

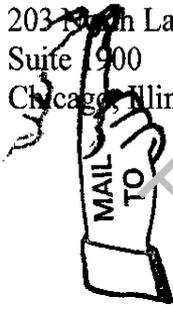
# UNOFFICIAL COPY



**THIS INSTRUMENT  
PREPARED BY AND AFTER  
RECORDING RETURN TO:**

Doc#: 1007834016 Fee: \$98.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 03/19/2010 09:35 AM Pg: 1 of 12

Brian A. Cohen, Esq.  
DLA Piper LLP (US)  
203 North LaSalle Street  
Suite 900  
Chicago, Illinois 60601



*This space reserved for Recorder's use only.*

## **AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR METROPOLITAN TOWER CONDOMINIUM**

**THIS AMENDMENT** ("Amendment") amends that certain Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for Metropolitan Tower Condominium recorded on December 17, 2007 in the office of the Recorder of Deeds of Cook County, Illinois as Document Number 0735103078 (as amended, the "**Declaration**"), with respect to the property that is located at 310 South Michigan Avenue, Chicago Illinois and described on Exhibit A attached hereto (the "**Property**"), and is executed as of this 17<sup>th</sup> day of March, 2010 by 310 South Michigan Avenue, L.L.C., an Illinois limited liability company ("**Declarant**").

### **RECITALS**

A. Pursuant to the Fifth Amendment to the Declaration dated August 28, 2008 (the "**Fifth Amendment**"), Declarant has reserved the right to amend the Declaration to correct the Plat pages for any Partially Finished Unit (as defined in the Fifth Amendment) to reflect the as-built interior conditions of such Unit. In addition, pursuant to Section 14.12 of the Declaration, Declarant has reserved the right and power to record a special amendment to correct errors in the Declaration, and the Plat attached to the Declaration as a portion of Exhibit A contains certain errors.

B. Declarant, by this Amendment, desires to amend the Declaration to revise Exhibit A of the Declaration.

**NOW, THEREFORE**, for \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby amends and supplements the Declaration as follows:

1. **Incorporation of Recitals** The foregoing Recitals are hereby incorporated into

RECORDING FEE 98

DATE 3/19/10 COPIES 6X

OK BY KE

Near North National Title  
222 N. LaSalle  
Chicago, IL 60601

EAST42838778.2

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this Amendment as though fully set forth herein.

2. **Exhibit A.** In the Plat that is attached to the Declaration as a portion of Exhibit A thereto, Pages 53-55 are hereby deleted and replaced with the Pages 53-55, respectively, that are attached hereto as Schedule 1.

3. **Terms.** Capitalized terms used in this Amendment shall have the same meanings as ascribed to them in the Declaration, except to the extent they are amended or otherwise defined in this Amendment.

4. **Continuation.** All terms, conditions and provisions of the Declaration, as expressly amended and supplemented by this Amendment, are hereby ratified, confirmed and shall continue to apply with full force and effect. In the event of any inconsistency between this Amendment and the Declaration, this Amendment shall control.

*[SIGNATURE PAGE FOLLOWS]*

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IN WITNESS WHEREOF, Declarant has caused this Amendment to be signed as of the date aforesaid.

**310 SOUTH MICHIGAN AVENUE,  
L.L.C.**, an Illinois limited liability company

By: 310 Met Tower, L.L.C., an Illinois limited liability company, its Manager

By:   
Louis D. D'Angelo, Manager

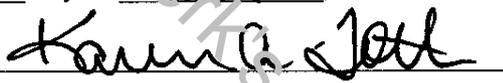
STATE OF ILLINOIS )

) SS

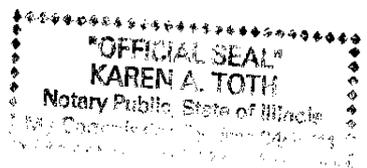
COUNTY OF COOK )

I, Karen Toth, a Notary Public in and for the County and State aforesaid, do hereby certify that Louis D. D'Angelo, as Manager of 310 Met Tower, L.L.C., an Illinois limited liability company, which is the Manager of 310 South Michigan Avenue, L.L.C., personally known to me to be the same person whose name is subscribed to the foregoing instrument as such President, appeared before me this day in person and acknowledged that he signed and delivered the foregoing instrument as his own free and voluntary act and the free and voluntary act of such company, for the uses and purposes therein set forth

GIVEN under my hand and notarial seal this 17<sup>th</sup> day of March, 2010.



Notary Public



My Commission Expires:

4-15-11

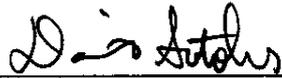
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## CONSENT OF MORTGAGEE

iStar FM Loans LLC, a Delaware limited liability company ("iStar"), as successor-in-interest to Fremont Investment & Loan, a California investment bank, holder of a Mortgage and Fixture Filing on the Property dated May 19, 2006, and recorded on May 31, 2006 as Document No. 0615110116 (as the same may be amended from time to time, the "**Mortgage**"); hereby consents to the execution and recording of the foregoing Amendment to Declaration of Condominium Ownership (the "**Amendment**") for the purposes of, and as required by, the terms of the Mortgage, and by this Consent of Mortgagee, iStar assumes no responsibility or liability for any of the terms or provisions of the Amendment. Notwithstanding anything to the contrary contained in the Amendment, the Declaration shall not be further amended without the prior written consent of iStar unless and until the Mortgages have been fully reconveyed.

**IN WITNESS WHEREOF**, iStar FM Loans LLC, a Delaware limited liability company, has caused this Consent of Mortgagee to be signed by its duly authorized officers on its behalf; all done on this 16<sup>th</sup> day of March, 2010.

iStar FM Loans LLC, a Delaware limited liability company

By:   
 Name: David Sotolov  
 Its: Senior Vice President

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## [ACKNOWLEDGMENT]

STATE OF CALIFORNIA            )  
   ) SS.  
 COUNTY OF LOS ANGELES        )

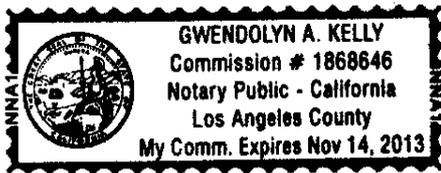
On March 15, 2010, before me, **Gwendolyn A. Kelly, a Notary Public**, personally appeared David M. Stelov, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Gwendolyn A. Kelly*  
 Signature of Notary Public

(SEAL)



Amendment to Declaration of Condominium  
 Ownership and of Easements, Restrictions, Covenants  
 and By-Laws for Metropolitan Tower Condominium

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## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

(attached)

Property of Cook County Clerk's Office

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## EXHIBIT A

### PARCEL 1:

UNITS 200 THROUGH 205, 500, 501, 502, 504, 505, 600 THROUGH 605, 700 THROUGH 705, 709 THROUGH 713, 800 THROUGH 813, 900, 902 THROUGH 913, 1000 THROUGH 1013, 1100, 1102, 1113, 1200 THROUGH 1213, 1300 THROUGH 1313, 1400 THROUGH 1409, 1411, 1412, 1413, 1500, 1501, 1502, 1503, 1505 THROUGH 1513, 1600 THROUGH 1613, 1700 THROUGH 1703, 1705 THROUGH 1713, 1800 THROUGH 1813, 1900 THROUGH 1913, 2000, 2001, 2003 THROUGH 2013, 2100 2103 THROUGH 2113, 2201 THROUGH 2209, 2301, 2302, 2303, 2501, 2502, 2600, 2700, 2800, 3000 AND PARKING SPACE UNITS P1-3/P1-4, P1-5/P1-6, P1-7/P1-8, P1-9, P1-11/P1-12, P1-13/P1-14, P1-15/P1-16, P1-17/P1-18HC, P1-19 THROUGH P1-46, P2-1, P2-2, P2-3/P2-4, P2-5/P2-6, P2-7/, P2-8, P2-9/P2-10, P2-11/P2-12, P2-13/P2-14, P2-15/P2-16, P2-17/P2-18, P2-19 THROUGH P2-47, P3-1, P3-2, P3-3/ P3-4, P3-5/P3-6, P3-7/P3-8, P3-8A, P3-9/P3-10, P3-11/P3-12, P3-13/P3-14, P3-15/P3-16HC, P3-17 THROUGH P3-44, P4-1 THROUGH 4-20HC, P4-21, P4-22, P4-23/P4-24, P4-25/P4-26, P4-27/P4-28, P4-30/P4-31, P4-32/P4-33, P4-34/P4-35, P4-36/P4-37, P4-38 THROUGH P4-43, P4-44/P4-45, P4-46/ P4-47, P4-48/P4-49, P4-50/P4-51, P4-52/P4-53, P4-54/P4-55, P4-56/P4-57, P4-58/P4-59, P4-60, P4-61, P4-62A, P4-62B, P4-62C, P4-62D, P4-63 THROUGH P4-77, P5-1 THROUGH P5-7, P5-8/P5-9, P5-10/P5-11HC, P5-12, P5-13, P5-14, P5-15/P5-16, P5-17/P5-18, P5-19/P5-20, P5-20A, P5-21 THROUGH P5-36, P6-1, P6-2, P6-3, P6-4, P6-4A, P6-4B, P6-6HC/P6-5, P6-8/P6-7, P6-10/P6-9, P6-12HC/P6-11, P6-13 THROUGH P6-21, P6-23/P6-24, P6-25/P6-26, P6-27/P6-28, P6-29/P6-30, P6-31/P6-32, P6-33 THROUGH P6-48, ALL IN THE METROPOLITAN TOWER CONDOMINIUM, AS DELINEATED ON THE PLAT OF SURVEY OF THE METROPOLITAN TOWER CONDOMINIUM, WHICH PLAT OF SURVEY DELINEATES PART OF THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE:

THAT PART OF LOTS 1 THROUGH 5 AND THE NORTH-SOUTH 10-FOOT PRIVATE ALLEY IN THE SUPERIOR COURT PARTITION OF LOT 1 IN BLOCK 8 OF FRACTIONAL SECTION 15 ADDITION TO CHICAGO (SUPERIOR COURT DECREE ENTERED APRIL 8, 1871) TOGETHER WITH LOTS 4 AND 5 IN BLOCK 8 IN FRACTIONAL SECTION 15 ADDITION TO CHICAGO, ALL IN SECTION 15, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

AND IS ATTACHED AS EXHIBIT A TO THE DECLARATION OF CONDOMINIUM RECORDED DECEMBER 17, 2007 AS DOCUMENT NUMBER 0735103078, AS AMENDED FROM TIME TO TIME, TOGETHER WITH SUCH UNITS' UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

### PARCEL 2:

PERPETUAL, RECIPROCAL EASEMENT BENEFITING PARCEL 1 FOR CAISSONS TO BE CENTERED ON THE DIVIDING LINE BETWEEN LOTS 4 AND 5 IN BLOCK 8 CREATED BY AGREEMENT DATED MAY 1, 1923 BETWEEN SIMON W. STRAUS AND CHICAGO TITLE AND TRUST COMPANY, TRUSTEE UNDER TRUST NUMBER 11227, RECORDED DECEMBER 26, 1924 AS DOCUMENT NUMBER 8718964.

### PARCEL 3:

PERPETUAL EASEMENT BENEFITING PARCEL 1 CREATED BY RECIPROCAL EASEMENT AND OPERATING AGREEMENT RECORDED NOVEMBER 4, 1977 AS DOCUMENT NUMBER 24180486, TO USE OIL TANKS AND RELATED PIPING LINES AND CONDUITS LOCATED IN THE CNA BUILDINGS, AS THEREIN DEFINED, FOR THE PURPOSE OF THE STORAGE OF FUEL OIL AND FOR ENTRY UPON AND FOR INGRESS AND EGRESS FOR MEN, MATERIAL AND EQUIPMENT TO THE EXTENT REASONABLY NECESSARY IN THE PERFORMANCE OF OIL TANK MAINTENANCE, AS THEREIN DEFINED.

### PARCEL 4:

NON-EXCLUSIVE EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE RECIPROCAL EASEMENT AGREEMENT RECORDED DECEMBER 17, 2007 AS DOCUMENT NUMBER 0735103077, AS AMENDED BY FIRST AMENDMENT TO RECIPROCAL EASEMENT AGREEMENT RECORDED FEBRUARY 14, 2008 AS DOCUMENT NUMBER 0804531073 AND AS AMENDED BY SECOND AMENDMENT TO RECIPROCAL EASEMENT AGREEMENT RECORDED AUGUST 29, 2008 AS DOCUMENT NUMBER 0824216033,

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OVER THE LAND DESCRIBED THEREIN, AS MORE PARTICULARLY GRANTED, DEFINED AND DESCRIBED THEREIN.

**PINS: 17-15-107-077-1001 THROUGH 17-15-107-077-1481  
17-15-107-075 AND 17-15-107-076**

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**SCHEDULE 1**

**PAGES 53-55 OF THE PLAT**

(attached)

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# EXHIBIT

# ATTACHED TO

Doc#: 1007834016 Fee: \$98.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 03/19/2010 09:35 AM Pg: 1 of 12

9 PS  
3 EX

12 TOTAL

# DOCUMENT

# SEE PLAT INDEX

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