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Cook County Recorder 35.50

FIRST AMENDMENT TO DECLARATION  
OF COVENANTS, EASEMENTS AND  
RESTRICTIONS FOR CLUSTERS ON  
VINE HOME OWNERS ASSOCIATION,  
INC., RECORDED IN THE OFFICE OF THE  
RECORDER OF DEEDS OF COOK  
COUNTY, ILLINOIS ON FEBRUARY 10,  
1994 AS DOCUMENT NO. 94137282



For Use by Recorder's Office Only

Property of Cook County Clerk's Office

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11/23/98

Ater recording to be returned to:

MATTHEW L. MOODHE  
Kovitz Shifrin & Waitzman  
750 Lake Cook Road, Suite 350  
Buffalo Grove, IL 60089 — (847) 537-0500

RECORDING FEE \$ 35.00  
DATE 11/23/98 COPIES 6  
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FIRST AMENDMENT TO DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS FOR CLUSTERS ON VINE HOME OWNERS ASSOCIATION, INC. RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON February 10, 1994 AS DOCUMENT NO. 94137282

THIS AMENDMENT to Declaration, made and entered into the 31<sup>st</sup> day of December, 1994 by the required majority of the members of the Clusters on Vine Home Owners Association, Inc., an Illinois not-for-profit corporation, is an amendment to the Declaration of Covenants, Easements and Restrictions for Clusters on Vine Home Owners Association, Inc. recorded in the Office of the Recorder of Deeds of Cook County, Illinois on February 10, 1994 as Document No. 94137282.

WITNESSETH

WHEREAS, said Declaration and By-laws have submitted certain real property to the provisions of said documents, which are covenants running with the land, which real property is legally described in Exhibit "F" and attached hereto; and

WHEREAS, the Clusters on Vine Home Owners Association, Inc. is an Illinois not-for-profit corporation (hereinafter referred to as "Association") and administers the property as set forth and described in the Declaration and By-Laws; and

WHEREAS, Article X, Section 10.05 of the Declaration provides that the Declaration may be amended by a written instrument executed by members having at least two-thirds (2/3) of the total votes of the members and containing a certificate by an officer of the Association that said instrument was duly approved; and

WHEREAS, said instrument has been adopted by the members as required;

NOW, THEREFORE, the Association hereby declares that the Declaration be and hereby is amended as follows:

A. WHEREAS, Article I, Section 1.05 of the Declaration presently reads as follows:

1.05 Limited Common Areas. Limited Common Areas designated as such or as "LCA" on Pages 2 and 3 of Exhibit "A" are those areas reserved for private and exclusive use as yards by the Owners of the lot abutting each such area, as bounded by fences to be erected enclosing the same and any replacements thereof.

The undersigned, for the purposes set forth, hereby declare that the Declaration be and hereby is amended in regard to said article as follows:

Article I, Section 1.05 of the Declaration shall be deleted in its entirety and the following is inserted in its place:

1.05 (Intentionally Omitted)

B. WHEREAS, Article III, Section 3.06 of the Declaration presently reads as follows:

3.06 Easements for Yards in Limited Common Areas. An easement is hereby created over and upon the Limited Common Areas designated as such or as "LCA" on Pages 2 and 3 of Exhibit "A". By such easement, the portion of the Limited Common Area ("yard") abutting a Lot and townhouse shall, within the area bounded by fences erected and to be erected joining said lot and "yard," create an area for the exclusive use and enjoyment of the Owner of the townhouse which abuts a yard and one side of which completes the enclosure of such yard.

The undersigned, for the purposes set forth, hereby declare that the Declaration be and hereby is amended in regard to said Article as follows:

Article III, Section 3.06 of the Declaration shall be deleted in its entirety and the following is inserted in its place:

3.06 (Intentionally Omitted)

C. WHEREAS, Article III, Section 3.07 of the Declaration presently reads as follows:

3.07 Easements for Pedestrian and Vehicular Ingress and Egress and parking. Subject to the easements for yards on Limited Common Areas hereinabove, an easement is hereby created for the benefit of each Owner, over, upon and across the Common Area legally described on Pages 6 and 7 of Exhibit "A", for use by such Owners as pedestrians and in their operation of motor vehicles. The vehicular easements shall apply to driveways and parking areas as depicted on Pages 2 and 3 of Exhibit "A". Vehicular driveways, walks and parking areas shall be maintained, unblocked and unrestricted, except for approved security measures such as gates for walkways or parking areas, to common use by said Owners, and repaired or replaced at a cost to be borne by Owners of the 30 Lots, one thirtieth of said cost to each.

The undersigned, for the purposes set forth, hereby declare that the Declaration be and hereby is amended in regard to said article as follows:

3.07 Easements for Pedestrian and Vehicular Ingress and Egress and parking. An easement is hereby created for the benefit of each Owner, over, upon and across the Common Area legally described on Pages 6 and 7 of Exhibit "A", for use by such Owners as pedestrians

and in their operation of motor vehicles. The vehicular easements shall apply to driveways and parking areas as depicted on Pages 2 and 3 of Exhibit "A". Vehicular driveways, walks and parking areas shall be maintained, unblocked and unrestricted, except for approved security measures such as gates for walkways or parking areas, to common use by said Owners, and repaired or replaced at a cost to be borne by Owners of the 30 Lots, one thirtieth of said cost to each.

D. WHEREAS, a Plat of Survey identified as Exhibit "A" is attached to the Declaration, the undersigned, for the purposes set forth, hereby declare that the Declaration be and hereby is amended by deletion of said Plat of Survey and replacing it with the Plat of Survey attached hereto and incorporated herein by reference as Exhibit "A".

E. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

This First Amendment to Declaration is approved by the required majority of the members in the exercise of the power and authority conferred upon and vested in Association. The signatories hereby warrant that they possess full power and authority to execute this instrument.

IN WITNESS WHEREOF, Clusters on Vine Home Owners Association, Inc., an Illinois not-for-profit corporation, has caused its corporate seal to be affixed hereto and has caused its name to be signed by its President and attested by its Secretary this 31<sup>st</sup> day of December, 1994.

CLUSTERS ON VINE HOME OWNERS ASSOCIATION, INC., an Illinois not-for-profit corporation,

By:

[Signature]  
President

ATTEST:

\* [Signature]  
Secretary

(CORPORATE SEAL)



STATE OF ILLINOIS )  
 )SS.  
COUNTY OF COOK )

I, Henry J. Wolford, do hereby certify that I am the duly elected and qualified Secretary of the Clusters on Vine Home Owners Association, Inc., an Illinois not-for-profit corporation, and as such Secretary, I am the keeper of the books and records of the Association.

I further certify that the attached First Amendment to the Declaration of Covenants, Easements and Restrictions for the Clusters on Vine Home Owners Association, Inc. was duly adopted by the affirmative vote of the required majority of the voting members.

x Henry J. Wolford  
Secretary

Dated at Chicago, Illinois this 31<sup>st</sup> day of December, 1994. (corporate seal)

STATE OF ILLINOIS )  
 )SS.  
COUNTY OF COOK )

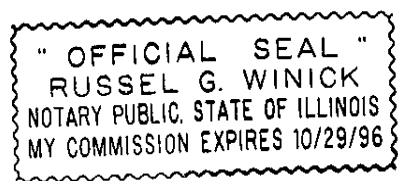
I, Russel G. Winick, a Notary Public in and for said County in the State aforesaid, do hereby certify that the aforesaid officers of the Clusters on Vine Home Owners Association, Inc., an Illinois not-for-profit corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day and acknowledged that they signed, sealed and delivered the same instrument as their free and voluntary act, for the uses and purposes set forth.

Given under my hand and notarial seal this 31<sup>st</sup> day of December, 1994.

Russel G. Winick  
Notary Public

My commission expires: October 29, 1996.

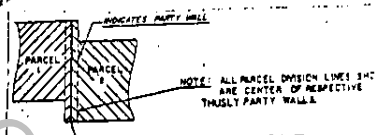
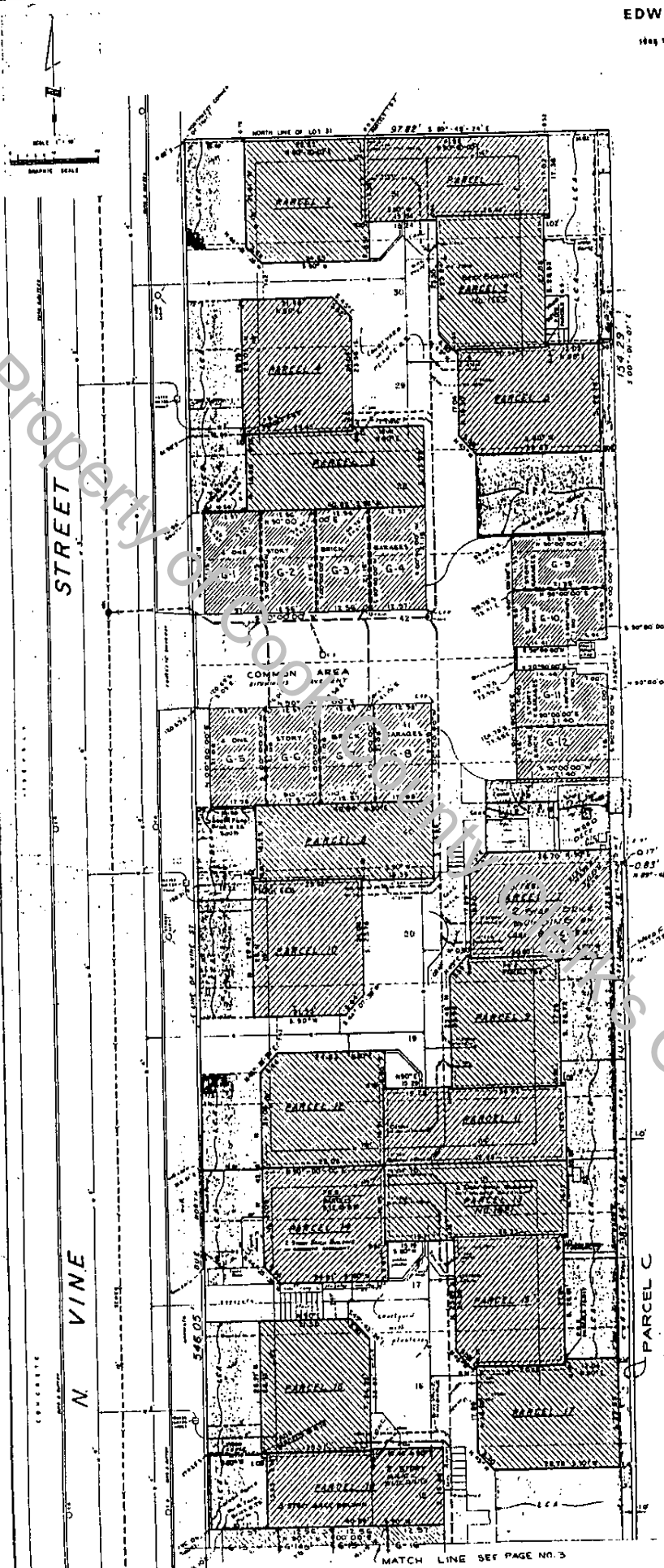
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EDWARD J. MOLLOY & ASSOCIATES, LT  
 LAND & CONSTRUCTION SURVEYORS  
 1649 TOWER LANE, GENESEVILLE, ILLINOIS 60135 (708) 716-4444

**PLAT OF SURVEY**  
 OF

"THE CLUSTERS ON VINE"



PARCEL DIVISION  
 DETAIL

- LEGEND**
- CONCRETE FILLED POST
  - 6" X 6" WOOD POST
  - 6" X 4" WOOD POST
  - 6" X 2" WOOD POST
  - 6" X 1" WOOD POST
  - WIRE
  - STREET LIGHT
  - WATER METER
  - LIMITED GREEN AREAS (LIMIT TO 10% OF TOTAL AREA)
  - INDICATES BUILT OR CONCRETE FOUNDATION

AMENDED AUG 23, 1978 PARCELS ADDED  
 AMENDED JULY 7, 1974 TO ADD  
 PARCEL 16  
 AMENDED APRIL 10, 1970 TO ADD  
 PARCEL 17

STATE OF ILLINOIS  
 COUNTY OF COOK

I, EDWARD J. MOLLOY, AN ILLINOIS REGISTERED LAND SURVEYOR, CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREON AND THAT THE PLAT HEREON DRAWN IS A CORRECT STATEMENT OF SAID SURVEY.

MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 62 DEGREES FAHRENHEIT.

PARA 1062, ILLINOIS STATUTES HAS THE FORCE OF LAW.

*Edward J. Molloy*  
 ILLINOIS REGISTERED LAND SURVEYOR NO. 017

MATCH LINE SEE PAGE NO. 3



EXHIBIT "B"

LEGAL DESCRIPTION

LOTS 28, 29, 30, 31, 40, 41 AND 42 IN THE SUBDIVISION OF THE EAST HALF OF LOTS 2, 3 AND (EXCEPT THE SOUTH 82 FEET OF THE EAST 100 FEET) OF LOT 4 IN BLOCK 1 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE WEST HALF OF THE SOUTH WEST QUARTER OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN,

TOGETHER WITH

LOTS 5 TO 20, BOTH INCLUSIVE, (EXCEPT THE PART OF SAID LOTS 5 TO 20 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH WEST CORNER OF SAID LOT 5; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 88.43 FEET TO A CORNER OF SAID LOT 5; THENCE NORTH EASTERLY ALONG THE SOUTH EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 14.10 FEET TO THE EAST LINE OF SAID LOT 5; THENCE NORTH ALONG THE EAST LINE OF SAID LOTS 5 TO 20 TO THE NORTH EAST CORNER OF SAID LOT 20; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 20 TO A LINE 1 FOOT WEST OF AND PARALLEL WITH THE SAID EAST LINE OF LOT 20; THEN SOUTH ALONG A LINE 1 FOOT WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOTS 5 TO 20 TO A LINE 1 FOOT NORTH WESTERLY OF AND PARALLEL WITH THE SAID SOUTH EASTERLY LINE OF LOT 5; THENCE SOUTH WESTERLY ALONG SAID LINE 1 FOOT NORTH WESTERLY OF AND PARALLEL WITH THE SAID SOUTH EASTERLY LINE OF LOT 5 TO A LINE 1 FOOT NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 5; THENCE WEST ALONG SAID LINE 1 FOOT NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 5 TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH ALONG SAID WEST LINE OF LOT 5 TO THE POINT OF BEGINNING,) IN THE SUBDIVISION OF LOT 6 AND THE EAST 23 FEET OF LOT 7 IN BLOCK 1 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE WEST HALF OF THE SOUTH WEST QUARTER OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N. 14-33-316-014-0000 to 14-33-316-033-0000, inclusive

Property Address: 1611-1669 N. Vine Street, Chicago, IL 60614  
Units 1-30, inclusive

This document was prepared by and upon recording should be MAILED TO:

Russel G. Winick  
Schultz & Winick, P.C.  
1220 Iroquois Avenue  
Suite 100  
Naperville, IL 60563