This instrument was prepared by and upon recording return to:

Lawrence M. Gritton 126 West Chicago Avenue Chicago, Illinois 60654

**Permanent Index Numbers:** 

17-09-120-013-0000 17-09-120-014-0000 Doc# 1713013044 Fee \$168.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A.YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 05/10/2017 01:02 PM PG: 1 OF 29

(Space above for Recorder's use only)

FIRST AMENDMENT TO DECLARATION OF
CONDOMINIUM OWNCESHIP
AND OF EASEMENTS,
RESTRICTIONS, COVENANTS
AND BY-LAWS FOR
400 WEST HURON CONDOMINIUMS
LOCATED AT THE PREMISES COMMONLY KNGWN AS
400 WEST HURON STREET,
CHICAGO, ILLINOIS

PURSUANT TO THE ILLINOIS CONDOMINIUM PROPERTY ACT

DATES 1017 COPIES 6

OX BY BY BY

1713013044 Page: 2 of 11

## **UNOFFICIAL COPY**

## FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR 400 WEST HURON CONDOMINIUMS

This FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS ("<u>Declaration</u>") is made and entered into by HURON SEDGWICK DEVELOPMENT LLC, an Illinois limited liability company (the <u>Developer</u>" or "<u>Declarant</u>") as of the <u>Lot</u> day of May, 2017.

#### WITNESSETH:

- A. Declarant has heretofore recorded that certain Declaration of Condominium Ownership for 400 West Huron Condominiums with the Recorder of Cook County, Illinois on April 6, 2017 as document number 1709629057 (the Declaration"), whereby Declarant submitted to the provisions of the Illinois Condominium Property Act ("/ct") the Condominium Parcel (as defined in the Declaration).
- B. The Declaration reserved to Declarant the right to annex and add to the Condominium Parcel, and thereby add to the condominium cracked by the Declaration, all or any portion of the Add-On Parcel (as defined in the Declaration) for the purpose of constructing and adding additional Units.
- C. Declarant now desires to so annex and add to the Condominium Parcel and submit to the provisions of the Act and the Original Declaration all of the Add-On Property as described in <u>Exhibit B-2</u> of the Original Declaration, being Floors 5, 11-12 and 14-15 and the Parking Unit (being collectively, the "<u>First Add-On Parcel</u>").
- **NOW, THEREFORE**, Declarant does hereby amend the Original Declaration (the Original Declaration as amended hereby being, the "<u>Declaration</u>"), as follows:
- 1. Recitals. The foregoing recitals are incorporated in this First Amendment as though fully contained herein.
- 2. Additional Property. The First Add-On Parcel is hereby annexed to the Condominium Parcel, and is hereby submitted to the provisions of the Act as part of Condominium in accordance with, and shall be deemed governed by, the terms and provisions of the Declaration. Accordingly, from and after the date hereof all references in the Declaration to the Condominium Parcel shall include the First Add-On Parcel.
  - 3. Amendments. The Original Declaration is further amended as follows:
  - A. Legal Description of Condominium Parcel. <u>Exhibit B-1</u> of the Original Declaration (Legal Description of the Condominium Parcel) is hereby amended by deleting said <u>Exhibit B-1</u> and substituting <u>First Amended Exhibit B-1</u> attached hereto in lieu thereof.

- B. *Additional Condominium Area*. Exhibit B-2 of the Original Declaration (Additional Condominium Area) is hereby deleted, as there is no remaining Add-On Parcel.
- C. Plat of Survey. Exhibit E of the Original Declaration (Plat of Survey) is hereby amended by replacing Exhibit E in its entirety and replacing it with Revised Exhibit E attached hereto. Revised Exhibit E will be the final Plat of Survey.
- D. Percentage of Interest. Exhibit D of the Original Declaration (Percentage of Interest in the Common Elements) is hereby amended by deleting said Exhibit D and substituting First Amended Exhibit D attached hereto in lieu thereof. The percentage of ownership in the common elements appurtenant to each Unit is hereby amended to be the percentages set forth in First Amended Exhibit D attached hereto. First Amended Exhibit D also includes the LCE Parking Spaces, Storage Spaces and Wine Storage Spaces associated with each Unit.
- E. Number of Units. The maximum number of Units to be submitted as part of the Condominium Property is twenty five (25). Fifteen (15) Units were submitted with the Original Declaration, and the remaining ten (10) residential Units and the Parking Unit P-50 are being submitted with this First Amendment as the First Add-On Parcel, and no additional Units remain so that there is no remaining Add On Parcel.
- F. Amendment to Section 3.20. Section 3.20 of the Declaration is amended by deleting the words "and Units" after "Common Elements" and before the words "including, without limitation" in the 4<sup>th</sup> line of Section 3.20
- G. References to the Board. References in the Declaration to the "Board" with respect to obligations of the Board pertaining to the operation and maintenance and repair of the Building and easement rights shall be deemed to refer to the Association as the context indicates.
- 4. <u>Common Elements</u>. The additional Common Elements annixed to the Condominium by this instrument are hereby granted and conveyed to the grantees of all Units, including the grantees of Units heretofore conveyed, all as set forth in the Declaration.
- 5. <u>Inconsistencies</u>. Except as expressly set forth herein, the Original Declaration shall remain in full force and effect in accordance with its terms. Any inconsistencies between the Original Declaration and this First Amendment shall be resolved in favor of the provisions contained in this First Amendment.

[Signature Page Follows]

IN WITNESS WHEREOF, Huron Sedgwick Development LLC has executed this First Amendment to Declaration of Condominium Ownership as of the date above first written.

> HURON SEDGWICK DEVELOPMENT LLC, an Illinois limited liability company

By:

Harris Property of Cook County Clark's Office

Illinois

1713013044 Page: 5 of 11

## **UNOFFICIAL COPY**

STATE OF ILLINOIS	)	
		) SS.
COUNTY OF COOK		)

The undersigned, a Notary Public in and for the County and State aforesaid, does hereby certify that Robert M. Levin, the President of Harris Management, Ltd., an Illinois corporation, the Manager of HURON SEDGWICK DEVELOPMENT LLC, an Illinois limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing Declaration, appeared before me this day in person and acknowledged that he signed and delivered the said certificate as his own free and voluntary act, and as the free and voluntary act of said corporation as manager of said limited liability company, for the uses and purposes therein set forth.

GIVEN, under my hand and Notarial Seal, this 3 day of May, 2017.

Mariance Lamaie Notary Public

My Commission Expires: 12-20-2017

#### CONSENT OF MORTGAGEE

MB Financial Bank, N.A., holder of a Construction Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents on the Property, dated November 19, 2015, and recorded on November 20, 2015 as Document Number 1532416018 in the Office of the Cook County Recorder of Deeds, hereby consents to the execution and recording of the within First amendment to Declaration of Condominium Ownership and agrees that said Mortgage is subject thereto and to the provisions of the Condominium Property Act of the State of Illinois.

IN WITNESS WHEREOF, the Mortgagee has caused this Consent to be signed by its duly authorized officers on its behalf; all done at Chicago, Illinois, on this day of May, 2017.

MB FINANCIAL BANK, N.A., a national banking association

By: Matthew T. Robertson
Title: Senior Vice President

STATE OF ILLINOIS )
SS.
COUNTY OF COOK )

I, CECILA Romanousel, a Notary Public in and for said County and State, do hereby certify that Matthew T. Robertson, as Senior Vice President of MB Financial Bank, N.A., as such officer, appeared before me this day in person and acknowledged that he signed, sealed, and delivered said instrument as his free and voluntary act, and as the free and voluntary act of said Bank, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 8714 day of May, 2017.

(NOTARY SEAL)

CELLIA Romanousel.
Notary Public

My Commission Expires: 4-13-3070

"OFFICIAL SEAL"

CECILIA ROMANOWSKI
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 04/12/2020

#### FIRST AMENDED EXHIBIT B-1 TO CONDOMINIUM DECLARATION

#### LEGAL DESCRIPTION OF CONDOMINIUM PARCEL

LOTS 23 TO 28 BOTH INCLUSIVE, IN BLOCK 7 IN HIGGINS LAW AND CO'S ADDITION TO CHICAGO IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN:

**EXCEPT:** 

#### RETAIL PARCEL 1:

THAT PART LOTS 23 TO 28 BOTH INCLUSIVE, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +34.26 FEET CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +13.94 FEET CHICAGO CITY DATUM AND LYING WITHIN I'S HORIZONTAL BOUNDARY PROJECTED VERTICALLY, IN BLOCK 7 IN HIGGINS LAW AND CO'S ADDITION TO CHICAGO IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 28: THENCE NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF LOTS 27 AND 28 AFORESAID 41.17 FEET: THENCE NORTH 00°01'42" WEST 57.11 FEET; THENCE NORTH 90°00'0(" WEST 7.10 FEET; THENCE NORTH 00°01'42" WEST 2.23 FEET; THENCE NORTH 90°00'00" WEST 2.42 FEET; THENCE NORTH 00°01'42" WEST 8.71 FEET; THENCE SOUTH 90°00'00" EAST 56.09 FEET TO A POINT ON THE EAST LINE OF SAID LOT 28; THENCE SOUTH 00°01'42" EAST ALONG THE EAST LINE OF LOT 28 AFORESAID JUNE CI 68.05 FEET TO THE POINT OF BEGINNING;

ALSO EXCEPT:

#### RETAIL PARCEL 2:

THAT PART LOTS 23 TO 28 BOTH INCLUSIVE, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +13.94 FEET CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +2.42 FEET CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY, IN BLOCK 7 IN HIGGINS LAW AND CO'S ADDITION TO CHICAGO IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 28: THENCE NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF LOT 28 AFORESAID 17.95 FEET: THENCE NORTH 00°01'42" WEST 20.46 FEET TO THE POINT OF BEGINNING: THENCE NORTH 90°00'00" WEST 40.57' FEET; THENCE NORTH 00°01'42" WEST 28.75 FEET; THENCE NORTH 90°00'00" WEST 30.31 FEET; THENCE NORTH 00°01'42" WEST 18.84 FEET; THENCE SOUTH 90°00'00" EAST 70.88 FEET; THENCE SOUTH 00°01'42" EAST 47.59 FEET TO THE POINT OF BEGINNING:

ALL IN COOK COUNTY, ILLINOIS

**Common Property Address**:

400-410 West Huron Street, Chicago, IL 60654

PINs:

17-09-120-013-0000 17-09-120-014-0000



#### FIRST AMENDED EXHIBIT D TO CONDOMINIUM DECLARATION

#### PERCENTAGE OF OWNERSHIP AND LCES

Unit	Percentage Ownership	LCE Parking Spaces	LCE Storage Spaces	LCE Wine Storage
501	7.22%	65,66,72,73	18	1,2
602	2.50%	8,9	25	3
603	2.31%	33,34	24	4
601	3.56%	40,41	23	5
702	2.50%	26,27	12	6
703	2.46%	51,52	22	7
701	3.95%	68,69	21	8
802	2.74%	20,21	20	9
803	2.74%	45,46	19	10
801	4.05%	58,59	17	11
		40		
902	2.70%	17,18	16	12
903	2.70%	35,36	13	13
901	4.14%	28,29,53,54	11	14
			//	
1002	2.99%	10,11	10	15
1003	2.79%	70,71	8	16
1001	4.05%	15,16	7	17
1102	2.99%	60,61	6	16
1103	2.89%	42,43,44	5	19
1101	4.14%	1,2,3,4	9	20
1202	5.01%	55,56,57	2	21
1201	5.97%	62,63,64	1	22
1402	4.82%	12,13,14	14	23,24
1401	5.78%	37,38,39	15	25,26

1713013044 Page: 10 of 11

## **UNOFFICIAL COPY**

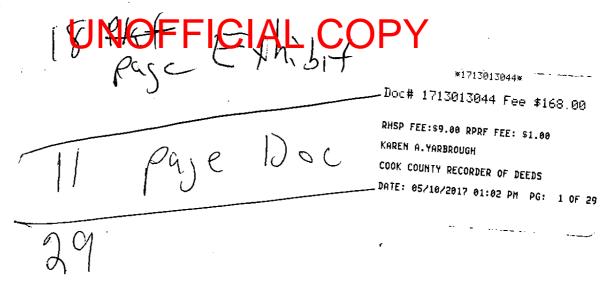
#### REVISED EXHIBIT E TO CONDOMINIUM DECLARATION

#### FINAL PLAT OF SURVEY

ATTACHED HERETO



1713013044 Page: 11 of 11



# COOK COUNTY RECORDER OF DEEDS EXHIBIT ATTACHED TO DOCUMENT

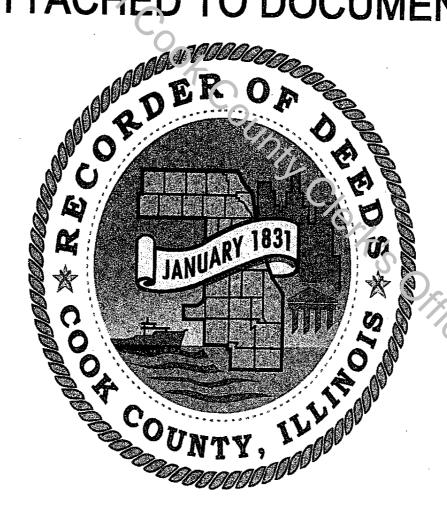


IMAGE STORED IN PLAT INDEX DATABASE

168,00