

SECOND SUPPLEMENTARY DECLARATION TO SEARS BUSINESS PARK DECLARATION OF PROTECTIVE COVENANTS

This Second Supplementary Declaration to Sears Business Park Declaration of Protective Covenants (hereinafter referred to as "Second Supplementary Declaration"), made this 23rd day of October, 1991, by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally but solely as Trustee under a Trust Agreement dated June 6, 1989, and known as Trust No. 198506-00 (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant has heretofore executed that certain Sears Business Park Declaration of Protective Covenants, dated March 7, 1991, and recorded March 8, 1991, with the Office of the Cook County Recorder of Deeds as Document No. 91105432 (the "Declaration"), and that certain First Supplementary Declaration to Sears Business Park Declaration of Protective Covenants, dated July 23, 1991, and recorded July 31, 1991 with the Office of the Cook County Recorder of Deeds as Document No. 91383966 (the "First Supplementary Declaration") (the Declaration and the First Supplementary Declaration are hereinafter collectively referred to as the "Declaration"), which Declaration subjected the real property legally described in Exhibit A attached hereto and incorporated herein by this reference, situated in Cook County, Illinois (hereinafter called the "Property") to certain covenants, conditions, restrictions, easements, charges and liens as set forth therein; and

WHEREAS, Declarant is the owner of the real property legally described in Exhibit B attached hereto and incorporated herein by this reference, situated in Cook County, Illinois, in the general vicinity of the Property (hereinafter called the "Additional Property"); and

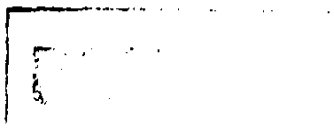
WHEREAS, Declarant desires to amend and supplement the Declaration to add the Additional Property to the definition of Property (as used in the Declaration) and extend the application of the Declaration to the Additional Property; and

WHEREAS, Declarant has the authority to make this Second Supplementary Declaration pursuant to Article I, Section 2 of the Declaration.

NOW, THEREFORE, Declarant hereby declares that the Declaration is amended and supplemented as hereinafter set forth.

1. Capitalized terms used in this Second Supplementary Declaration shall have the meanings ascribed to them in the Declaration, except to the extent they are amended or otherwise defined in this Second Supplementary Declaration.

2. Declarant hereby adds the Additional Property to the definition of Property (as used in the Declaration) and extends the application of the Declaration to the Additional Property. The Additional Property is hereby subjected to all



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covenants, conditions, restrictions, easements, charges and liens included in the Declaration, the terms of which are incorporated herein by reference.

3. Except as expressly modified and supplemented by this Second Supplementary Declaration, the Declaration shall remain unmodified and in full force and effect in accordance with its terms.

4. Anything herein to the contrary notwithstanding, each and all of the representations, covenants, undertakings and agreements herein made on the part of any party acting in the capacity of a trustee, while in form purporting to be the representations, covenants, undertakings and agreements of said party as trustee, are nevertheless each and every one of them made and intended not as personal representations, covenants, undertakings and agreements by said trustee or for any other purpose or intention other than the limited purpose of binding only that portion of the Property held in trust by such trustee and not for the purpose of binding any other property so held in trust. This Second Supplementary Declaration is executed and delivered by such trustee, not individually, but solely in the exercise of the power conferred upon such trustee, as trustee, and no personal liability or personal responsibility is assumed by, nor shall at any time be asserted or enforceable against, any such trustee on account of this Second Supplementary Declaration or any agreement of said trustee in this Second Supplementary Declaration contained, either express or implied, all such personal liability, if any, being expressly waived and released.

IN WITNESS WHEREOF, Declarant has executed this Second Supplementary Declaration as of the day and year first above written.

AMERICAN NATIONAL BANK AND
TRUST COMPANY OF CHICAGO, as
Trustee as aforesaid

ATTEST:

Its: 
Notary Public

By: 
Trustee

Its: 
Trustee

This document prepared by
and upon recording return to:

Jeffrey S. Arnold, Esq.
RUDNICK & WOLFE
203 North LaSalle Street
Chicago, Illinois 60601
(312) 368-4000
Recorder's Box 416

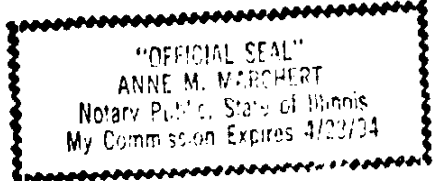
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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, ANNE M. MARCHERT a Notary Public, in and for said County, in the State aforesaid, do hereby certify, that P. JOHANSEN, Assistant Vice President of **American National Bank and Trust Company of Chicago**, not personally but solely as Trustee under a Trust Agreement dated June 6, 1989 and known as Trust No. 108506 00, and J.M. WHELAN, Assistant Secretary of said Bank, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Assistant Vice President and Assistant Secretary, respectively, appeared before me this day in person and acknowledged that they signed and delivered said instrument as their own free and voluntary act and as the free and voluntary act of said Bank, as Trustee as aforesaid, for the uses and purposes therein set forth and said Assistant Secretary then and there acknowledged that he, as custodian of the corporate seal of said Bank, did affix the corporate seal of said Bank to said instrument as his own free and voluntary act and as the free and voluntary act of said Bank, as Trustee as aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 23 day of OCTOBER, 1991.



Anne M. Marchert
Notary Public

My Commission Expires:

Notary Public of Cook County Clerk's Office

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EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY PREVIOUSLY SUBJECTED TO THE DECLARATION

LOTS 1 THROUGH 6 IN SEARS BUSINESS PARK AMENDED PLAT OF SUBDIVISION OF PART OF SECTIONS 31, 32 AND 33, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF SECTIONS 3 AND 4, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 5, 1991 AS DOCUMENT NUMBER 91394943, IN COOK COUNTY, ILLINOIS.

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

PARCEL 1

PART OF LOT 1A IN THE RESUBDIVISION OF LOT 4 IN SEARS BUSINESS PARK, BEING A RESUBDIVISION IN SECTIONS 31 AND 32, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN AND IN SECTION 4, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED ON AUGUST 6, 1991 AS DOCUMENT NUMBER 91396712, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 31, BEING ALSO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 32;

THENCE NORTH $0^{\circ}29'16''$ EAST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 99.57 FEET TO THE POINT OF BEGINNING;

THENCE NORTH $70^{\circ}49'07''$ WEST, A DISTANCE OF 37.60 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF PROPERTY CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION PER DOCUMENT NO. 17,400,695 RECORDED DECEMBER 10, 1958;

THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING FOUR COURSES:

- (1) NORTH $54^{\circ}08'29''$ EAST, A DISTANCE OF 314.04 FEET TO A POINT;
- (2) SOUTH $89^{\circ}41'27''$ EAST, A DISTANCE OF 550.00 FEET TO A POINT;
- (3) SOUTH $53^{\circ}26'13''$ EAST, A DISTANCE OF 372.02 FEET TO A POINT;
- (4) SOUTH $73^{\circ}44'44''$ EAST, A DISTANCE OF 291.20 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 32, BEING ALSO THE NORTH LINE OF FRACTIONAL SECTION 4;

THENCE SOUTH $89^{\circ}41'27''$ EAST ALONG SAID LINES, A DISTANCE OF 239.73 FEET TO A POINT WHICH IS 2,704.50 FEET WEST OF THE NORTHEAST CORNER OF FRACTIONAL SECTION 4;

THENCE SOUTH $17^{\circ}28'43''$ WEST, A DISTANCE OF 62.69 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF PROPERTY CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION PER DOCUMENT NO. 16,646,806 RECORDED JULY 23, 1956;

THENCE NORTH $89^{\circ}43'22''$ WEST ALONG SAID NORTH LINE A DISTANCE OF 221.20 FEET TO A POINT;

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THENCE NORTH $0^{\circ}16'38''$ EAST, A DISTANCE OF 60.01 FEET TO A POINT OF INTERSECTION WITH SAID NORTH LINE OF FRACTIONAL SECTION 4, BEING ALSO THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 32;

THENCE NORTH $89^{\circ}41'27''$ WEST ALONG SAID LINES, A DISTANCE OF 325.43 FEET TO A POINT;

THENCE NORTH $85^{\circ}21'24''$ WEST, A DISTANCE OF 300.88 FEET TO A POINT;

THENCE NORTH $85^{\circ}27'21''$ WEST, A DISTANCE OF 491.12 FEET TO A POINT;

THENCE NORTH $79^{\circ}49'07''$ WEST, A DISTANCE OF 275.82 FEET TO THE POINT OF BEGINNING; ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2

Part of Lot 4D in the Resubdivision of Lot 4 in Sears Business Park, being a resubdivision in Sections 31 and 32, Township 42 North, Range 9, East of the Third Principal Meridian and in Section 4, Township 41 North, Range 9, East of the Third Principal Meridian, according to the Plat of said Resubdivision recorded on August 6, 1991 as Document No. 91396712, described as follows:

Commencing at a point marking the Northeast corner of fractional Section 4, Township 41 North, Range 9 East of the Third Principal Meridian; running thence Westerly along the North line thereof 175.96 feet (record 175.99 feet) to a point marking the intersection of said North line and the Westerly right of way line of Elgin, Joliet and Eastern Railway Company for a place of beginning; running thence Southwesterly along said Westerly right of way line at an angle of $100^{\circ}55'20''$ (record 100 degrees 55 minutes) clockwise from the last described course 44.74 feet (record 44.71 feet) to a concrete monument marking the point of intersection of said Westerly railway right of way line and Northerly right of way line of Northern Illinois Toll Highway; running thence Westerly along said Northerly line 427.34 feet (record 427.8 feet) to an iron stake on the West line of the North 10.82 chains (714.12 feet) of the East 9.25 chains (610.50 feet) of fractional Section 4; running thence Northerly along said West line 27.40 feet to an iron stake on the Township line between Section 4, Township 41 North and Section 32, Township 42 North, Range 9 East of the Third Principal Meridian, said point being the Northwest corner of said North 10.82 chains (714.12 feet) of the East 9.25 chains (610.50 feet) of fractional Section 4 and said point being 330.0 feet West of the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 32, Township 42 North, Range 9 East of the Third Principal Meridian; running thence Easterly along said Township line 435.44 feet (record 435.41 feet) to place of beginning, all in Cook County, Illinois.

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PROPERTY INDEX NUMBERS:

01 31 201 002
01 31 202 001
01 32 100 003
01 32 102 009
01 32 102 010
01 32 200 007
01 32 301 001
01 32 302 001

01 32 200 008
01 33 102 003
01 31 401 001
01 31 403 001
01 32 400 001
01 32 400 001
01 32 401 002
01 32 402 002
01 32 102 008

01 32 402 003
01 33 300 002
01 33 302 001
01 33 303 002
01 33 303 003
01 33 303 004
06 03 100 009
06 03 100 011
06 04 200 011
06 04 200 006

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EXHIBIT B

LEGAL DESCRIPTION OF THE ADDITIONAL PROPERTY

Part of Lot 4D in the Resubdivision of Lot 4 in Sears Business Park, being a resubdivision in Sections 31 and 32, Township 42 North, Range 9, East of the Third Principal Meridian and in Section 4, Township 41 North, Range 9, East of the Third Principal Meridian, according to the Plat of said Resubdivision recorded on August 6, 1991 as Document No. 91396712, described as follows:

Commencing at a point marking the Northeast corner of fractional Section 4, Township 41 North, Range 9 East of the Third Principal Meridian; running thence Westerly along the North line thereof 175.06 feet (record 175.09 feet) to a point marking the intersection of said North line and the Westerly right of way line of Elgin, Jolie and Eastern Railway Company for a place of beginning; running thence Southwesterly along said Westerly right of way line at an angle of $100^{\circ}55'20''$ (record 100 degrees 55 minutes) clockwise from the last described course 44.74 feet (record 44.71 feet) to a concrete monument marking the point of intersection of said Westerly railway right of way line and Northerly right of way line of Northern Illinois Toll Highway; running thence Westerly along said Northerly line 427.34 feet (record 427.8 feet) to an iron stake on the West line of the North 10.82 chains (714.12 feet) of the East 9.25 chains (610.50 feet) of fractional Section 4; running thence Northerly along said West line 27.40 feet to an iron stake on the Township line between Section 4, Township 41 North and Section 32, Township 42 North, Range 9 East of the Third Principal Meridian, said point being the Northwest corner of said North 10.82 chains (714.12 feet) of the East 9.25 chains (610.50 feet) of fractional Section 4 and said point being 330.0 feet West of the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 32, Township 42 North, Range 9 East of the Third Principal Meridian; running thence Easterly along said Township line 435.44 feet (record 435.41 feet) to place of beginning, all in Cook County, Illinois.

PROPERTY INDEX NUMBER: 06 04 200 016

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