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BARTZEN ROSENLUND KASTEN LLC  
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RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 01/13/2022 10:03 AM PG: 1 OF 4

**FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR THE 900 WEST CONDOMINIUMS**

THIS FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR THE 900 WEST CONDOMINIUMS is made and entered into this 15<sup>th</sup> day of December 2021, by THE 900 WEST CONDOMINIUMS ASSOCIATION, an Illinois Not-For-Profit Corporation, hereinafter referred to as "Association."

**WITNESSETH**

**WHEREAS**, the Association is the legal titleholder of the real estate in the City of Chicago, County of Cook, and the State of Illinois, legally described in Exhibit A attached hereto and made a part hereof.

**WHEREAS**, the Declaration of Condominium and By-Laws was recorded June 26, 2019, with the Cook County Recorder of Deeds as Document No. 1917745070 ("Declaration"). All defined terms will have the same meaning ascribed to them by the Declaration unless otherwise defined herein;

**WHEREAS**, Torikago, LLC, an Illinois limited liability company ("Declarant") and the Unit Owners of the Association, desire to amend the Declaration to prohibit smoking of any kind (including, but not limited to, tobacco and cannabis) within the Association ("Amendment"); and

**WHEREAS**, the Amendment (i) has been approved by the Unit Owners having at least two-thirds (2/3) of the total ownership in the Association's Common Elements at a meeting held for such purpose and (ii) all First Mortgagees have been duly notified (via certified mail) of the Amendment not less than ten (10) days prior to the execution of an affidavit attesting to same, included herewith;

NOW THEREFORE, Article VI of the Declaration is hereby amended to add a new Section 18 as follows (additions in the text are indicated by double underline):

"18. **Smoking.** Unit Owners, occupants, tenants, and the family members, guests, visitors, employees and invitees of all such Unit Owners, occupants and tenants, shall not smoke

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cigarettes, cigars, pipes, tobacco (in any form) or cannabis in, on, or about the Units and the Common Elements, including the Limited Common Elements (except any portion of the Property where the Board may expressly permit smoking). For the purposes of this Paragraph 18, "smoke" and "smoking" mean the inhalation of smoke caused by the combustion of tobacco or cannabis, and "cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies (such as indica) of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; any compound, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other produced cannabinol derivatives, whether produced directly or indirectly by extraction; and concentrate and cannabis-infused products. The use of electronic cigarettes or other similar implements (to deliver nicotine or THC in aerosolized or vaporized form) is strictly prohibited in the Common Elements (except in or on any portion of the Property where the Board may expressly permit same)."

EXCEPT TO THE EXTENT EXPRESSLY SET FORTH HEREINABOVE, THE REMAINING PROVISIONS OF THE DECLARATION SHALL CONTINUE IN EFFECT WITHOUT CHANGE.

END OF TEXT OF AMENDMENT

IN WITNESS WHEREOF, on this 15<sup>th</sup> day of December 2021, this Amendment to the Declaration is executed by the Declarant of the 900 West Condominiums Association, which hereby warrants that it possesses full power and authority to execute this instrument.


IN WITNESS WHEREOF, the Declarant of the 900 West Condominiums Association, an Illinois not-for-profit corporation, has caused its name to be signed to this instrument on this 15<sup>th</sup> day of December 2021.

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF COOK     )

I, Patrick Buck, as President of Torikago, LLC, an Illinois limited liability company ("Declarant"), as defined by the Association's Declaration, and on behalf of the 900 WEST CONDOMINIUMS ASSOCIATION, an Illinois not-for-profit corporation and condominium established by the aforesaid Declaration, and by my signature below do hereby execute the foregoing amendment to the Declaration pursuant to the Illinois Condominium Property Act.

EXECUTED this 15<sup>th</sup> day of December 2021.

900 West Condominiums Association

BY:   
Patrick Buck, President  
Torikago, LLC

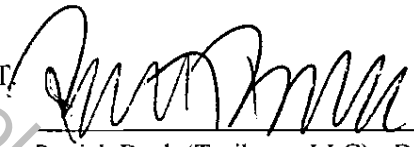
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## DECLARANT CERTIFICATION

I, Patrick Buck, do hereby certify that:

1. I am the President of Torikago, LLC, the Declarant of the 900 West Condominiums Association.
2. I am the current keeper of corporate records of the Association.
3. At least 2/3 of the current Unit Ownership, at a meeting called for such purpose, voted in favor of adopting the First Amendment to the Association's Declaration to impose additional limitations on the right to smoke tobacco and cannabis within the Units, Limited Common Elements, or Common Elements.
4. On the 22<sup>nd</sup> day of December 2021, all First Mortgagees were notified via certified mail of the Amendment.

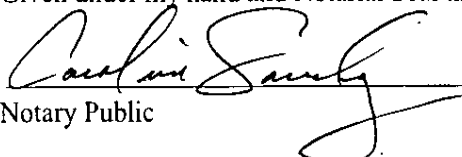
FURTHER AFFIANT SAYETH NOT.

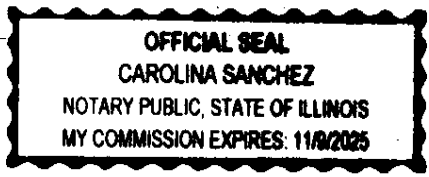
  
 \_\_\_\_\_  
 Patrick Buck (Torikago, LLC) - Declarant  
 The 900 West Condominiums Association

STATE OF ILLINOIS            )  
   )        SS:  
 COUNTY OF COOK             )

Carolina Sanchez, a Notary Public in and for said County, in the State aforesaid, DOES HEREBY CERTIFY that Patrick Buck, President of Torikago, LLC, Declarant of the 900 West Condominiums Association, personally known to me to be the same person whose name is subscribed to the foregoing instrument appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this, 7<sup>th</sup> day of January, 2022.

  
 Notary Public



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LEGAL DESCRIPTION OF PROPERTY  
900 WEST CONDOMINIUMS ASSOCIATION  
EXHIBIT "A"

PARCEL 1:

LOTS 17 AND 18 AND THE EAST 10 FEET OF SUBLOT 7 (EXCEPT THE NORTH 10 FEET THEREOF) IN MORTIMER'S SUBDIVISION OF LOTS 14, 15 AND 16, ALL IN BLOCK 39 OF CARPENTER'S ADDITION TO CHICAGO IN THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PARCEL 2:

SUBLOT 7 (EXCEPT THE NORTH 10 FEET, EXCEPT THE EAST 10 FEET AND EXCEPT THE WEST 8 FEET TAKEN FOR PUBLIC ALLEY) IN MORTIMER'S SUBDIVISION OF LOTS 14, 15 AND 16, ALL IN BLOCK 39 OF CARPENTER'S ADDITION TO CHICAGO IN THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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Commonly Known as: 904 West Washington Street  
Chicago, Illinois 60607