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91095478

VILLAGE of Northbrook  
BOX 337

FIRST SPECIAL AMENDMENT TO DECLARATION  
OF COMMON OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS, COVENANTS AND BY-LAWS FOR  
THE COURTS OF NORTHBROOK

OPTIMA INC.

THIS FIRST SPECIAL AMENDMENT TO DECLARATION made and entered into this 21st day of January, 1991, by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, a National Banking Association, not Personally, but Solely as Trustee Under the Provisions of that Certain Trust Agreement dated the 1st day of May, 1987, and known as Trust Number 102401-09 (hereinafter referred to as the "Declarant") and OPTIMA TOWNHOMES LIMITED PARTNERSHIP (hereinafter referred to as "Developer").

WITNESSETH:

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WHEREAS, Declarant previously executed a Declaration of Common Ownership and of Easements, Restrictions, Covenants and By-Laws for the Courts of Northbrook, which Declaration was duly recorded in the Office of the County of Cook, State of Illinois on the 24th day of February, 1989, as Document Number 89085003; and,

WHEREAS, Declarant was the original holder of record title to certain real estate located in the Village of Northbrook, County of Cook, State of Illinois, which is legally described on Exhibit "A" attached hereto and hereby made a part of and which is the subject of the above mentioned Declaration; and,

WHEREAS, Article X, Paragraph R, reserves to the Declarant and/or Developer the right to make Special Amendments to the Declaration if required by any governmental entities; and,

WHEREAS, the Village of Northbrook has required that the Declaration be amended to provide for the operation, replacement and maintenance of a traffic control signal and related appurtenances (the "Signal"), which may be installed at the entrance to the Development and which solely services the Development.

NOW, THEREFORE, the Declarant and Developer do hereby amend the Declaration in the following respects:

1. That Article VI be amended by adding the following provision to said Article:

. DEPT-09 REC. \$3.00  
. T4444 TRAN 0821 03/01/91 16:00:00  
. 0838 + D \*-91-095478  
. COOK COUNTY RECORDER

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"AA. Traffic Control Signal. The Association shall be responsible for the operation, repair, replacement and maintenance of, and supply of electrical service to, any traffic control signal and related appurtenances (the "Signal") that may be at any time installed and constructed at the intersection of Lake Cook Road and Avon Road, regardless of whether the Signal, or any portion thereof, is located on the Common Area or on public right-of-way adjacent thereto."

2. That except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

3. It is expressly understood and agreed herein to the contrary notwithstanding, that each and all of the representations, covenants, undertakings and agreements herein made on the part of the Declarant while in form purporting to the representation, covenants, undertakings and agreements of said Declarant are nevertheless each and every one of them, made and intended not as personal representations, covenants, undertakings and agreements by the Declarant, or with the intention of binding such Declarant personally, but are made and intended for the purpose of binding only that portion of the Trust Property specifically described herein, and this Instrument is executed and delivered by said Declarant not in its own right, but solely in the exercise in the powers conferred upon it as such Declarant, and that no personal liability or personal responsibility is assumed by, nor shall at any time be asserted or enforceable against the American National Bank and Trust Company of Chicago, or any of the beneficiaries under said Trust Agreement, on account of this Instrument or on account of any representation, covenant, undertaking or agreement of the said Declarant in this Instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

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IN WITNESS WHEREOF, the parties hereto, the said American National Bank and Trust Company of Chicago, a National Banking Association, as Trustee aforesaid, and not individually, has caused its corporate seal to be affixed hereto and has caused its name to be signed to these presence by its VILE President and attested by its Assistant Secretary, the day and year first above written, and Optima Townhomes Limited Partnership has caused its name to be signed the day and year first above written.

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, a National Banking Association, Not Individually, but Solely as Trustee Under Trust Agreement Dated May 1, 1987, and Known as Trust Number 102401-09

Peter [Signature]

By: [Signature]  
Vice PRESIDENT

ATTEST:

[Signature]  
Anita M. Lutkus  
ASSISTANT SECRETARY

OPTIMA TOWNHOMES LIMITED PARTNERSHIP

By: [Signature]  
GENERAL PARTNER

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EXHIBIT "A"

## LEGAL DESCRIPTION

Lot A in Optima-Northbrook P.U.D., being a subdivision of part of the Northeast quarter of the Northwest quarter of Section 3, Township 42 North, Range 12, East of the Third Principal Meridian in Cook County, Illinois.

Permanent Real Estate Index No.

04-03-101-013

04-03-101-019

04-03-101-020

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## RESOLUTION NO. 91-R-26

Optima Townhomes Limited Partnership and American National Bank and Trust Company of Chicago, not individually but as Trustee under a Trust Agreement dated May 1, 1987 and known as Trust Number 102401-09 (collectively referred to as the "Applicant") have received rezoning and a special use to permit a planned residential development on an approximately 15.64 acre parcel located on the south side of Lake-Cook Road, immediately west of Northbrook Court Shopping Center in the Village of Northbrook. The planned residential development, known as The Courts of Northbrook, consists of 104 townhome units and common open space on one zoning lot.

On January 24, 1989, the Board of Trustees approved the Declaration of Common Ownership and of Easements, Restrictions, Covenants and By-Laws for The Courts of Northbrook (the "Declaration") in Resolution No. 89-R-8. Since that time, the Applicant has agreed to formalize its commitment to amend the Declaration to provide that if a traffic control signal is constructed at the intersection of Avon and Lake-Cook Roads, the development will be responsible for the operation, repair, replacement and maintenance of and supply of electricity to the signal. Money for construction of the signal, if warranted, has been placed in escrow by the Applicant by separate agreement. The attached First Special Amendment to the Declaration has been reviewed by and is acceptable to the Village Attorney.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois, THAT:

### Section 1.

The First Special Amendment to Declaration of Common Ownership and of Easements, Restrictions, Covenants and By-Laws for The Courts of Northbrook is hereby approved.

### Section 2.

The Village Manager is hereby authorized and directed to cause the attached Declaration to be recorded in the Office of the Cook County Recorder of Deeds.

PASSED: This 26th day of February, 1991.

AYES: (6)

NAYES: (0)

/s/ Richard T. Falcone

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Village President

ATTEST:

/s/ Lona N. Louis

\_\_\_\_\_  
Village Clerk

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