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**FIRST AMENDMENT TO
DECLARATION OF
CONDOMINIUM OWNERSHIP
AND OF EASEMENTS,
RESTRICTIONS AND
COVENANTS FOR OHIO WEST
LOFTS CONDOMINIUM**



Doc#: 0826211237 Fee: \$50.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 09/18/2008 04:13 PM Pg: 1 of 8

This First Amendment to Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for Ohio West Lofts Condominium is made and entered into by the Ohio West Lofts Condominium Association in accordance with its Bylaws and is as follows:

WHEREAS, on or about May 26, 1992, NBD Trust Company of Illinois, not personally but solely as Trustee under Trust Agreement dated May 1, 1992, and known as Trust No. 1221-CH, executed a certain Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for Ohio West Lofts Condominium (the "Declaration") which Declaration was recorded on May 28, 1992 as Document No. 92369446, with respect to the Property legally described on **Exhibit No. "1"** attached hereto and made a part hereof; and

WHEREAS, attached to the Declaration as Exhibit "B", page 5, was the "Roof Plan" in which there was designated, among other things, a Community Roof Area and limited common element Roof Areas which were assigned to the third floor Unit Owners; and,

WHEREAS, the original designation of the limited common element Roof Areas was delineated in a manner that has proven ineffective and not in the best interest of the third floor Unit Owners; and,

WHEREAS, the third floor Unit Owners for whose benefit the limited common element Roof Areas were designated, have reached an agreement as to how those Roof Areas should be delineated; and,

WHEREAS, the new designation of the limited common element Roof Areas does not materially affect the rights of any other Unit Owner; and,

WHEREAS, the members of the Association have voted in favor of the proposal to amend the Declaration; and,

WHEREAS, the third floor Unit Owners for whose benefit the limited common element Roof Areas were designated, and the Association, desire to amend the Declaration to more effectively delineate the Roof Area plan and the allowable use of the Roof Areas; and,

WHEREAS, the Association desires and intends by this document to amend the Declaration.

RECORDING FEE \$ 50
DATE 9-18-08 COPIES 6
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NOW, THEREFORE, the Association hereby amends the Declaration as follows:

1.01. Paragraph 1.21 shall be stricken and amended to state: "Roof Areas. Except as otherwise provided in the Declaration, the Roof Area limited common elements shall be as set forth in the Plat attached hereto and incorporated herein as **Exhibit No. "2"**."

1.02. Paragraph 3.04(iv) of the Declaration shall be stricken and amended to state: "(iv) all Roof Areas designated on **Exhibit No. "2"** attached to the First Amendment and appurtenant to a particular Residential Unit."

1.03. Paragraph 4.03(a) shall be amended to include the following subparagraph:

"(ii) Except as otherwise provided in the Declaration or this First Amendment, the Association shall be responsible for the management, maintenance, repair, alteration and improvement of the Community Roof Area and any portions of the Roof Area not designated for exclusive use by a Unit Owner."

1.04. Paragraph 4.03(b) shall be amended to include the following subparagraph:

"(iv) Except as otherwise provided in the Declaration or this First Amendment, the Unit Owner for whose benefit the limited common element Roof Area is designated in **Exhibit No. "2"** hereto, shall be responsible for the management, maintenance, repair, alteration and improvement of their designated Roof Area."

1.05. Paragraph 4.14 shall be stricken and amended to read as follows:

"4.14. Roof Areas. In addition to the provisions of Section 4.13 and other Sections of the Declaration, any roof decks or roof deck structures constructed within an individual Roof Area shall subject to Board approval: (a) be constructed within the boundary of the respective Roof Area as depicted on **Exhibit No. "2"** attached to the First Amendment, unless otherwise agreed to by the respective Unit Owners for whose benefit the Roof Area is designated or as determined by the Board; (b) shall meet all City of Chicago building and zoning specifications; (c) if a deck, shall be constructed of wood and so that it is level with any roof deck located within the Community Roof Area and shall otherwise conform with said roof deck, with respect to material, configuration and finish; and (d) if a structure, shall be limited to one-story on the designated Roof Area provided that such loft area does not affect the structural integrity of the building and is constructed to conform to the overall appearance of the Building. Notwithstanding the above, the Board shall have the right to approve of any contractor selected to perform any roof deck work. Subject to all of the terms of Section 4.13 of the Declaration, the Board, in its sole discretion, may grant a Unit Owner the right to create a separate means of ingress and egress to its Roof Area by cutting a hole in the roof above his Unit. To the extent the plans approved pursuant to Section 4.13 of the Declaration allow for portions of the roof decks to rest upon or be anchored to the roof or holes to be made in the roof, all of the Unit Owners shall be deemed to have granted such Unit Owner an exclusive easement over, through and upon such portion of the applicable Common Elements, and no change in the allocation of percentage interests shall result unless otherwise determined by the Board."

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1.06. In the event any conflict exists between the terms of the Declaration and this First Amendment, the terms of this First Amendment shall control.

IN WITNESS WHEREOF, the OHIO WEST LOFTS CONDOMINIUM ASSOCIATION, has caused its name to be signed to this document by its authorized Board of Directors this 8th day of August, 2008.

OHIO WEST LOFTS CONDOMINIUM ASSOCIATION

Steve Junderson
Merna A. Kelly
W. J. Junderson

After recording, return to:

*William D. Kelly, Esq.
Kelly & Karras, Ltd.
Suite 205, 619 Enterprise Drive
Oak Brook, Illinois 60523*

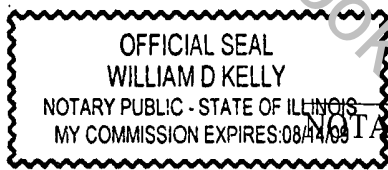
Property of Cook County Clerk's Office

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STATE OF ILLINOIS)
)
COUNTY OF DuPage)

I, WILLIAM D KELLY, a Notary Public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that all the Board of Directors of OHIO WEST CONDOMINIUM ASSOCIATION, personally known to me to the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary acts, for the uses and purposes therein set forth.

Given under my hand and official seal, this 8th day of August, 2008.
(Impress Seal Here)



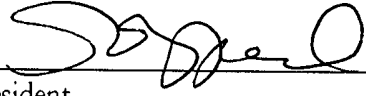
William D Kelly
NOTARY PUBLIC

Commission Expires: _____

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CERTIFICATION

I, the undersigned president of the **OHIO WEST LOFTS CONDOMINIUM ASSOCIATION**, hereby certify that this First Amended Declaration was approved by all of 3 Directors and by 20 of 21 Unit Owners at meetings duly called for that purpose.
(One owner did not vote - sv)



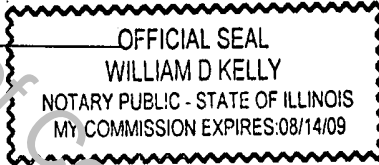
President

SUBSCRIBED AND SWORN to before me

this 8th day of August, 2008



NOTARY PUBLIC



After recording, return to:

*William D. Kelly, Esq.
Kelly & Karras, Ltd.
Suite 205, 619 Enterprise Drive
Oak Brook, Illinois 60523*

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CERTIFICATION

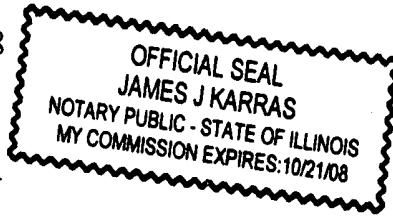
I, the undersigned, the authorized agent of the Ohio West Lofts Condominium Association, hereby certify that I sent notice of the proposed First Amendment to Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for Ohio West Lofts Condominium to all mortgagees entitled to notice thereof more than thirty (30) days prior to the date of the meeting called to approve same.

Will D. Kelly

SUBSCRIBED AND SWORN to before me

this 8th day of August, 2008

James Karras
NOTARY PUBLIC



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EXHIBIT A

UNIT NUMBERS 538, 540, 542, 2401-NE, 2401-N, 2401-NW, 2411, UTILITY AREA, STORAGE AREA, JANITORS CLOSET, 21, 22, 23, 24, 25, 26, 27, 2ND FLOOR ELEVATOR STORAGE, 31, 31 PENT., 32, 33, 34, 35, 36, 36 PENT., 37, ELEVATOR STORAGE AND JANITOR'S CLOSET, IN OHIO WEST LOFTS CONDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

LOTS 1, 2, 3 AND 4 IN BLOCK 1 (EXCEPT THEREFROM THAT PART LYING EAST OF A LINE 50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN) IN GAGE AND MCKEY'S SUBDIVISION OF THE NORTH EAST ¼ OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY

WHICH SURVEY IS ATTACHED AS EXHIBIT 'B' TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 92369446, TOGETHER WITH ITS UNDIVIDED PERCENTAGE IN THE COMMON ELEMENTS.

PERMANENT INDEX NUMBER: 16-12-218-013

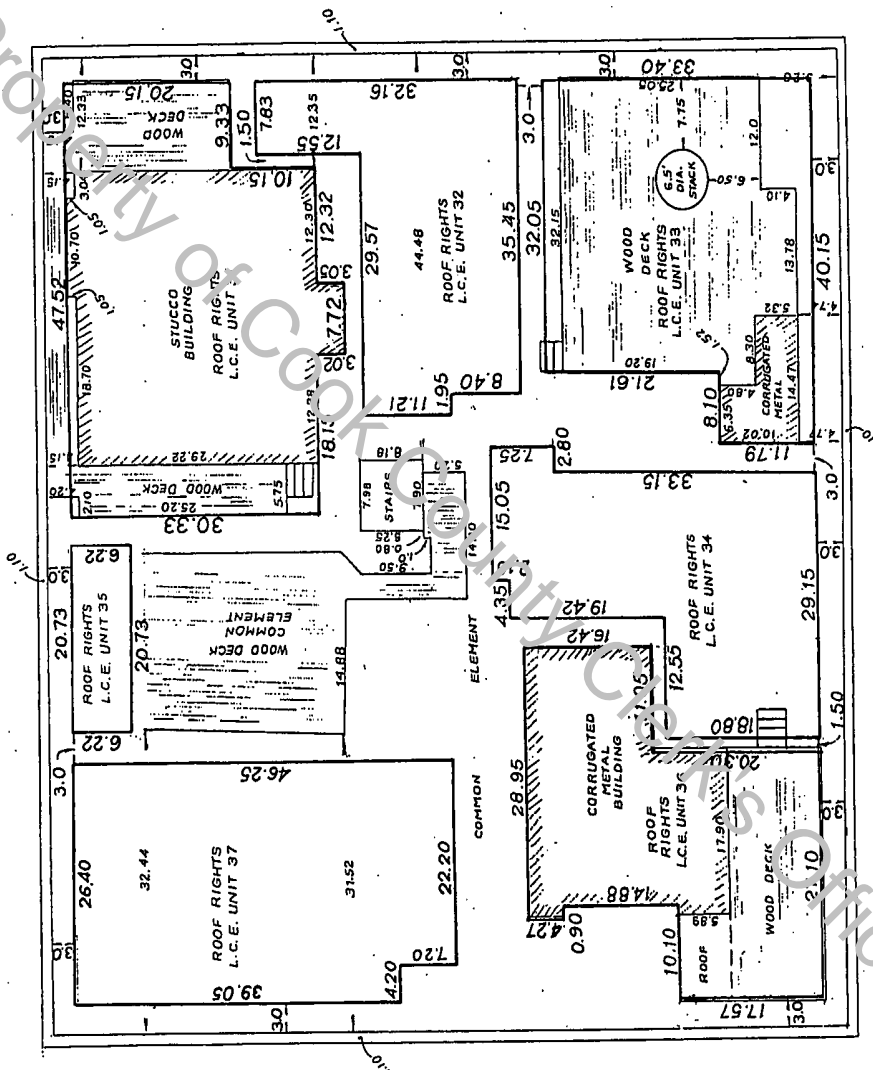
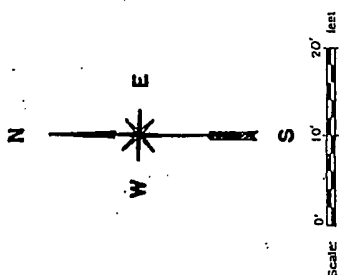
COMMON ADDRESS: 2401 West Ohio, Chicago, Illinois

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CERTIFIED SURVEY, INC.

Phone: 847-296-6900 1440 Renaissance Dr. Suite 140, Park Ridge, IL 60068 Fax: 847-296-6906

PLAT OF SURVEY



STATE OF ILLINOIS
 COUNTY OF COOK
 WE, CERTIFIED SURVEY, INC. DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, LOCATED THE BUILDING THEREON AND DIVIDED BOTH VERTICALLY AND HORIZONTALLY AS A CONDOMINIUM AS SHOWN ON THE ATTACHED PLAT WHICH IS THE MOST CORRECT REPRESENTATION OF SAID DECIMAL PARTS DISTANCE AND ELEVATIONS ARE GIVEN IN FEET AND INCHES TO THE CURRENT MINIMUM STANDARDS FOR BOUNDARY AND CONDOMINIUM SURVEYS.
 DATED THIS 1ST DAY OF OCTOBER, A.D. 2007.

David A. Keated
 PROFESSIONAL ILLINOIS LAND SURVEYOR No. 2777
 LICENSE EXPIRES NOVEMBER 30, 2008

UPPER ELEVATION = +59.66 THIS PAGE ONLY
 LOWER ELEVATION = +59.66 THIS PAGE ONLY

EXHIBIT "B"