



Avalon Apartments
200 N. Arlington Heights Road

Doc#: 1219239047 Fee: \$52.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 07/10/2012 09:34 AM Pg: 1 of 8

**A RESOLUTION APPROVING A SECOND AMENDMENT OF
DECLARATION AND AGREEMENT OF PARKING EASEMENT
AND RIGHTS PERTAINING TO SKY BRIDGE**

BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE. An Amendment of Declaration and Agreement of Parking Easement and Rights Pertaining to Sky Bridge, by and between the Village of Arlington Heights and John Hancock Life Insurance Company, dated June 18, 2012, related to the granting of parking permits in the North Parking Garage for Avalon Apartments, a true and correct copy of which is attached hereto, be and the same is hereby approved.

SECTION TWO: The Village President and Village Clerk are hereby authorized and directed to execute said Amendment of Declaration and Agreement of Parking Easement and Rights Pertaining to Sky Bridge on behalf of the Village of Arlington Heights.

SECTION THREE: This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law. The Village Clerk is hereby directed to record this Resolution and Agreement in the Office of the Recorder of Cook County, Illinois.

AYES: SCALETTA, GLASGOW, SIDOR, BLACKWOOD, BREYER, FARWELL, ROSENBERG,
MULDER

NAYS:
NONE

PASSED AND APPROVED this 18th day of June, 2012.

Village President

ATTEST:

Village Clerk

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AFTER RECORDING PLEASE
RETURN TO:

SECOND AMENDMENT OF DECLARATION AND AGREEMENT OF PARKING EASEMENT AND RIGHTS PERTAINING TO SKY BRIDGE

Reference is made to a Declaration and Agreement of Parking Easement and Rights Pertaining to Sky Bridge dated as of November 14, 1986, and recorded with the Cook County, Illinois Recorder's Office (the "Recorder") as Document No. 86612910 (the "Original Declaration") by and between the Village of Arlington Heights, Illinois, a Municipal Corporation of the State of Illinois, having an address at 33 South Arlington Heights Road, Arlington Heights, Illinois (as "Grantor"), and American National Bank and Trust Company of Chicago, not personally but solely as Trustee under trust agreement dated November 4, 1986 (the "Original Grantee"). The Original Declaration was amended by an Amendment of Declaration and Agreement of Parking Easement and Rights Pertaining to Sky Bridge dated as of November 6, 2000 and recorded with the Recorder as Document No. 0001022175 (the "Amendment"), by and between Grantor and AvalonBay Communities, Inc. ("ABCI"), as successor-in-interest to the Original Grantee. The Original Declaration and the Amendment are collectively referred to herein as the "Declaration". All initially capitalized terms used in this document and not otherwise defined herein shall have the meanings given to those terms in the Declaration. The Declaration pertains and burdens the property legally described in Exhibit "A" attached hereto and made a part hereof.

RECITALS:

- A. John Hancock Life Insurance Company (U.S.A.) ("John Hancock") has succeeded ABCI to title to the property benefitted by the Declaration, enjoys the rights and benefits and has assumed the obligations of the named Grantee under the Declaration; and
- B. Grantor and John Hancock now desire to amend the Declaration as more particularly set forth below.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

AGREEMENTS:

- 1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by reference.

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2. **Amendments.**

(a) From and after the date of this Amendment, John Hancock shall be deemed to be the "Grantee" under the Declaration.

(b) Grantor hereby agrees to promptly (i) add John Hancock as an additional insured under the policies of insurance maintained by Grantor in accordance with Article Eight of the Declaration, and (ii) furnish John Hancock with evidence of Grantor's compliance with the provisions of clause (i) above.

(c) Section 11.03 of the Declaration is hereby amended by deleting all references to notice parties other than the Village of Arlington Heights and substituting the following in its place:

To:

John Hancock Life Insurance Company (U.S.A.)
197 Clarendon Street, C3-03
Boston, Massachusetts 02116
Attention: Managing Director, Investments - Real Estate Division

With a copy to:

John Hancock Life Insurance Company (U.S.A.)
197 Clarendon Street, C3-03
Boston, Massachusetts 02116
Attention: Vice President and Counsel, Real Estate Law

And with a copy to:

Quarles & Brady LLP
300 N. LaSalle Street
Suite 4000
Chicago, Illinois 06654
Attention: Everett S. Ward

3. **Conflicts; Survival.** Except with respect to those matters expressly covered by this Amendment, nothing contained herein shall in any way or manner modify, amend or be in limitation of any other rights or remedies provided for in the Declaration, which shall survive the execution and delivery of this Amendment in accordance with its terms. From and after the date of this Amendment, all references to the "Declaration" in any document shall mean the Declaration as amended by this Amendment.

4. **No Modification; Third Party Beneficiary.** The Declaration (as amended by this Amendment) constitutes the entire agreement between the parties hereto and supersedes all prior understandings or agreements between the parties as to the subject matter hereof.

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5. **Governing Law.** This Amendment shall be governed by the internal laws (and not the laws relating to conflicts of laws) of the State of Illinois.

6. **Counterpart.** This Amendment may be executed in one or more counterparts each of which shall be deemed an original but all of which shall constitute one and the same Agreement.

7. **Captions.** The captions used herein have been included for convenience of reference only and shall not be deemed to vary the content of this Amendment or limit the provisions or scope of any section or paragraph hereof.

8. **Severability.** Wherever possible, each provision of this Amendment shall be interpreted in such manner as to be effective and valid under applicable law, but in the event that any provision of this Amendment shall be prohibited by or invalid under such law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Amendment.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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IN WITNESS WHEREOF, the parties hereto have duly signed, sealed, and delivered this Amendment on June 18, 2012.

Grantor:

THE VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS,
a Municipal Corporation of the State of Illinois

By: *Arlene J. Mulder*
Name: Arlene J. Mulder
Title: Village President

ATTEST:

By: *Rebecca Hume*
Name: Rebecca Hume
Title: Village Clerk

John Hancock:

JOHN HANCOCK LIFE INSURANCE COMPANY
(U.S.A.), a Michigan corporation

By: *[Signature]*
Name: ROBERT MAULDEN
Title: AVP

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STATE OF ILLINOIS)
)
COUNTY OF COOK)

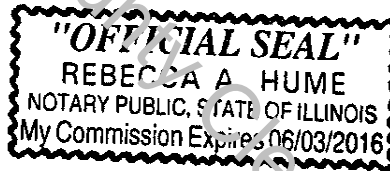
I, Rebecca A Hume, Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Arlene J. Mulder, personally known to me to be the President of the Board of Trustees of the Village of Arlington Heights, an Illinois municipal corporation, and Rebecca Hume, personally known to me to be the Village Clerk of the Village of Arlington Heights and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the same instrument as President of the Board of Trustees and Village Clerk of said Village of Arlington Heights as their free and voluntary act and as the free and voluntary act and deed of said Village of Arlington Heights, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 14 day of June, 2012.

Rebecca A Hume
Notary Public

My Commission Expires:

6/3/2016



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Exhibit A

Legal Description

Lots 1 through 8 in Block 13 in the Town of Dunton, now known as Arlington Heights, being a Subdivision of the West one-half (1/2) of the Southwest one-quarter (1/4) of Section 29, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois, excluding that part of Lot 1 in Block 13 in the Town of Dunton as follows: Beginning at the North East corner of said Lot 1; thence South 00° 17' 57" West along the East line of said Lot 1, 10.0 feet to a 2 inch disc; thence North 44° 37' 26" West 14.16 feet to a 2 inch disc on the North line of said Lot 1, 10.0 feet West of the North East corner thereof; thence South 69° 32' 48" East along the North line of said Lot 1, 10.0 feet to the point of beginning, in Cook County, Illinois.

P.I.N.s: 03-29-327-004
03-29-327-005
03-29-327-006
03-29-327-009
03-29-327-010
03-29-327-011
03-29-327-012
03-29-327-013