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**FIRST AMENDMENT TO
THE DECLARATION
OF CONDOMINIUM
OWNERSHIP AND
OF EASEMENTS,
RESTRICTIONS,
COVENANTS AND BY-LAWS
FOR
1051 WEST MONROE
CONDOMINIUM ASSOCIATION**



Doc#: 0626431037 Fee: \$36.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 09/21/2006 11:01 AM Pg: 1 of 7

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

THIS DECLARATION is made and entered by Monroe Partners 7, LLC, an Illinois Limited Liability Company, (hereinafter referred to as the "Declarant"),

WITNESSETH:

WHEREAS, the Declarant holds 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 1051 West Monroe Condominium Association ("the Declaration") on July 17, 2006 as Document Number 0619834129; 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, roof, hallways, stairways, entrances and exits, security system, mechanical equipment areas..." as well as other structural components of the Property; and,

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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 the Plat, 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 shall include but shall not be limited to the following: (a) the interior surface of the perimeter walls, ceilings 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 which serves a Unit exclusively, to the extent that such system or component part is located outside the boundaries of a Unit; (d) balconies, terraces and/or decks contiguous to a Unit (excluding any stair system and landings which provide ingress and egress to the other Units); (e) the Parking Spaces; and (f) any future Roof Deck or other roof structure."

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:	1051 West Monroe Street Chicago, Illinois 60607
PIN:	17-17-211-003-0000

PARCEL 1:

UNITS 1, 2, 3, AND 4 IN THE 1051 WEST MONROE CONDOMINIUMS AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

THE WEST 25.58 FEET OF THE NORTH 116.67 FEET OF LOT 2 IN ASSESSOR'S DIVISION OF BLOCK 13 IN CANAL TRUSTEES' SUBDIVISION OF THE WEST ½ AND THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

AND

THE WEST 26.64 FEET OF AFORESAID LOT 2 IN ASSESSOR'S SUBDIVISION OF BLOCK 13, EXCEPTING THEREFROM THE NORTH 116.67 FEET THEREOF AND ALSO EXCEPTING THE SOUTH 12.00 FEET OF SAID LOT 2, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0619834129, AND AS AMENDED, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE EXCLUSIVE RIGHT TO THE USE OF P-1 THROUGH P-5, LIMITED COMMON ELEMENTS, AS DELINEATED ON THE SURVEY ATTACHED TO THE DECLARATION AFORESAID RECORDED AS DOCUMENT NUMBER 0619834129.

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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**:

1. Article I (Definitions) of the Declaration is hereby amended to include the following definitions as Section 1.27 and 1.28:

1.27 **Roof Area.** The area comprising the entire roof of the main building, and any supplemental buildings, including Garage structures, if applicable, and constituting part of the Common Elements unless otherwise indicated in this Declaration.

1.28 **Roof Deck Space.** A part of the Property within the Roof Area intended for Roof Decks and constituting Common Elements or Limited Common Elements, as indicated by this Declaration, or, should additional Roof Areas be designated by the Declarant, the Developer or the Board, part of the Common Elements.

2. Section 3.01 of the Declaration is hereby amended to read as follows to include the Common Element Roof Deck Space and Roof Area on the Southern one-third (1/3) of the main building as Common Elements:

“3.01 Description. The Common Elements shall consist of all portions of the Property, except the Units, and including the Limited Common Elements, unless otherwise expressly specified herein. The Common Elements include, without limitation and if applicable, any of the following items located at the Property: the walls, roof, hallways, stairways, entrances and exits, security system, mechanical equipment areas, lobby, exercise room, bicycle room, the Storage Area, the Parking Area, the Common Element Roof Deck Space identified as R-2 on the Plat of Survey attached hereto as Exhibit A and Roof Area consisting of the Southern approximately one-third (1/3) of the roof over the main building, elevators, mail room, master television antenna system (whether leased or owned), if any, fire escapes, pipes, ducts, flues, shafts, electrical wiring and conduits (except pipes, ducts, flues, shafts, electrical wiring and conduits situated entirely within a Unit and serving only such Unit), central heating and ventilating systems servicing the Common Elements (but excluding those individual heating, cooling and ventilating systems or equipment situated entirely within a Unit and serving only such Unit), public utility lines, structural parts of the Building, and all other portions of the Property except the individual Units. Structural columns located within the boundaries of a Unit shall be part of the Common Elements. Any references to “Common Elements” appearing on the Plat (except references to Limited Common Elements) shall be deemed solely for purposes of general information and shall not be limiting in any way, nor shall any such reference define the Common Elements in any way.”

3. The first and second paragraphs of Section 3.03 of the Declaration are hereby amended to read as follows to include the Limited Common Element Roof Deck Space and Roof Area on the Northern two-thirds (2/3) of the main building as Limited Common Elements reserved for the exclusive use of Unit 4:

“3.03 Limited Common Elements. The Limited Common Elements are 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

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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; (d) balconies, terraces and/or decks contiguous to a Unit (excluding any stair system and landings which provide ingress and egress to other Units); (e) the Parking Spaces; (f) the Roof Deck Space constructed on the Northern approximately two-thirds (2/3) of the roof over the main building and deeded to the Unit Owner of Unit 4 as a Limited Common Element in accordance with Section 4.11 of this Declaration; and (h) any future Roof Deck or other roof structure which may be constructed on the remaining Roof Area of the Northern approximately two-thirds (2/3) of the roof over the main building, the right to construct which is reserved to the Unit Owner of Unit 4 as more fully described below.

Any future Roof Deck or other roof structure such as a balcony or terrace, together with the right to use the area above and from a point immediately adjacent to the structural and physical components of the Northern approximately two-thirds (2/3) of the roof over the main building, and to a point ten (10) feet above the physical components of the Northern approximately two-thirds (2/3) of the roof over the main building, shall be a Limited Common Element reserved for the exclusive use of Unit 4, as a balcony, terrace and/or deck contiguous to a Unit ("Roof Deck"). The Unit Owner of Unit 4, its successors and/or assigns (hereinafter "Unit 4"), hereby agree that any future construction or repair of any said Roof Deck or of any other structure on or to be on the roof ("Work") shall be performed according to the following conditions and stipulations:

(a) Any such Work shall be completed in accord with all applicable building, zoning or other codes and regulations issued by the City of Chicago or other governmental entities with jurisdiction over the Work, and such is the express duty of the owner of Unit 4, his and/or her successors in interest. Seller makes no representation as to the permit or permit status as to any roof deck, or expansion to said deck and Purchaser expressly acknowledges that the Seller is accommodating Purchaser of Unit 4 or any other Unit through third-party contractors, if applicable.

(b) Unit 4 shall be solely responsible for the cost of all such Work and shall hold harmless and indemnify 1051 West Monroe Condominium Association, the Declarant, the Developer, and its successors and/or assigns from any claim for loss or damage based on bodily injury or property damage associated with the construction, repair or operation of any future Roof Deck or other roof structure such as a balcony or terrace as to the roof or any other portion of the Common Elements of the Property.

(c) Any structures to be placed on the roof shall be of the "floating" variety and shall not permanently affix any Roof Deck or other structure to the roof.

(d) At all times the roof at the Property shall remain a Common Element maintained by the 1051 West Monroe Condominium Association and in accord with Article III of the Declaration, but subject to the provisions of Section 3.03(b) above.

(e) Installation and construction of any Roof Deck(s) or other roof structure shall not begin until after the sale of Unit 4, all at the sole cost and expense of Unit 4."

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4. Article 4 (General Provisions As To Units And Common Elements) of the Declaration is hereby amended to add the following section as Section 4.12:

“4.12 Roof Areas and Roof Deck Spaces. The Roof Deck Space constructed on the Northern approximately two-thirds (2/3) of the roof over the main building shall be deeded at closing as a Limited Common Element to the Unit Owner of Unit 4 as R-1, as indicated on Exhibit D and as shown on the Plat. The remainder of the Roof Deck, if any, the Roof, and all associated areas not listed herein as a portion of each Unit or a Limited Common Element, shall be a Common Element of the association, owned as an undivided element according to the Unit Owners’ percentages of ownership in the Common Elements as a whole. The Board or the Association may also in the future allocate further portions of the Common Elements as Roof Deck Area on such basis and at such fees, if any, as the Board or the Association deems appropriate and may prescribe such rules and regulations with respect to such additional Roof Deck Area as it may deem fit.”

5. Exhibit A (Condominium Plat of Survey) of the Declaration is hereby amended by replacing the Roof Top elevation shown as part of the original Plat of Survey, which was recorded as Exhibit A to the Declaration on July 17, 2006 as Document Number 0619834129, with the amended Roof Top elevation attached hereto as Exhibit A;

6. Exhibit D of the Declaration is hereby amended to read as follows to include the Limited Common Element Roof Deck Space as a Limited Common Element and to show its assignment:

EXHIBIT D

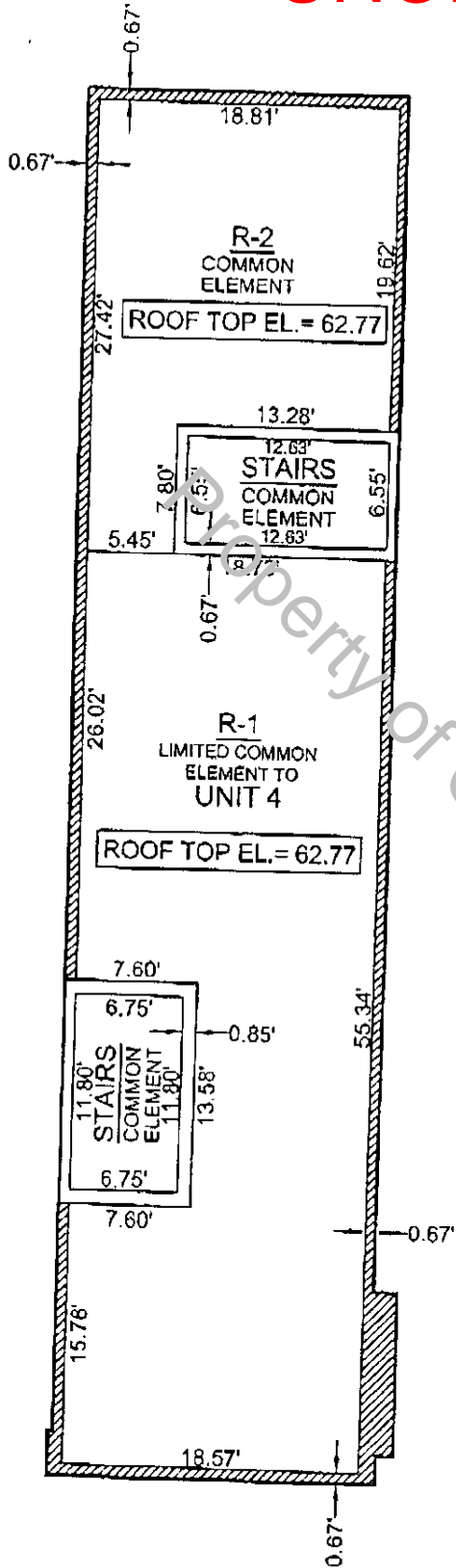
SCHEDULE OF PARKING AND ROOF DECK SPACES 1051 WEST MONROE CONDOMINIUMS

<u>Unit</u>	<u>LCE Parking Space Schedule</u>	<u>LCE Roof Deck Space Schedule</u>
1	P-4, P-5	None
2	P-2	None
3	P-3	None
4	P-1	R-1

IN WITNESS WHEREOF, Monroe Partners 7, LLC, an Illinois Limited Liability Company, has caused its Manager to affix his signature hereunto and caused its name to be signed this 20th day of September, 2006.

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EXHIBIT A



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