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COVENANT

This Covenant is entered into this 31<sup>st</sup> day of May, 1991 by and between Noble Street Lofts Condominium Association, an Illinois not-for-profit corporation (the "Association"), and American National Bank and Trust Company of Chicago, not individually but as Trustee under Trust Agreement dated January 14, 1988 and known as Trust No. 104392-06 ("Trustee").

W I T N E S S E T H:

**\$18.00**

WHEREAS, Trustee originally recorded the Declaration of Condominium for Noble Street Lofts Condominium (the "Declaration") on October 23, 1989 as Document No. 89500678, <sup>as amended,</sup> in which, among other things, Trustee submitted the property legally described on Appendix I attached hereto and made a part hereof and commonly known as Noble Street Lofts Condominium (the "Condominium") to the Illinois Condominium Property Act; and

MSF

WHEREAS, the developer, Noble Street, a Joint Venture, turned over control of the Association to the elected Board of Managers at the first annual meeting of Unit Owners on December 10, 1990; and

WHEREAS, Trustee, as the owner of Units 207 and 305 of the Condominium (the "Affected Units"), desires for safety reasons to alter the existing manual gate securing the parking spaces of the Affected Units by installing an electric operator to such gate; and

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Prepared by and Return to:  
Mark S. Friedman (312) 580-2091  
D'Ancona & Pflaum  
Box 389

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WHEREAS, pursuant to Section 11(k) of the Declaration, the common elements of the Condominium may not be altered or constructed upon without the written consent of the Association.

NOW, THEREFORE, the parties hereby agree as follows:

1. The Association hereby consents to the installation by Trustee of an electric operator to the existing gate (the "Work") securing the parking spaces appurtenant to the Affected Units subject to the terms contained herein and provided that the Work is done in accordance with the plans and specifications attached hereto as Appendix II and made a part hereof.

2. Notwithstanding the granting of such approval by the Association, Trustee shall be responsible for the costs of the Work and for the repair of any damage caused by the Work.

3. Prior to the commencement of the Work, Trustee shall cause its contractor performing the Work to provide the following documents to the Association: (1) evidence that the contractor obtained the necessary permit from the City of Chicago to perform the Work; and (2) a certificate of insurance from the contractor's insurance carrier naming the Association as a loss payee during the time period in which the Work is performed by the contractor. In addition, Trustee shall cause its contractor to warrant the workmanship and material of the Work for a period of one (1) year from the date of completion of the Work and such warranty shall be solely for the benefit of the owners of the Affected Units during the warranty period.

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4. Upon completion of the Work, the electric gate shall be a Limited Common Element appurtenant to the Affected Units. The owners of the Affected Units shall have the joint and exclusive right to use and enjoy such gate and covenant to be jointly and equally responsible for the repair and maintenance thereof.

IN WITNESS WHEREOF, the undersigned have executed this Covenant as of the day and year first above written.

NOBLE STREET LOFTS CONDOMINIUM ASSOCIATION

By: [Signature]  
Its: President

ATTEST:

[Signature]  
Its: Secretary

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

By: [Signature]  
Its: 2ND V.P.

ATTEST:

[Signature]  
Its: Asst. Sec'y

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STATE OF ILLINOIS )  
                                  ) SS.  
COUNTY OF COOK    )

I, Helen Tom a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that Mary Cummings, President of the Noble Street Lofts Condominium Association, an Illinois not-for-profit corporation, and Frank Van Hook, Secretary of said corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such President and Secretary, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their 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 18th day of June, 1991.

Helen Tom  
Notary Public

My Commission Expires: March 2, 1993

" OFFICIAL SEAL "  
HELEN TOM  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 3/2/93

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STATE OF ILLINOIS )  
 )  
COUNTY OF COOK )

L. M. SOVIENSKI

I, \_\_\_\_\_, a Notary Public in and for said Count and State, do hereby certify that \_\_\_\_\_ and \_\_\_\_\_,

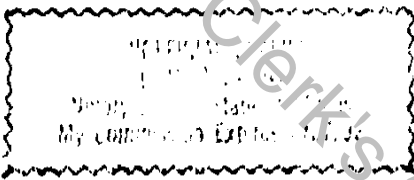
respectively, of AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such \_\_\_\_\_

Second Vice President and ASSISTANT SECRETARY, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act, and as the free and voluntary act of said Bank, for the uses and purposes therein set forth; and the said \_\_\_\_\_

did also then and there acknowledge that he, as custodian of the corporate seal of said Bank, did affix the said 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 for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

*L. M. Sovieniski*  
\_\_\_\_\_  
Notary Public



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APPENDIX I

UNITS 101, 102, 104 THROUGH 115, 201 THROUGH 215, 301 THROUGH 315, 401 THROUGH 415, 501 THROUGH 504, AND 601 THROUGH 604 IN NOBLE STREET LOFTS CONDOMINIUM AS DELINEATED ON PLAT OF SURVEY OF THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE:

LOTS 10 TO 19, BOTH INCLUSIVE, IN BLOCK 2 IN BICKERDIKE'S SUB-DIVISION OF LOTS 3 AND 5 IN ASSESSOR'S DIVISION OF THE EAST 1/2 OF THE NORTH WEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

WHICH PLAT OF SURVEY IS ATTACHED AS EXHIBIT D TO THE DECLARATION OF CONDOMINIUM RECORDED OCTOBER 23, 1989 IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS, AS DOCUMENT NUMBER 89500678, *AS AMENDED BY DOCUMENT NO. 90557064.*

*MSF*

P.I.N. 17-08-124-035-1001 through 1067

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## APPENDIX II

SPECIFICATIONS FOR THE INSTALLATION OF AN ELECTRIC GATE OPENER FOR ACCESS TO PARKING SPACES U-305 AND U-207 AT 515 N. NOBLE STREET, CHICAGO, ILLINOIS.

1. The operator to be installed is a FAAC 746 compact electric opener which can be activated by a hand-held opener to open and close the existing gate.
2. The opener will be mounted to a plate approximately 7 feet from the ground on the existing fence pole located in the southeast corner of the main parking lot.
3. The opener will be charged by running electric conduit from the existing gate opener to the newly installed opener. No trenching will be necessary as the conduit will be attached to the existing fence near the top of the fence.
4. The entire installation process should take no longer than three(3) days.

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