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DECLARATION OF VACATION OF EASEMENT MAINTENANCE OF EASEMENT

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THIS DECLARATION is entered into this 31st day of July, 1990 by CAROLYN B. BUCK.

RECITALS:

1. Carolyn B. Buck is the owner of the property commonly described in Exhibit "A" attached hereto and made a part hereof.
2. The property described in Exhibit "A" was formerly described as set forth in Exhibit "B" attached hereto and made a part hereof.
3. A certain Easement Agreement was recorded in the office of the Recorder of Deeds of Cook County, Illinois on May 4, 1951 as Document No. 15068616 which created an easement over Lot 5 in Exhibit "B" for the benefit of Lot 6 in Exhibit "B".
4. Carolyn B. Buck recorded in the office of the Recorder of Deeds of Cook County, Illinois on the 18th day of July, 1990, as Document No. 90344036, a Plat of Resubdivision known as Birov Resubdivision of the property described in Exhibit "B". Said Plat of Resubdivision establishes a ten (10') foot utility easement over Lot 1 for the benefit of Lot 2 of Exhibit "A" and to replace the easement described in Recital 3 above.
5. The purposes of this Declaration are to vacate the easement recorded as Document 15068616 insofar as said easement affects Lot 1 in Exhibit "A" and to provide for the maintenance of the easement established by the Plat of Resubdivision insofar as it affects Lot 1 of Exhibit "A" and also to provide for the maintenance of the easement which currently exists on Lot 2 of Exhibit "A".

NOW, THEREFORE, Carolyn B. Buck does hereby declare as follows:

1. The owner of Lot 1 on Exhibit "A" shall bear the sole cost and responsibility for constructing on Lot 1 a sewer and water system in the easement area set forth on the Plat of the Birov Resubdivision to connect to the existing sewer and water easement over Lot 2. The point of connection with the new sewer and water system shall be the same as the point of connection with the presently existing sewer and water system. The owner of Lot 1 shall advise the owner of Lot 2 when the connection from the existing easement to be vacated to the new easement is to be consummated and will cause such changeover to be accomplished with the least disruption possible for Lot 2. The installation of the new sewer and water lines over Lot 1 and the removal of the existing sewer and water lines now located in Lot 1 shall be the responsibility of the owner of Lot 1 and the owner of Lot 1 shall bear the entire cost of such installation and removal. The installation of the new sewer and water system over Lot 1 shall be done pursuant to permit approved by the Village of Winnetka, Illinois.

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2. The easement set forth in Document 15068616 is hereby vacated as it affects Lot 1 on Exhibit "A" and Lot 5 on Exhibit "B", subject to the new sewer and water system being installed and connected so that sewer and water service are provided for the benefit of Lot 2.

3. It is understood that the owner of Lot 1 shall have the right to tap into the new sewer and water easement when same has been completed.

4. Any actual maintenance work to repair or rebuild either the sewer or water system shall be the responsibility of the owner of that portion of the property over which the easement traverses which is in need of maintenance (i.e. if a leak develops in the sewer and the leak is on the property of the owner of Lot 2, then the owner of Lot 2 will be responsible for providing for the actual repair of the leak. The cost incident to any such repair or restoration shall be borne by the parties as follows:

(i) The parties shall equally share the cost of repair or restoration of any portion of the easement (including the cost of landscaping) which provides a common facility for each party: or

(ii) if only one party benefits from the portion of the easement in need of repair or restoration then that party shall bear the entire cost of any necessary repair or restoration.

IN WITNESS WHEREOF, Carolyn B. Buck has hereunto set forth her hand and seal the day and year first written above at Winnetka, Illinois.


Carolyn B. Buck

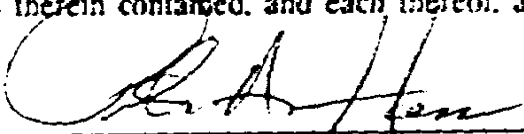
STATE OF ILLINOIS

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) SS.

COUNTY OF COOK

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I, Rob A Hess, a Notary Public in and for said County and State, do hereby certify that Carolyn B. Buck is personally known to me to be the same person whose name is subscribed to the foregoing instrument appeared before me this 5 day of August, 1990 in person and acknowledged that she has read and signed said instrument and that the statements therein contained, and each thereof, are true.


Notary Public

Comm exp. 3/7/92

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EXHIBIT "A"

Lots 1 and 2 in Birov's Resubdivision of Lots 5 and 6 in Block 1 in Dale's Addition to Winnetka, a subdivision of the North 7-1/2 chains of the South East 1/4 fractional Section 21, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Property of Cook County Clerk's Office

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EXHIBIT "B"

Lots 5 and 6 in Birov's Resubdivision of Lots 5 and 6 in Block 1 in Dale's Addition to Winnetka, a subdivision of the North 7-1/2 chains of the South East 1/4 fractional Section 21, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

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