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Doc#: 0603416045 Fee: \$42.50  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 02/03/2006 01:52 PM Pg: 1 of 10

THIS INSTRUMENT PREPARED BY AND  
AFTER RECORDING RETURN TO:

PATRICIA A. O'CONNOR, ESQ.  
LEVENFELD PEARLSTEIN  
TWO NORTH LASALLE STREET  
SUITE 1300  
CHICAGO, ILLINOIS 60602

(THIS SPACE FOR RECORDER'S USE ONLY)

## SECOND AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS

This Second Amendment is made and entered into as of this \_\_\_\_ day of December, 2005, by and between LaSalle National Bank, a national banking association, not personally, but as trustee under Trust Agreement dated September 30, 1980, and known as Trust No. 103192, with a mailing address of ~~435 South LaSalle Street~~ 121 West Madison Street, Chicago, Illinois 60602 / ("Current Commercial Property Trustee"), and 535 North Michigan Avenue Condominium Association, an Illinois not-for-profit corporation, with a mailing address of 535 North Michigan Avenue, Chicago, Illinois ("Association").

### RECITALS:

WHEREAS, the Current Commercial Property Trustee is the owner of that certain property legally described on Exhibit B attached hereto and made a part hereof ("Commercial Property"); and

WHEREAS, the Association is the authorized representative of the Owners of the residential property ("Residential Property") as that term is defined in the Declaration (as hereinafter defined), and as is legally described on Exhibit A attached hereto and made a part hereof; and

\*Chicago Title Land Trust Company successor trustee to LaSalle Bank National Association formerly known as LaSalle National Bank

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WHEREAS, the Residential Property and the Commercial Property (collectively the "Total Parcel") are presently improved with a thirty-three (33) story residential condominium building, a two (2) story commercial building, a two (2) level underground parking garage and certain inter-related facilities and spaces (the "Total Parcel"); and

WHEREAS, the Total Parcel, together with all of the improvements located therein and thereon, is subject to the terms and provisions of that certain Declaration of Easements, Covenants and Restrictions ("Declaration") dated December 15, 1979, executed by American National Bank & Trust Company of Chicago, a national banking association, not personally, but solely as trustee under Trust Agreement dated November 5, 1979 and known as Trust No. 48145 as recorded with the Recorder of Deeds of Cook County, Illinois on December 28, 1979, as Document No. 25298696 and as filed with the Registrar of Titles for Cook County, Illinois on December 28, 1979 as Document No. 3138595; and

The Current Commercial Property Trustee and the Association desire to amend the Declaration as hereinafter set forth, but not otherwise, in order to reallocate a portion of real estate identified as Parcel F currently incorporated under the provisions of the Association Declaration, to remove Parcel F from the Association's dominion and control and to reaffirm Parcel F's exclusive assignment to the authority of the Current Commercial Property Trustee under this Declaration.

NOW, THEREFORE, in consideration of the Recitals and for the mutual benefit of the parties hereto, it is hereby agreed as follows:

A. The Recitals heretofore set forth are incorporated herein and made a part hereof.

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B. The terms used herein shall have the same meanings as are ascribed to them in the Declaration.

C. Exhibit A of the Declaration is hereby amended to remove Parcel F from the Legal Description of the Condominium Property and to assign Parcel F to the Legal Description for the Commercial Property, and to read as follows:

## "EXHIBIT 'A'

### Description of Condominium Property - Parcel A

That part of the following described area and space lying above a horizontal plane (being the floor of the third floor) which has an elevation of 58.83 feet with relation to Chicago City Datum and lying below a horizontal plane (being the roof of the penthouse) which has an elevation of 347.46 feet with relation to Chicago City Datum to wit: an area and space including a portion of a 33 story building with penthouse, basement and second basement described as the South 68.0 feet of Lots 7, 8 and 9 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, all in Cook County, Illinois.

### Description of Condominium Property - Parcel B

That part of the following described area and space lying above a horizontal plane (being the floor of the first floor) which has an elevation of 23.90 feet with relation to Chicago City Datum and lying below a horizontal plane (being the ceiling of the first floor) which has an elevation of 36.25 feet with relation to Chicago City Datum to wit: a portion of a 33 story building with basement and second basement described as commencing at the northeast corner of Lot 7 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian; thence South along the East line of said Lot 7 54.5 feet; thence West parallel to the South line of Lots 7, 8 and 9 in the aforesaid Subdivision 85.42 feet to the point of beginning of the area herein described; thence continue West along said parallel line 29.50 feet to a point; thence North 483 feet to a point; thence East 0.35 feet to a point; thence North 393 feet to a point; thence West 41.00 feet to a point; thence South 37.14 feet to a point; thence West 0.80 feet to a point; thence South 4.28 feet to a point; thence East 70.35 feet to a point; thence North 32.66 feet to the point of beginning, all in Cook County, Illinois.

### ALSO

That part of the following described area and space lying above a horizontal plane (being the ceiling of the first basement) which has an elevation

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of 23.02 feet with relation to Chicago City Datum and lying below a horizontal plane (being the floor of the first floor) which has an elevation of 23.90 feet with relation to Chicago City Datum to wit: a portion of a 33 story building with basement and second basement described as commencing at the northeast corner of Lot 7 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian; thence South along the East line of said Lot 7 54.5 feet; thence West parallel to the South line of Lots 7, 8 and 9 in the aforesaid Subdivision 85.60 feet to the point of beginning of the area herein described; thence continue West along said parallel line 28.07 feet to a point; thence South 8.00 feet to a point; thence East 28.67 feet to a point; thence North 6.00 feet to the point of beginning, all in Cook County, Illinois.

That part of the following described area and space lying above a horizontal plane (being the ceiling of the first basement) which has an elevation of 23.02 feet with relation to Chicago City Datum and lying below a horizontal plane (being the floor of the first floor) which has an elevation of 23.90 feet with relation to Chicago City Datum to wit: a portion of a 33 story building with basement and second basement described as commencing at the northeast corner of Lot 7 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian; thence South along the East line of said Lot 7 77.5 feet; thence West parallel to the South line of Lots 7, 8 and 9 in the aforesaid Subdivision 85.60 feet to the point of beginning of the area herein described; thence continue West along said parallel line 28.67 feet to a point; thence North 8.00 feet to a point; thence East 28.67 feet to a point; thence South 8.00 feet to the point of beginning, all in Cook County, Illinois.

## Description of Condominium Property - Parcel C

That part of the following described area and space lying above a horizontal plane (being the ceiling of the first floor) which has an elevation of 36.25 feet with relation to Chicago City Datum and lying below a horizontal plane (being the floor of the third floor) which has an elevation of 51.23 feet with relation to Chicago City Datum to wit: a portion of a 33 story building with basement and second basement described as commencing at the northeast corner of Lot 7 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian; thence South along the East line of said Lot 7 54.5 feet; thence West parallel to the South line of Lots 7, 8 and 9 in the aforesaid Subdivision 85.60 feet to the point of beginning of the area herein described; thence continue West along said parallel line 28.07 feet to a point; thence South 8.00 feet to a point; thence East 28.67 feet to a point; thence North 8.00 feet to the point of beginning, all in Cook County, Illinois.

ALSO

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That part of the following described area and space lying above a horizontal plane (being the ceiling of the first floor) which has an elevation of 36.25 feet with relation to Chicago City Datum and lying below a horizontal plane (being the floor of the third floor) which has an elevation of 51.83 feet with relation to Chicago City Datum to wit: a portion of a 33 story building with basement and second basement described as commencing at the northeast corner of Lot 7 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian; thence South along the East line of said Lot 7 77.5 feet; thence West parallel to the South line of Lots 7, 8 and 9 in the aforesaid Subdivision 85.60 feet to the point of beginning of the area herein described; thence continue West along said parallel line \_\_\_\_\_ feet to a point; thence North 8.00 feet to a point; thence East \_\_\_\_\_ feet to a point; thence South 8.00 feet to the point of beginning, all in Cook County, Illinois.

## Description of Condominium Property - Parcel D

That part of the following described area and space lying above a horizontal plane (being the floor of the first basement) which has an elevation of 14.89 feet with relation to Chicago City Datum and lying below a horizontal plane (being the ceiling of the first basement) which has an elevation of 23.02 feet with relation to Chicago City Datum to wit: a portion of a 33 story building with basement and second basement described as commencing at the northeast corner of Lot 7 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian; thence South along the East line of said Lot 7 54.4 feet; thence West parallel to the South line of Lots 7, 8 and 9 in the aforesaid Subdivision 28.48 feet to the point of beginning of the area herein described; thence continue West along said parallel line 30.19 feet to a point; thence South 7.55 feet to a point; thence West 13.42 feet to a point; thence North 5.52 feet to a point; thence East 1.37 feet to a point; thence North 2.03 feet to a point; thence West 7.15 feet to a point; thence South 7.55 feet to a point; thence West 7.58 feet to a point; thence North 7.55 feet to a point; thence West 14.43 feet to a point; thence South 44.86 feet to a point; thence East 1.55 feet to a point; thence North 1.23 feet to a point; thence East 126.78 feet to a point; thence Northeast along a line forming an angle of 45 degrees to the left with the last described course 2.03 feet to a point; thence Northwest along a line forming an angle of 90 degrees to the left with the last described course 1.60 feet to a point; thence North along a line forming an angle of 45 degrees to the right with the last described course 18.10 feet to a point; thence East 0.52 feet to a point; thence North 2.00 feet to a point; thence West 0.52 feet to a point; thence North 5.03 feet to a point; thence East 34.55 feet to a point; thence South 4.76 feet to a point; thence East 7.52 feet to a point; thence North 18.65 feet to a point; thence East 0.75 feet to a point; thence North 2.00 feet to the point of beginning, all in Cook County, Illinois.

ALSO

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That part of the following described area and space lying above a horizontal plane (being the plane of a stair landing) which has an elevation of 11.42 feet with relation to Chicago City Datum and lying below a horizontal plane (being the ceiling of the first basement) which has an elevation of 25.02 feet with relation to Chicago City Datum to wit: a portion of a 33 story building with basement and second basement described as commencing at the northeast corner of Lot 7 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian; thence South along the East line of said Lot 7 77.99 feet; thence West parallel to the South line of Lots 7, 8 and 9 in the aforesaid Subdivision 28.48 feet to the point of beginning of the area herein described; thence continue West along said parallel line 0.67 feet to a point; thence South 6.52 feet to a point; thence West 7.52 feet to a point; thence North 9.36 feet to a point; thence East 7.52 feet to a point; thence South 0.33 feet to a point; thence East 0.67 feet to a point; thence South 2.51 feet to the point of beginning, all in Cook County, Illinois.

ALSO

That part of the following described area and space lying above a horizontal plane (being the ceiling of the second basement) which has an elevation of 14.16 feet with relation to Chicago City Datum and lying below a horizontal plane (being the floor of the first basement) which has an elevation of 14.83 feet with relation to Chicago City Datum to wit: a portion of a 33 story building with basement and second basement described as commencing at the northeast corner of Lot 7 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian; thence South along the East line of said Lot 7 54.5 feet; thence West parallel to the South line of Lots 7, 8 and 9 in the aforesaid Subdivision 85.60 feet to the point of beginning of the area herein described; thence continue West along said parallel line 26.67 feet to a point; thence South 8.00 feet to a point; thence East 28.67 feet to a point; thence North 8.00 feet to the point of beginning, all in Cook County, Illinois.

ALSO

That part of the following described area and space lying above a horizontal plane (being the ceiling of the second basement) which has an elevation of 14.16 feet with relation to Chicago City Datum and lying below a horizontal plane (being the floor of the first basement) which has an elevation of 14.83 feet with relation to Chicago City Datum to wit: a portion of a 33 story building with basement and second basement described as commencing at the northeast corner of Lot 7 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian; thence South along the East line of said Lot 7 5\_\_5 feet; thence West parallel to the South line of Lots 7, 8 and 9 in the aforesaid Subdivision 85.60 feet to the point of beginning of the area herein

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described; thence continue West along said parallel line 28.67 feet to a point; thence North 8.00 feet to a point; thence East 28.67 feet to a point; thence South 8.00 feet to the point of beginning, all in Cook County, Illinois.

## Description of Condominium Property - Parcel E

That part of the following described area and space lying above a horizontal plane (being the floor of the second basement) which has an elevation of 5.86 feet with relation to Chicago City Datum and lying below a horizontal plane (being the ceiling of the second basement) which has an elevation of 14.16 feet with relation to Chicago City Datum to wit: a portion of a 33 story building with basement and second basement described as commencing at the northeast corner of Lot 7 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian; thence South along the East line of said Lot 7 54.5 feet; thence West parallel to the South line of Lots 7, 8 and 9 in the aforesaid Subdivision 41.43 feet to the point of beginning of the area herein described; thence continue West along said parallel line 16.08 feet to a point; thence South 7.55 feet to a point; thence West 12.68 feet to a point; thence North 5.57 feet to a point; thence East 0.66 feet to a point; thence North 2.05 feet to a point; thence West 7.22 feet to a point; thence South 7.53 feet to a point; thence West 7.68 feet to a point; thence North 7.55 feet to a point; thence West 114.31 feet to a point; thence South 44.85 feet to a point; thence East 1.35 feet to a point; thence North 1.23 feet to a point; thence East 126.23 feet to a point; thence North 20.2 feet to a point; thence West 0.68 feet to a point; thence North 2.00 feet to a point; thence East 23.54 feet to a point; thence North 13.00 feet to a point; thence East 0.67 feet to a point; thence North 2.00 feet to the point of beginning, all in cook county, Illinois.

## ALSO

That part of the following described area and space lying above a horizontal plane which has an elevation of 5.81 feet with relation to Chicago City Datum and lying below a horizontal plane which has an elevation of 10.04 feet with relation to Chicago City Datum to wit: a portion of a 33 story building with basement and second basement described as commencing at the northeast corner of Lot 7 in the Assessor's Division of the South half and the East 100 feet of the North half of Block 21 of Kinzie's Addition to Chicago, being a Subdivision of the North fraction of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian; thence South along the East line of said Lot 7 72.5 feet; thence West parallel to the South line of Lots 7, 8 and 9 in the aforesaid Subdivision 41.48 feet to the point of beginning of the area herein described; thence continue West along said parallel line 0.66 feet to a point; thence South 20.62 feet to a point; thence West 28.86 feet to a point; thence North 20.62 feet to a point; thence West 0.68 feet to a point; thence North 2.00 feet to a point; thence East 30.20 feet to a point; thence South 2.00 feet to the point of beginning, all in Cook County, Illinois.

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IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed as of the day and year first above written.

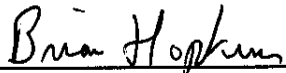
Chicago Title Land Trust Company successor trustee to  
LaSalle Bank National Association formerly known as  
**LASALLE NATIONAL BANK**, not personally,  
but as Trustee under Trust No. 103192

By:   
Its: Trust Officer

ATTEST:  
ATTESTATION NOT REQUIRED PURSUANT TO  
CORPORATE BYLAWS

By: \_\_\_\_\_  
Its: \_\_\_\_\_

535 NORTH MICHIGAN AVENUE  
CONDOMINIUM ASSOCIATION,  
an Illinois not-for-profit corporation

By:   
Brian Hopkins, Its President

ATTEST:

By:   
Its: Secretary

It is expressly understood and agreed by and between the parties hereto, anything to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee, and that no personal liability or personal responsibility is incurred by nor shall at any time be asserted or enforceable against the undersigned land trustee, on account of this instrument or on account of any warranty, indemnity, representation, covenant or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.





