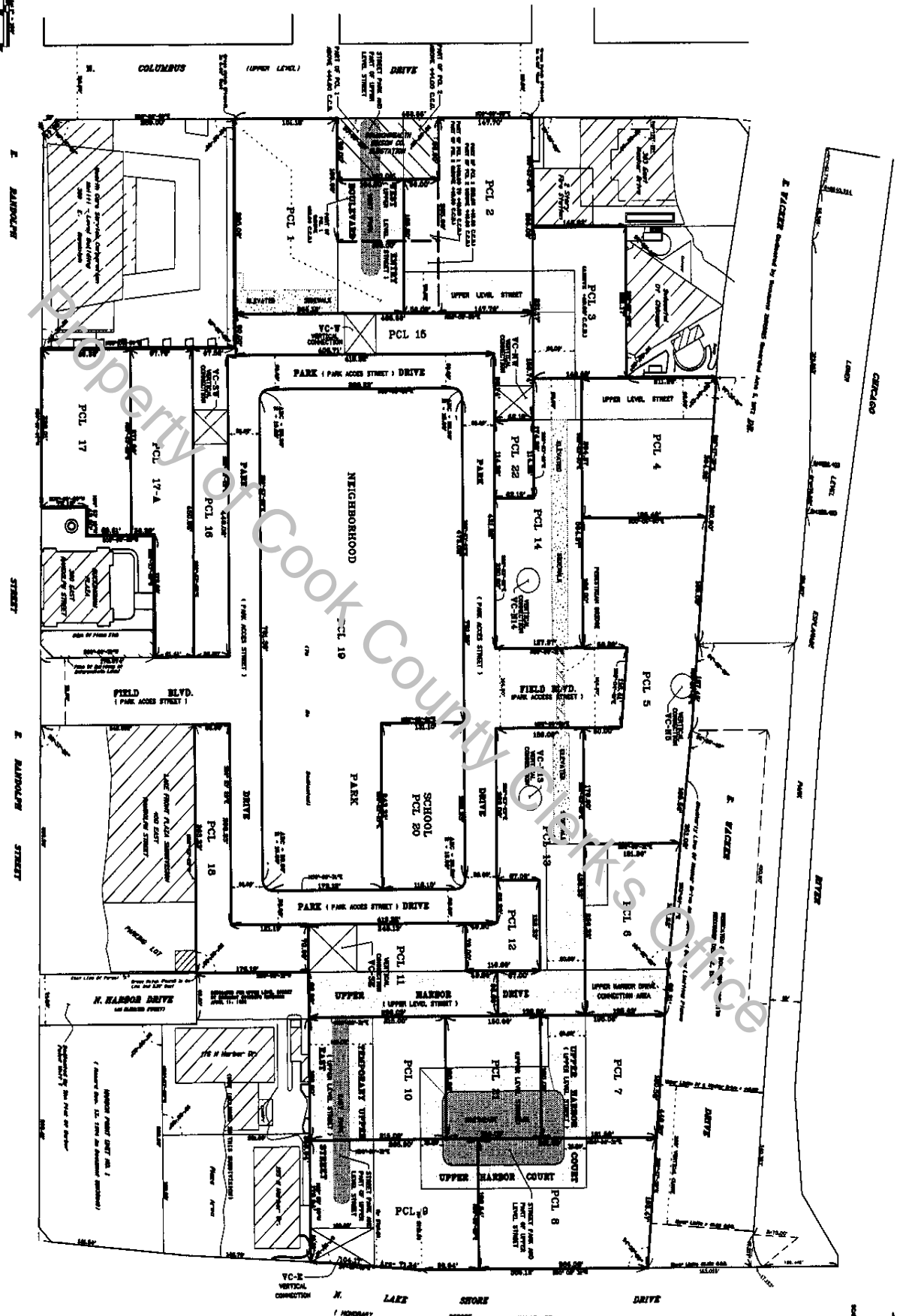
EXHIBIT 8.3.1

LAND PARCEL PERCENTAGE

<u>PARCEL</u>	
Parcel 1	7.84%
Parcel 2	5.26%
Parcel 3	0.01%
Parcel 3A	1.16%
Parcel 3B	1.09%
Parcel 3C	0.87%
Parcel 3D	0.93%
Parcel 4	5.27%
Parcel 5	8.76%
Parcel 6	4.35%
Parcel 7	4.30%
Parcel 8	6.68%
Parcel 9	6.32%
Parcel 10	4.90%
Parcel 11	4.63%
Parcel 12	1.53%
Parcel 13	6.12%
Parcel 14	5.52%
Parcel 15	4.32%
Parcel 16	1.28%
Parcel 17	10.69%
Parcel 17A	.22%
Parcel 18	3.60%
Parcel 21	3.42%
Parcel 22	0.90%
	100.00%

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EXHIBIT I-1 DECLARATION OF CONVEYANCE, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKESHORE EAST.



Author: by Engineer No. 518975 DR. DATE: 12/22/06. DRAWING NO. 14-179

DATE: FEBRUARY, 2006
JOB NO. CO005-A
PREPARED FOR: LAKESHORE EAST, L.L.C.
PREPARED BY:



Interstate Engineering Consultants, Inc.
100 W. Touhy Ave., Suite 100
Chicago, IL 60659
Tel: (773) 998-0001 Fax: (773) 998-0000

NOTE:
LOCATION OF VERTICAL CONNECTIONS AND UPPER LEVEL STREETS ARE APPROXIMATE.
LOCATION OF ELEVATED CONNECTIONS ARE APPROXIMATE.
CONNECTIONS SHOWN HEREIN ARE WITH RESPECT TO CHICAGO CITY DATUM (C.C.D.)

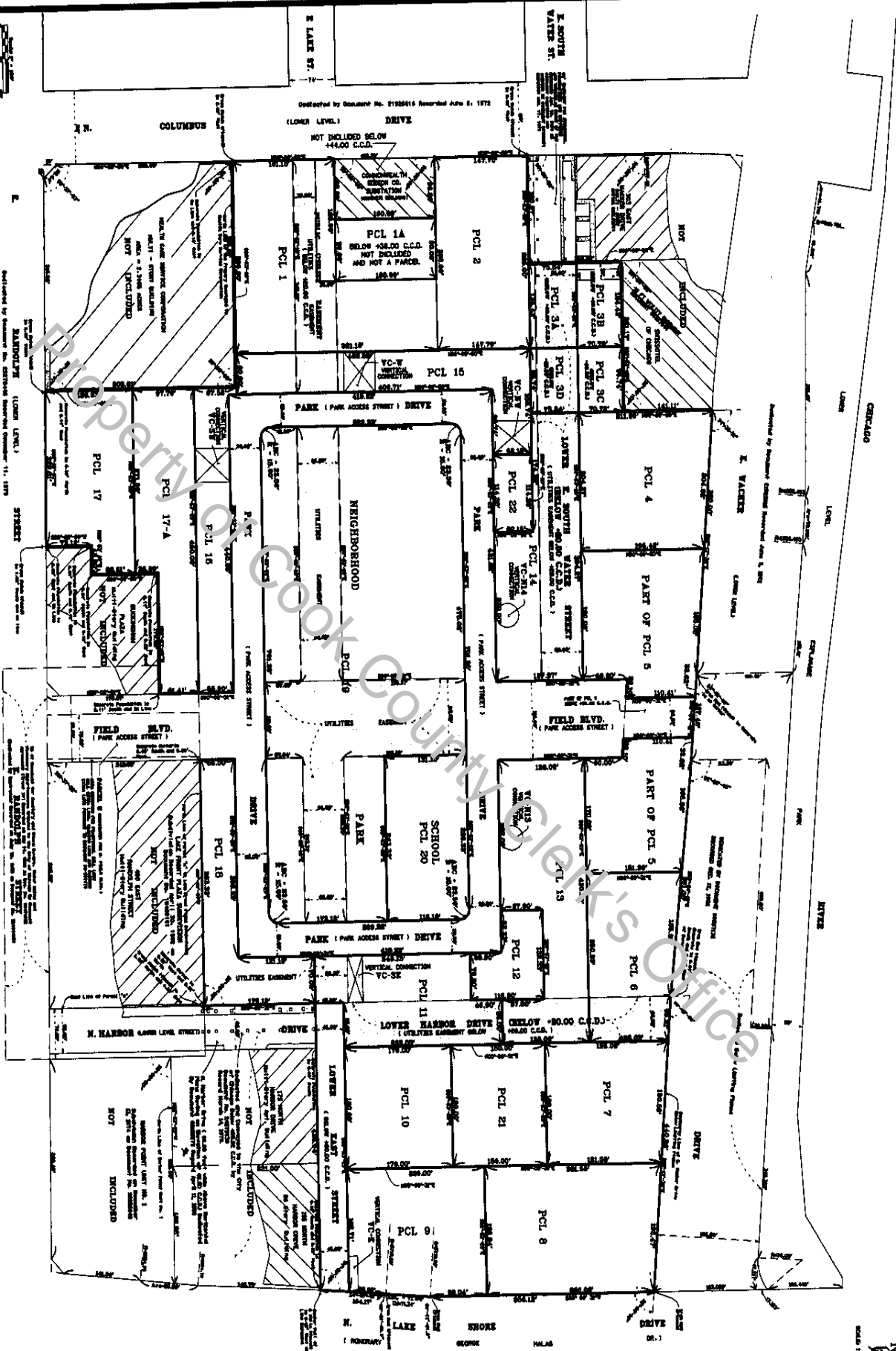
REVISED: FEBRUARY 9, 2006 TO SHOW
PARCELS 17 AND 17A

UPPER LEVEL
(APPROXIMATELY +53.00
C.C.D. AND ABOVE)
SHEET 3 OF 4

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EXHIBIT 1-1

DECLARATION OF CONVEYANCE, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKESHORE EAST.



DATE, FEBRUARY 9, 2005
 JOB NO. CO058-A
 PREPARED FOR LAKESHORE EAST, L.L.C.
 PREPARED BY
ie
 International Engineering Consultants, Inc.
 146 W. Pennsylvania Street
 Chicago, Illinois 60604
 Tel: (312) 900-9000

NOTES ON SHEET 1
 UTILITIES CABINET
 MARKS

NOTES
 LOCATIONS OF THE VERTICAL CONNECTIONS ARE APPROXIMATE.
 NOTE
 PCL 1 THROUGH PCL 22 ARE PARCEL DESIGNATIONS.
 ELEVATIONS SHOWN HEREIN ARE WITH REFERENCE TO CHICAGO CITY DATUM (C.C.D.)

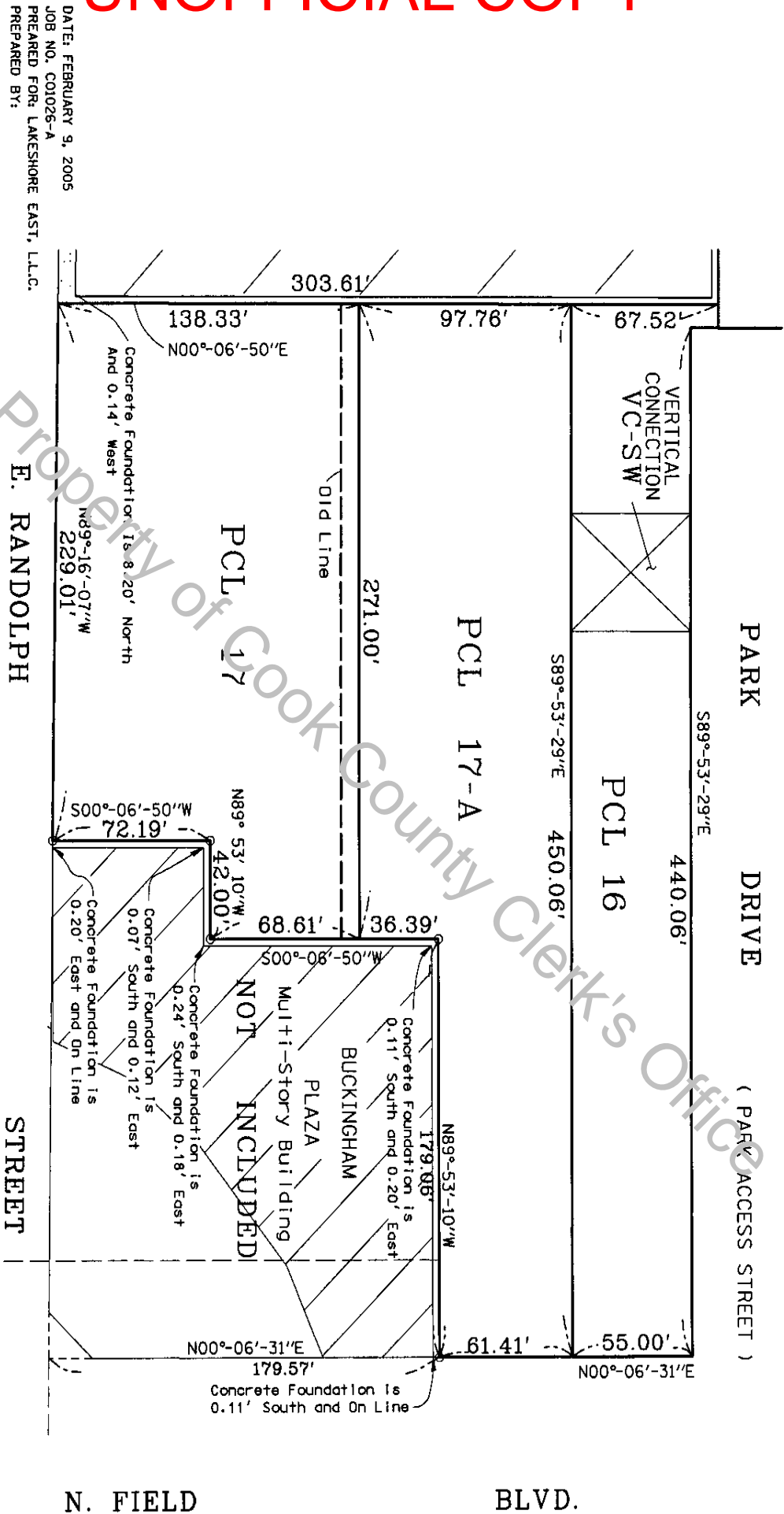
REVISED FEBRUARY 9, 2005
 REVISED LOCATION OF LINE BETWEEN
 PARCELS 17 AND 17-A
 LOWER LEVEL
 (APPROXIMATE)
 SHEET 1 OF 4

DESTROYED BY DOCUMENT NO. 2487933 RECORDED MARCH 14, 1979

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EXHIBIT 1.1

SUPPLEMENTAL EXHIBIT SHOWING
REVISED LINE BETWEEN PARCELS 17 AND 17-A



E. RANDOLPH

STREET

N. FIELD

BLVD.

DATE: FEBRUARY 9, 2005
 JOB NO. C01026-A
 PREPARED FOR: LAKE SHORE EAST, L.L.C.
 PREPARED BY:

ie
consultants
 International Engineering Consultants, Inc.
 188 W. Randolph St. Suite 1826
 Chicago, Illinois 60601
 Tel. (312) 920-9528 / Fax. (312) 920-9570