

# UNOFFICIAL COPY

JUN 20 1988

## THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESTRICTIVE COVENANT

96494814

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESTRICTIVE COVENANT (this "Amendment") is made and entered into as of this 1st day of MARCH, 1996 by and among NORTHBROOK COURT OFFICE PLAZA ASSOCIATION, an Illinois non-profit corporation (the "Association"), JFMC FACILITIES CORPORATION, an Illinois not-for-profit corporation ("JFMC"), the VILLAGE OF NORTHBROOK, a municipal corporation of the State of Illinois (the "Village"), and each of the other undersigned parties hereto (collectively, the "Owners").

### R E C I T A L S:

WHEREAS, JFMC and Comerica Bank Illinois, an Illinois banking corporation, have entered into a certain contract, pursuant to which JFMC has agreed to purchase certain real property (the "Premises") located in the Village and legally described on Exhibit A-1 attached hereto and made a part hereof; and

WHEREAS, the Premises are located in, and a part of, that certain real estate legally described on Exhibit A-2 (the "Complex") and located in the Village; and

WHEREAS, pursuant to the Declaration (as hereinafter defined), use of the Complex for purposes other than the construction and maintenance of an office building(s), or purposes incidental thereto, is not permitted. For purposes hereof, the "Declaration" shall mean that certain Declaration of Covenants, Conditions and Restrictions dated February 22, 1979, executed by Exchange National Bank of Chicago, as Trustee under Trust Agreement dated August 1, 1972 and known as Trust Number 26882, and recorded in the office of the Cook County, Illinois Recorder of Deeds (the "Recorder's Office") as Document Number 24856662, as amended (i) by that certain Amendment to Declaration of Covenants, Conditions and Restrictions of Northbrook Court Office Plaza executed by the Association and recorded January 5, 1984 in the Recorder's Office as Document Number 26917736, and (ii) by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions of Northbrook Court Office Plaza executed by the Association and

96494814

THIS DOCUMENT PREPARED BY AND AFTER RECORDING RETURN TO

James G. Haft  
Holleb & Coff  
Suite 4100  
55 East Monroe Street  
Chicago, Illinois 60603

Property Commonly known as:

Northbrook Court Office Plaza

BOX 337

F	A
P	P
T	V
I	

MAN TO

# UNOFFICIAL COPY

Property of Cook County Clerk's Office

DEPT-01 RECORDING 577.0  
145555 TRAM 6512 06/26/98 15:48:00  
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COOK COUNTY RECORDER

# UNOFFICIAL COPY

recorded March 26, 1990 in the Recorder's Office as Document Number 90133411; and

**WHEREAS**, pursuant to the Restrictive Covenant (as hereinafter defined), the Complex is restricted to the permitted uses for an "M-1 Manufacturing District" as defined in the Village's then applicable zoning ordinance, provided that radio and television towers are permitted as special uses. For purposes hereof, the "Restrictive Covenant" shall mean that certain unrecorded Restrictive Covenant dated December 16, 1966, executed by American National Bank and Trust Company of Chicago, as Trustee under Trust Number 23801 as amended (i) by that certain Amendment to Restrictive Covenant dated May 8, 1973, executed by the Village and Exchange National Bank of Chicago, as Trustee under Trust Agreement dated August 1, 1972 and known as Trust Number 26882 and recorded in the Recorder's Office as Document Number 22400807, and (ii) by that certain Second Amendment to Restrictive Covenant dated March 7, 1984, executed by the Village and the property owners therein described and recorded June 6, 1984 in the Recorder's Office as Document Number 27117890; and

**WHEREAS**, the Village's then applicable zoning ordinance has been replaced and superseded by the Northbrook Zoning Code (1988), and the Complex is now situated in an "I-1 Industrial District" thereunder; and

**WHEREAS**, notwithstanding any terms, provisions, restrictions and conditions to the contrary contained in either the Declaration or the Restrictive Covenant, upon its acquisition of the Premises, JFMC desires to develop and construct thereon certain improvements comprising, among other things, a community center with recreational facilities and an auditorium, and

**WHEREAS**, subject to the terms and conditions herein provided, including, without limitation, the approval by the Village of JFMC's proposed zoning and land use of the Premises in substantially the form now pending before the Village, the Association, JFMC and the Owners desire to further amend the Declaration, and the Village, JFMC and the Owners desire to amend the Restrictive Covenant, to permit (i) the development and construction of the improvements herein described on the Premises and (ii) the use of the Premises by JFMC and its invitees, guests, agents, representatives, employees and contractors for the purposes herein described; and

**WHEREAS**, as required by Section 11 of the Restrictive Covenant, the undersigned Owners constitute the owners of an aggregate area consisting of at least 75% of the Complex, and public hearings relating to this amendment to the Restrictive Covenant have been held in the same manner as required by the Northbrook Zoning Code; and

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WHEREAS, pursuant to a meeting of the Association duly held on November 23, 1994, with the requisite number of Owners present or voting by proxy, the Owners have voted to amend the Declaration as herein provided.

## AGREEMENTS:

NOW, THEREFORE, in consideration of the Recitals, which are incorporated herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and subject to the terms and conditions herein set forth, the parties hereby amend the Declaration and the Restrictive Covenant as follows.

1. Subject to Section 5 hereof, the Association, JFMC, the Village and each of the Owners hereby acknowledge, covenant and agree that notwithstanding anything to the contrary contained in the Declaration or the Restrictive Covenant, or any ancillary document executed by said parties in connection with either of the foregoing, the following uses of the Premises are permissible under the Declaration and the Restrictive Covenant as if originally fully set forth therein:

Use of the Premises for the development, construction, operation and utilization of indoor and outdoor recreational, cultural and educational facilities thereon, including, without limitation, the development, construction, operation and utilization of a community center consisting of improvements to serve the following purposes:

- (i) Day care and nursery school classrooms and facilities;
- (ii) indoor swimming;
- (iii) gymnasiums and fitness rooms;
- (iv) indoor and outdoor playing fields, including, without limitation, ball and other sports fields, playyards, playgrounds, ice skating rinks and other outdoor sports and recreational facilities;
- (v) activity lounges and assembly rooms;
- (vi) general classrooms;
- (vii) auditoriums;
- (viii) theaters;
- (ix) art galleries;

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- (x) general offices, social service offices, parking and receiving areas, restaurants, kitchens and any and all other facilities ancillary to the use and operation of recreational, cultural and educational facilities; and
- (xi) any other lawful purpose not inconsistent with (a) the Declaration or the Restrictive Covenant, as amended by this Amendment or (b) applicable law.

2. Subject to the terms and conditions herein contained, the Association and each of the Owners further acknowledge, covenant and agree that the plans (the "Proposed Plans") prepared by A. Epstein and Sons International, bearing latest revision date October 25, 1990, containing twelve (12) sheets and attached hereto as Exhibit B, or such other form of plans as shall be approved by the Village and as shall not be materially different from the Proposed Plans, and any and all development of and construction on the Premises in conformance therewith, including, without limitation, all landscaping plans, berm locations, heights, distances and dimensions, elevations, design and building materials, setbacks, sight lines, grading plans, utility plans, lighting plans and parking locations shown thereon, is hereby consented to and accepted by the Association and said Owners. The Association and each of the Owners acknowledge, covenant and agree that the foregoing consent and approval includes, without limitation, consent and approval of the architecture and design of said improvements in addition to the development and construction thereof.

3. The Association and each of the Owners acknowledge, covenant and agree that, subject to the approval of the Village, JFMC may construct a sign or signs, displays, marquees or similar structures upon the Premises, including, without limitation, wall signs, in such locations as JFMC shall determine, in its sole discretion, identifying the above-described facilities, provided the same otherwise comply with all applicable laws, ordinances, rules and regulations.

4. The Association and each of the Owners hereby acknowledge, covenant and agree that in the event JFMC is required by the Village or any other governmental authority to consolidate the Premises into a single lot, or otherwise consolidate or resubdivide the Premises, the execution of this Amendment by the Association and said Owners shall be deemed their consent and agreement thereto. Until such time as a plat of consolidation or resubdivision is recorded, the parties (other than the Village) agree that all building lines set forth on any plat of subdivision, the Declaration, the Restrictive Covenant or any other document controlling use of the Premises is amended to permit the

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14-00000-001

VILLAGE OF NORTHBROOK, a municipal corporation of the State of Illinois

By: Mark W. Damisch  
Its: Village President

ATTEST:

By: Lona N. Lewis  
Its: Village Clerk

JFMC FACILITIES CORPORATION, an Illinois not-for-profit corporation

By: [Signature]  
Its: President

ATTEST:

By: [Signature]  
Its: Secretary

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14-00000-001

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# UNOFFICIAL COPY

ROSENHEIM LIMITED PARTNERSHIP, an  
Illinois limited partnership

By:   
Its: General Partner

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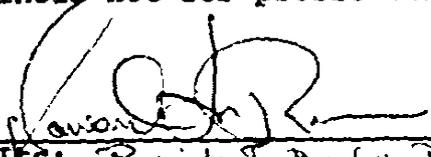
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CANCER WELLNESS CENTER, an  
Illinois not-for-profit corporation

By:   
Title: President Board of Directors

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# UNOFFICIAL COPY

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally, but solely as Trustee under Trust Agreement dated December 8, 1980 and known as Trust Number 51490

By: [Signature]  
Its: \_\_\_\_\_

ATTEST:

By: [Signature]  
Its: [Signature]

This instrument is executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally but solely as Trustee, as authorized by its bylaws and conditions to be performed hereunder by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO are undertaken by itself and not by any individual and no personal liability shall be incurred by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO for any of the covenants, conditions, representations or warranties contained in this instrument.

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96494814

Lot 5

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Property of Cook County Clerk's Office

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LaSALLE NATIONAL TRUST N A Successor Trustee to  
LaSALLE NATIONAL BANK, not  
personally, but solely as Trustee  
under Trust Agreement dated August  
8, 1983 and known as Trust Number  
106784

By: *Rosemary Callan*  
Its: ASSISTANT VICE PRESIDENT

ATTEST:

By: *Nancy A. Stank*  
Its: ASSISTANT VICE PRESIDENT

This instrument is executed by LaSALLE NATIONAL TRUST, N.A., not personally but solely as trustee, as intended, in the exercise of the power and authority conferred upon and granted to it as such Trustee. All the terms, provisions, stipulations, covenants and/or statements to be performed by LaSALLE NATIONAL TRUST, N.A. and its trustee, as intended, as set forth herein, and all covenants, stipulations, and conditions are made on information and belief and are to be accepted unconditionally, and no personal liability shall be accepted or be enforceable against LaSALLE NATIONAL TRUST, N.A. by reason of any of the terms, provisions, stipulations, covenants and/or statements contained in this instrument.

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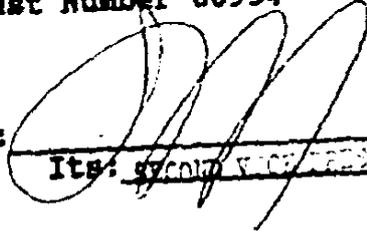
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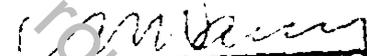
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AMERICAN BANK AND TRUST COMPANY OF CHICAGO, not personally, but solely as Trustee under Trust Agreement dated April 28, 1984 and known as Trust Number 60954

By:   
Its: GERALD VICE PRESIDENT

ATTEST:

By:   
Its: ASSISTANT SECRETARY

This instrument is executed by the undersigned Land Trustee, not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all of the warranties, covenants, representations, covenants, undertakings and agreements herein made on behalf of the Trustee are undertaken by its liability in its capacity as Trustee and not personally. No personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the Trustee in respect of any warranty, indemnity, representation, covenant, undertaking or agreement of the Trustee in this agreement.

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11-19-98

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

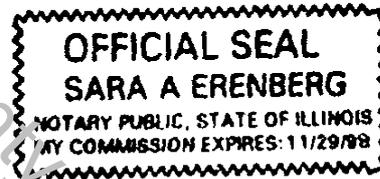
I, \_\_\_\_\_, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that STEVEN B. WICKMUR and RICHARD GORDON KATZ, personally known to me to be the PRESIDENT and ASSISTANT SECRETARY of JPMC FACILITIES CORPORATION, an ILLINOIS NOT FOR PROFIT corporation, are the same persons whose names are subscribed to the foregoing instrument as such officers of said corporation, appeared before me this day in person and acknowledged that as such officers they signed and delivered the said instrument pursuant to authority, as their free and voluntary acts, and as the free and voluntary acts and deeds of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 22nd day of April, 1996.

Sara A. Erenberg  
Notary Public

My Commission Expires:

November 29, 1998



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11-10-1996

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS.

I, JAMES G HAFT, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that THOMAS ROSE-HELM and CAROL WELSH, personally known to me to be the SECRETARY and Treasurer of NORTHBROOK COURT OFFICE PLAZA ASSOCIATION, an Illinois non-profit corporation, are the same persons whose names are subscribed to the foregoing instrument as such officers of said corporation, appeared before me this day in person and acknowledged that as such officers they signed and delivered the said instrument pursuant to authority, as their free and voluntary acts, and as the free and voluntary acts and deeds of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 12 day of MARCH, 1996.

[Signature]  
Notary Public

My Commission Expires:  
\_\_\_\_\_

OFFICIAL SEAL  
JAMES G. HAFT  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 7-15-98

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NOTARY PUBLIC OF COOK COUNTY Clerk's Office

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STATE OF Illinois )  
COUNTY OF Cook ) SS.

I, Cecilia A. Moran, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Mark W. Damisch and Lona N. Louis, personally known to me to be the Village President and Village Clerk of the VILLAGE OF NORTHBROOK, a municipal corporation of the State of Illinois, are the same persons whose names are subscribed to the foregoing instrument as such officers of said corporation, appeared before me this day in person and acknowledged that as such officers they signed and delivered the said instrument pursuant to authority, as their free and voluntary acts, and as the free and voluntary acts and deeds of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 5th day of June, 1996.

Cecilia A. Moran  
Notary Public

My Commission Expires:  
\_\_\_\_\_

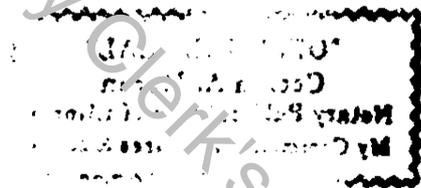


OFFICE OF COOK COUNTY CLERK'S OFFICE

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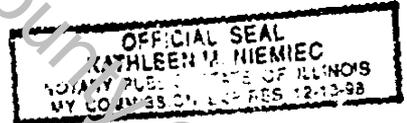
STATE OF Illinois )  
COUNTY OF Cook ) SS.

I, Kathleen M. Niemiec, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Edward Rosman and President of The Cook Co. and of CANCER WELLNESS CENTER, an Illinois not-for-profit corporation, are the same persons whose names are subscribed to the foregoing instrument as such officers of said company, appeared before me this day in person and acknowledged that as such officers they signed and delivered the said instrument pursuant to authority, as their free and voluntary acts, and as the free and voluntary acts and deeds of said company, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 14th day of March, 1996.

Kathleen M. Niemiec  
Notary Public

My Commission Expires:  
12 / 13 / 98



COOK COUNTY Clerk's Office

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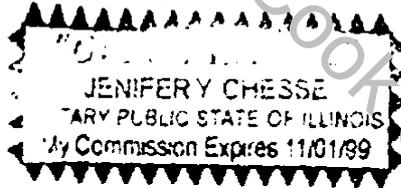
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STATE OF IL )  
COUNTY OF COOK ) SS.

I, JENIFERY CHESSE, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that John M. Tucker and TRUST OFFICERS, personally known to me to be the TRUST OFFICERS and COMPANY OF CHICAGO of AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally, but as trustee aforesaid, are the same persons whose names are subscribed to the foregoing instrument as such officers of said company, appeared before me this day in person and acknowledged that as such officers they signed and delivered the said instrument pursuant to authority, as their free and voluntary acts, and as the free and voluntary acts and deeds of said trust, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this APR 30 day of 1996.



Jenifery Chesse  
Notary Public

My Commission Expires:  
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EM-10-9-ED-96

STATE OF IL )  
COUNTY OF COOK ) SS.

LASALLE NATIONAL TRUST N.A. Successor Trustee to X

I, KATHLEEN E. BYE, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that ROBERT W. COLLINS and FRANK A. STOK personally known to me to be the ASSISTANT PRESIDENT and SECRETARY of LASALLE NATIONAL BANK, not personally, but as trustee aforesaid, are the same persons whose names are subscribed to the foregoing instrument as such officers of said company appeared before me this day in person and acknowledged that as such officers they signed and delivered the said instrument pursuant to authority, as their free and voluntary acts, and as the free and voluntary acts and deeds of said trust, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 22 day of MARCH, 1996.

Kathleen E. Bye  
Notary Public

My Commission Expires:

10/23/99



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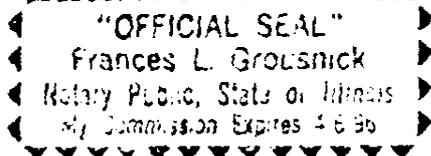
STATE OF ILLINOIS )  
COUNTY OF COOK ) SS.

I, FRANCES L. GROUSNICK, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY THAT HARLAN F. STANLEY, who is 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/she signed and delivered the said instrument as his/~~her~~ own free and voluntary act.

GIVEN under my hand and notarial seal this 9<sup>th</sup> day of FEBRUARY, 1995.

Frances L. Grousnick  
Notary Public

My Commission Expires: 4/1/96



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4/2/23

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## EXHIBIT A-1

### THE PREMISES

LOTS 1, 2, 3 AND 4 IN REVERE'S RESUBDIVISION OF LOT 1 IN NORTHBROOK COURT OFFICE PLAZA BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index No.:      04-02-109-015-0000  
   04-02-109-016-0000  
   04-02-109-017-0000  
   04-02-109-018-0000

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## EXHIBIT A-2

### THE COMPLEX

#### PARCEL 1

LOTS 1, 2, 3 AND 4 IN REVERE'S RESUBDIVISION OF LOT 1 IN NORTHBROOK COURT OFFICE PLAZA BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index No.: 04-02-109-015-0000  
04-02-109-016-0000  
04-02-109-017-0000  
04-02-109-018-0000

#### PARCEL 2

LOTS 2 THROUGH 10 INCLUSIVE IN NORTHBROOK COURT OFFICE PLAZA, A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 04-02-101-015-0000  
04-02-101-016-0000  
04-02-101-017-0000  
04-02-101-018-0000  
04-02-101-019-0000  
04-02-101-020-0000  
04-02-101-021-0000  
04-02-100-021-0000  
04-02-109-013-0000

Lot 10, being Permanent Index Number 04-02-109-013-0000, is the Retention Basin and part of Common Area.

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## EXHIBIT B

### THE PLANS

The plans incorporated by reference in the following documents:

1. Village of Northbrook Ordinance No. 94-50, which was recorded in the Office of the Cook County Recorder of Deeds on June 27, 1995 as Document No. 95414851; and
2. That certain Development Agreement by and between JFMC Facilities Corporation and the Village of Northbrook dated May 16, 1996, to be recorded in the Office of the Cook County Recorder of Deeds concurrent with or subsequent to this Third Amendment.

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