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**SECOND AMENDMENT
TO DECLARATION OF
CONDOMINIUM
OWNERSHIP AND
BY-LAWS, EASEMENTS,
RESTRICTIONS AND
COVENANTS FOR
WELLS STREET
TOWER
CONDOMINIUM
ASSOCIATION**



Doc#: 0921139052 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 07/30/2009 03:18 PM Pg: 1 of 5

This Second Amendment to the Declaration of Condominium Ownership and By-laws, Easements, Restrictions and Covenants for Wells Street Tower Condominium Association:

WITNESSETH:

WHEREAS, the real estate described on Exhibit 1 was submitted to the Condominium Property Act of the State of Illinois (the "Act") pursuant to a Declaration of Condominium Ownership and By-laws, Easements, Restrictions and Covenants for Wells Street Tower Condominium Association recorded on April 29, 2002 as Document No. 0020484524, as amended by a certain First Amendment to Declaration of Condominium Ownership and By-laws, Easements, Restrictions and Covenants for Wells Street Tower Condominium Association recorded on December 30, 2003 as Document No. 0336431130 (as amended, the "Declaration").

WHEREAS, Article XVIII, Section 6 of the Declaration provides that the provisions of the Declaration may be changed, modified or rescinded by an instrument in writing setting forth such change, modification or rescission, signed and acknowledged by the President or a Secretary of the Board and approved by Unit Owners having, in the aggregate, at least seventy-five percent (75%) of the total vote at a meeting called for that purpose, provided, however, that all holders of first mortgages of record have been notified by certified mail of such change, modification, or rescission, and an affidavit by the Secretary of the Board certifying to such mailing is made a part of such instrument.

THIS INSTRUMENT WAS PREPARED BY AND
AFTER RECORDING RETURN TO:

DAVID SUGAR
ARNSTEIN & LEHR LLP
120 S. RIVERSIDE PLAZA., STE 1200
CHICAGO, IL 60606

RECORDER'S BOX 378

COMMON ADDRESS:

701 South Wells Street
Chicago, IL 60605

PINs: 17-16-402-050-1001 through
and including 17-16-402-050-1353

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WHEREAS, the amendment to the Declaration set forth hereinbelow was approved by Unit Owners having in the aggregate, in excess of seventy-five percent (75%) of the total vote at a meeting called for that purpose and held on November 3, 2008.

NOW, THEREFORE, the undersigned President and Secretary of the Board, with the approval of Unit Owners having in the aggregate, in excess of seventy-five percent (75%) of the total vote, do hereby amend the Declaration as follows:

1. **TERMS.** Terms used herein if not otherwise defined shall have the same meaning as set forth in the Declaration.
2. **AMENDMENT.** The fourth sentence of Section 1(b) of Article XIII of the Declaration (that is, "Members shall serve for a one (1) year term, provided, however, that a Board member or officer may be re-elected at the expiration of his term.") is hereby deleted and replaced with the following:

Members of the Board shall be elected to a two (2) year term of office (other than when a member of the Board is elected to serve the last year of an unexpired term of office), and a Board member or officer may be re-elected at the expiration of his term; provided, however, that the three (3) persons receiving the highest number of votes at the 2009 annual meeting shall be elected to a term of office of two years, and the two (2) persons receiving the next highest number of votes at the 2009 annual meeting shall be elected to a term of office of one year. Two (2) persons shall be elected to the Board to serve a term of office of two years at the 2010 annual meeting and at all subsequent annual meetings in even-numbered calendar years. Three (3) persons shall be elected to the Board to serve a term of office of two years at the 2011 annual meeting and at all subsequent annual meetings in odd-numbered calendar years.

3. **CONTINUATION.** Except as expressly modified herein, all terms and conditions of the Declaration shall continue in full force and effect.

IN WITNESS WHEREOF, the Association has caused this Second Amendment to be executed and delivered as of this 23 day of June, 2009.

WELLS STREET TOWER CONDOMINIUM ASSOCIATION

By: Jim Carlson
Its President

Attest:

By: Nancy Nelson, Jr
Its Secretary

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Exhibit 1
(LEGAL DESCRIPTION)

THAT PART OF LOT 28 (EXCEPT THE EAST 4 FEET) IN BLOCK 101 AND LOTS 3, 4, 9, 10 AND 15 (EXCEPT THE EAST 4 FEET OF SAID LOTS) IN BLOCK 102 ALL TAKEN AS A SINGLE TRACT OF LAND (EXCEPTING FROM SAID TRACT THAT PART WHICH LIES ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +13.49 FEET CHICAGO CITY DATUM AND WHICH LIES BELOW A HORIZONTAL PLAN HAVING AN ELEVATION OF +29.82 FEET CHICAGO CITY DATUM AND IS BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT (THE NORTHWEST CORNER OF SAID TRACT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 28); THENCE SOUTH 89°-57'-39" EAST ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 55.56 FEET; THENCE SOUTH 00°-00'-00" WEST, 44.31 FEET; THENCE NORTH 90°-00'-00" WEST, 7.69 FEET; THENCE SOUTH 00°-00'-00" WEST, 4.67 FEET; THENCE NORTH 90°-00'-00" WEST, 8.39 FEET; THENCE SOUTH 00°-00'-00" WEST, 20.71 FEET; THENCE NORTH 90°-00'-00" WEST, 10.18 FEET; THENCE SOUTH 00°-00'-00" WEST, 4.43 FEET; THENCE NORTH 90°-00'-00" WEST, 6.44 FEET; THENCE SOUTH 00°-00'-00" WEST, 16.28 FEET; THENCE NORTH 90°-00'-00" WEST, 22.86 FEET TO THE WEST LINE OF SAID TRACT; THENCE NORTH 00°-00'-00" EAST ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 30.44 FEET TO THE PLACE OF BEGINNING (THE WEST LINE OF SAID TRACT ALSO BEING THE EAST LINE OF S. WELLS STREET); ALL IN SCHOOL SECTION ADDITION TO CHICAGO IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

