

# UNOFFICIAL COPY

**FIRST AMENDMENT TO  
THE DECLARATION  
OF CONDOMINIUM  
OWNERSHIP AND  
OF EASEMENTS,  
RESTRICTIONS,  
COVENANTS AND  
BY-LAWS FOR  
2708 NORTH HALSTED  
CONDOMINIUM  
ASSOCIATION**



Doc#: 0717309006 Fee: \$34.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 08/22/2007 02:04 PM Pg: 1 of 6

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 2708 Halsted Development, Ltd., an Illinois Corporation, (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 2708 North Halsted Condominium Association ("the Declaration") on May 17, 2007 as Document Number 0713715154; 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,

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**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,

**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 Storage Spaces; and (f) the Garage Roof Decks and Building Roof Decks."

**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:	2708-2710 North Halsted Street Chicago, Illinois 60614
PIN:	14-29-407-052-0000 and 14-29-407-053-0000

**PARCEL 1:**

UNIT NUMBERS 2S, 2N, 3S, 3N, 4S, 4N, 5S, 5N, P-1, P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, AND P-10 IN THE 2708 NORTH HALSTED CONDOMINIUMS AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

LOTS 17 AND 18 IN LINDEMAN'S SUBDIVISION OF THE NORTH 1/2 OF THE EAST 5 ACRES OF OUTLOT 9 OF CANAL TRUSTEE'S SUBDIVISION OF THE EAST 1/2 OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM PARCEL 1 AND PARCEL 2 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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## PARCEL 1 (C - SOUTH):

THE FOLLOWING PARCEL OF LAND LYING ABOVE A HORIZONTAL PLANE AT ELEVATION +18.40 FEET (CHICAGO CITY DATUM) AND LYING BELOW A HORIZONTAL PLANE AT ELEVATION +33.10 FEET (CHICAGO CITY DATUM) DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT 0.11 FEET NORTH AND 0.11 FEET WEST OF THE SOUTHEAST CORNER OF LOT 17; THENCE WEST, A DISTANCE OF 56.71 FEET; THENCE NORTH, A DISTANCE OF 7.65 FEET; THENCE WEST, A DISTANCE OF 0.31 FEET; THENCE NORTH, A DISTANCE OF 8.04 FEET; THENCE EAST, A DISTANCE OF 57.02 FEET; THENCE SOUTH, A DISTANCE OF 15.69 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

## PARCEL 2 (C - NORTH):

THE FOLLOWING PARCEL OF LAND LYING ABOVE A HORIZONTAL PLANE AT ELEVATION +18.40 FEET (CHICAGO CITY DATUM) AND LYING BELOW A HORIZONTAL PLANE AT ELEVATION +33.10 FEET (CHICAGO CITY DATUM) DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT 0.02 FEET NORTH AND 0.03 FEET WEST OF THE NORTHEAST CORNER OF LOT 18; THENCE SOUTH, A DISTANCE OF 24.75 FEET; THENCE WEST, A DISTANCE OF 6.72 FEET; THENCE NORTH, A DISTANCE OF 0.17 FEET; THENCE WEST, A DISTANCE OF 12.50 FEET; THENCE NORTH, A DISTANCE OF 4.07 FEET; THENCE WEST, A DISTANCE OF 34.58 FEET; THENCE SOUTH, A DISTANCE OF 0.11 FEET; THENCE WEST, A DISTANCE OF 2.85 FEET; THENCE NORTH, A DISTANCE OF 20.71 FEET; THENCE EAST, A DISTANCE OF 56.65 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0713715154, AND AS AMENDED, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

## PARCEL 2:

THE EXCLUSIVE RIGHT TO THE USE OF S-1, S-2, S-3, S-4 AND S-5, AND ROOF DECKS TO UNIT 2S, 2N, 3S, 3N, 4S, 4N, 5S AND 5N, LIMITED COMMON ELEMENTS, AS DELINEATED ON THE SURVEY ATTACHED TO THE DECLARATION AFORESAID RECORDED AS DOCUMENT NUMBER 0713715154.

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. Exhibit A, Plat of Survey, attached to the Declaration recorded on May 17, 2007 as Document Number 0713715154, after the filing of this First Amendment, is hereby amended in relevant part to reflect that the portion of the garage previously designated as "Area Deeded to Unit 5S" is hereby amended to read "P-11, a Limited Common Element to Unit 5S." An amended First Floor elevation of the Plat of Survey reflecting this amended language is attached hereto as "Exhibit A."

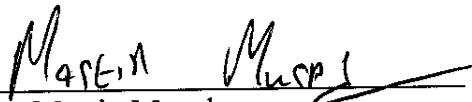
2. Section 3.03 of the Declaration, after the filing of this First Amendment, shall be amended to read as follows to include P-11 as a Limited Common Element to Unit 5S:

" **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 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 Storage Spaces; (f) the Garage Roof Decks and Building Roof Decks; and (g) P-11, a Limited Common Element to Unit 5S.

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. "

IN WITNESS WHEREOF, 2708 Halsted Development, Ltd., an Illinois Corporation, has caused its President to affix his signature hereunto and caused its name to be signed this 22<sup>ND</sup> day of June, 2007.

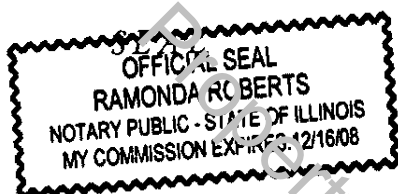
2708 Halsted Development, Ltd.  
an Illinois Corporation,

By:   
Martin Murphy

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I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Martin Murphy, President of 2708 Halsted Development, Ltd., an Illinois Corporation, who is personally known to me to be the person whose name is subscribed to the foregoing instrument as such, appeared before me this day in person and acknowledged that he signed and delivered the said Amendment as his own free and voluntary act and as the free and voluntary act of said Company, for the uses and purposes therein set forth.

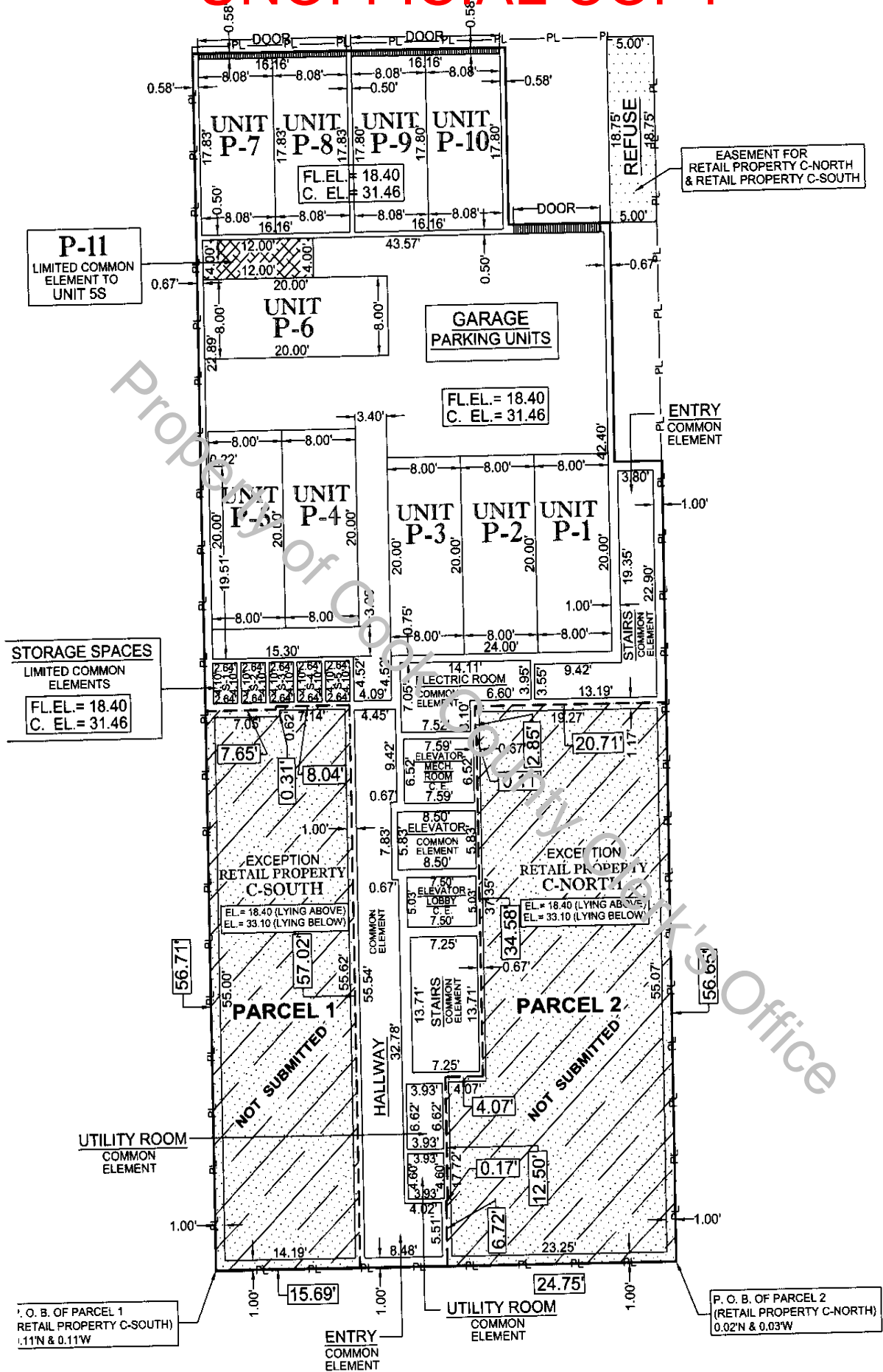
Given under my hand and notarial seal this 22<sup>ND</sup> day of June, A.D., 2007.



*Ramonda Roberts*  
\_\_\_\_\_  
Notary Public

City of Cook County Clerk's Office

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## FIRST FLOOR