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Record & Return to:

Carol A. Thompson, Atty.  
527 Merri-Oaks Rd.  
Barrington, IL 60010

DEPT-01 RECORDING \$39.00  
T#0012 TRAM 0095 04/11/96 12:21:00  
#7829 ER \*-96-273872  
COOK COUNTY RECORDER

Prepared by:

Carol A. Thompson, Atty.  
527 Merri-Oaks Rd.  
Barrington, IL 60010

96273872

## AMENDMENT AND RESTATEMENT OF EASEMENT

39.00  
OK

This Amendment and Restatement of Easement is made this 31st day of March, 1996, by and among the following:

HENRY E. COOKE, JR. AND DEBORAH W. COOKE (also known as DEBORAH WILDER COOKE), HIS WIFE (hereinafter "COOKE"), the owners of record of 8.0 acres, more or less, of real estate commonly known as P.O. Box 56, Helm Road, Barrington Hills, Illinois 60010, which is improved with a single-family residence and legally described on Exhibit A-1 attached hereto ("Parcel 1");

WILLIAM E. SCHIERER AND NANCY J. SCHIERER, HIS WIFE (hereinafter "SCHIERER"), the owners of record of 5.0 acres, more or less, of real estate located immediately south of Parcel 1 which is commonly known as 157 Helm Road, Barrington Hills, Illinois 60010, and which is improved with a single-family residence and legally described on Exhibit A-2 attached hereto ("Parcel 2"); and

ALLEN L. FRANK AND DEBORAH LOEB, HIS WIFE (hereinafter "FRANK/LOEB"), the owners of 10.0 acres, more or less, of real estate located immediately south of Parcel 2 which is commonly known as 159 Helm Road, Barrington Hills, Illinois 60010, and which is improved with a single-family residence and legally described on Exhibit A-3 attached hereto ("Parcel 3").

WHEREAS, an easement for ingress and egress along a 16-foot wide strip of land located "as near as possible" to the east boundary of Parcels 1, 2, and 3 was reserved in a Quit Claim Deed recorded in Cook County on August 26, 1947 as Document No. 14130847 (hereinafter "the 1947 Easement"); and

BOX 333-CTI

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WHEREAS, the 1947 Easement was amended and restated in the "Amendment and Restatement of Easement" dated October 1, 1986 and recorded in Cook County on October 15, 1986 as Document No. 86477531 ("the 1986 Amendment") in order to establish the precise location of a gravel private drive which was at that time serving the residences located on Parcels 1 and 2 and the residence which was to be constructed on Parcel 3; and

WHEREAS, the 1947 Easement and the 1986 Amendment are both referred to in the Declaration of Covenants, Conditions, Restrictions, and Easements dated March 13, 1989 and recorded in Cook County on June 8, 1989 as Document No. 89259260 ("the Declaration");

WHEREAS, since the recording of the 1947 Easement and the 1986 Amendment, a blacktop driveway has been installed to serve the residences located on Parcels 1, 2, and 3, and the location of that blacktop driveway can now be described with precision; and

WHEREAS, the parties desire to further amend and restate the 1947 Easement and the 1986 Amendment in order to establish for the record the precise location of the easement and establish the rights and responsibilities of the owners or the parcels of land which are benefitted and burdened by the easement;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. EASEMENT ON PARCEL 1. A perpetual, non-exclusive private access easement is hereby declared and reserved for the use and benefit of Parcel 2 and Parcel 3 over and across that portion of Parcel 1 which is 16 feet in width and the center line of which is legally described on Exhibit B-1 attached hereto.

2. EASEMENT ON PARCEL 2. A perpetual, non-exclusive private access easement is hereby declared and reserved for the use and benefit of Parcel 3 over and across that portion of Parcel 2 which is 16 feet in width and the center line of which is legally described on Exhibit B-2 attached hereto. (The easements declared and reserved in Paragraph 1 and Paragraph 2 are collectively referred to as the "New Private Access Easement").

3. VACATION OF OLD EASEMENTS. The 1947 Easement and the easements described in Exhibits B-1 and B-2 to the 1986 Amendment are hereby vacated and replaced by the New Private Access Easement declared in Paragraph 1 and Paragraph 2 and as legally described in Exhibits B-1 and B-2 attached hereto.

4. RIGHT TO CONCURRENT USE. The owners from time to time of Parcel 1 shall have the right to the concurrent use of that portion

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of the New Private Access Easement located on Parcel 1. The owners from time to time of Parcel 2 shall likewise have the right to the concurrent use of that portion of the New Private Access Easement located on Parcel 2.

5. MAINTENANCE AND REPAIR. The owners of Parcels 1, 2, and 3 do each hereby covenant and agree to pay and be responsible for one-third (1/3) of the cost of reasonable maintenance (including snow plowing), repair and/or improvement of the New Private Access Easement when reasonably necessary. This obligation shall be perpetual in duration, and upon every subsequent sale and conveyance of ownership, the successor owners of said Parcels 1, 2, and 3 shall each be responsible for one-third (1/3) of such costs. The rights and obligations set forth in the Declaration with respect to access easements shall be deemed to apply to the New Private Access Easement.

6. COVENANTS RUNNING WITH THE LAND. The covenants and conditions set forth herein shall run with the land and shall be binding upon the parties hereto, and their respective heirs, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the day and year first above written.

COOKE:

Henry E. Cooke, Jr.  
Henry E. Cooke, Jr.

Deborah W. Cooke  
Deborah W. Cooke, also known as

Deborah Wilder Cooke  
Deborah Wilder Cooke

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STATE OF ILLINOIS  
COUNTY OF LAKE

I, CAROL A. THOMPSON, a notary public in and for said state and county aforesaid, do hereby certify that Henry E. Cooke, Jr. and Deborah W. Cooke, his wife, also known as Deborah Wilder Cooke, personally known to me, appeared before me this day and acknowledged that they each signed, sealed, and delivered the foregoing instrument as their free and voluntary act, for the uses and purposes therein set forth.

Dated this 31st day of March, 1996

**OFFICIAL SEAL**  
**CAROL A THOMPSON**  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 06/12/99

Carol A. Thompson  
Notary Public

Commission Expires: 6/12/99

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SCHIERER:

William E. Schierer  
William E. Schierer

Nancy J. Schierer  
Nancy J. Schierer

STATE OF ILLINOIS  
COUNTY OF LAKE

I, Carol A. Thompson, a notary public in and for said state and county aforesaid, do hereby certify that William E. Schierer and Nancy J. Schierer, his wife, personally known to me, appeared before me this day and acknowledged that they each signed, sealed, and delivered the foregoing instrument as their free and voluntary act, for the uses and purposes therein set forth.

Dated this 31st day of March, 1996

Carol A. Thompson  
OFFICIAL SEAL Notary Public  
CAROL A THOMPSON  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 6/12/99

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FRANK/LOEB:

Allen L. Frank  
Allen L. Frank

Deborah Loeb  
Deborah Loeb

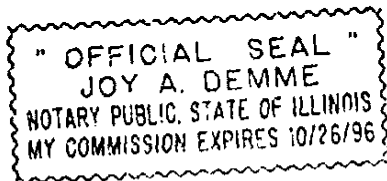
STATE OF ILLINOIS  
COUNTY OF Wake

I, Joy Demme, a notary public in and for said state and county aforesaid, do hereby certify that Allen L. Frank and Deborah Loeb, his wife, personally known to me, appeared before me this day and acknowledged that they each signed, sealed, and delivered the foregoing instrument as their free and voluntary act, for the uses and purposes therein set forth.

Dated this 25<sup>th</sup> day of March, 1996

Joy Demme  
Notary Public

Commission Expires: 10/26/96



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## EXHIBIT A-1

### PARCEL 1

THAT PART OF THE SOUTH WEST 1/4 OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH EAST CORNER OF THE WEST 1/2 OF THE SOUTH WEST 1/4 OF SAID SECTION 7; THENCE SOUTH 01 DEGREE, 15 MINUTES, 06 SECONDS EAST, ALONG THE EAST LINE OF SAID WEST 1/2, 333.55 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SAID SOUTH WEST 1/4; THENCE EASTERLY ALONG THE AFORESAID LINE 45.80 FEET; THENCE SOUTH 01 DEGREE, 15 MINUTES, 06 SECONDS EAST, PARALLEL WITH THE EAST LINE OF SAID WEST 1/2, 565.24 FEET; THENCE NORTH 89 DEGREES, 47 MINUTES, 40 SECONDS WEST, 404.41 FEET TO THE EAST LINE OF LANDS CONVEYED BY HENRY AND ALICE WILDER TO BRUCE BENSON BY DOCUMENT NUMBER 14557120; THENCE NORTH 01 DEGREE, 16 MINUTES, 44 SECONDS WEST, ALONG AFORESAID LINE, 897.39 FEET TO THE NORTH LINE OF SAID SOUTH WEST 1/4; THENCE EASTERLY ALONG SAID NORTH LINE, 359.01 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 01-07-300-016  
01-07-300-006

Property Address: 159 HELM ROAD  
BARRINGTON HILLS 60010

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## EXHIBIT A-2

### PARCEL 2

THAT PART OF THE SOUTH WEST 1/4 OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID SOUTH WEST 1/4 WHICH IS 1334.20 FEET SOUTHERLY FROM THE NORTH EAST CORNER OF THE WEST 1/2 OF SAID SOUTH WEST 1/4 (SAID POINT BEING THE SOUTH EAST CORNER OF THE NORTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SAID SECTION 7); THENCE SOUTH 01 DEGREES, 15 MINUTES, 06 SECONDS EAST ALONG THE EAST LINE OF SAID WEST 1/2 OF SECTION 7, 117.26 FEET, THENCE NORTH 89 DEGREES, 34 MINUTES, 32 SECONDS WEST 358.39 FEET; THENCE NORTH 01 DEGREES, 16 MINUTES, 44 SECONDS WEST, 115.94 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID SOUTH WEST 1/4; THENCE CONTINUING NORTH 01 DEGREE, 16 MINUTES, 44 SECONDS WEST, 435.50 FEET; THENCE SOUTH 89 DEGREES, 37 MINUTES, 40 SECONDS EAST, 404.41 FEET TO A POINT ON A LINE WHICH IS 45.80 FEET EAST OF THE EAST LINE OF SAID WEST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 7; THENCE SOUTH 01 DEGREE, 15 MINUTES, 06 SECONDS EAST PARALLEL TO AND 45.88 FEET EAST OF SAID EAST LINE 435.54 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTH WEST 1/4 OF SECTION 7; THENCE WESTERLY ON SAID SOUTH LINE 45.80 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBERS: 01-07-300-012  
01-07-300-013  
01-07-301-003

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## EXHIBIT A-3

### PARCEL 3

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 7; THENCE NORTH 89 DEGREES, 34 MINUTES, 30 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4, 357.81 FEET; THENCE NORTH 01 DEGREES, 10 MINUTES, 44 SECONDS WEST, 1216.96 FEET; THENCE SOUTH 89 DEGREES, 34 MINUTES, 32 SECONDS EAST, 358.39 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 7; THENCE SOUTH 01 DEGREES, 15 MINUTES, 06 SECONDS EAST, ALONG THE EAST LINE OF SAID WEST 1/2, 1216.94 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 01-07-300-018

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## EXHIBIT B-1

### EASEMENT

EASEMENT PARCEL A: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 00 MINUTES 05 SECONDS EAST (assumed), ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1175.16 FEET TO A POINT 166.69 FEET WESTERLY OF (as measured along said North line) THE NORTHEAST CORNER OF THE WEST HALF OF SAID SOUTHWEST QUARTER, FOR THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED EASEMENT CENTERLINE:

THENCE SOUTH 3 DEGREES 35 MINUTES 07 SECONDS EAST, 47.29 FEET;  
THENCE SOUTH 13 DEGREES 59 MINUTES 17 SECONDS EAST, 47.65 FEET;  
THENCE SOUTH 13 DEGREES 27 MINUTES 59 SECONDS EAST, 77.93 FEET;  
THENCE SOUTH 5 DEGREES 14 MINUTES 36 SECONDS EAST, 44.63 FEET;  
THENCE SOUTH 00 DEGREES 30 MINUTES 41 SECONDS WEST, 63.82 FEET;  
THENCE SOUTH 2 DEGREES 46 MINUTES 15 SECONDS WEST, 27.10 FEET;  
THENCE SOUTH 5 DEGREES 41 MINUTES 09 SECONDS EAST, 27.10 FEET;  
THENCE SOUTH 11 DEGREES 18 MINUTES 27 SECONDS EAST, 27.50 FEET;  
THENCE SOUTH 21 DEGREES 44 MINUTES 20 SECONDS EAST, 27.50 FEET;  
THENCE SOUTH 27 DEGREES 53 MINUTES 42 SECONDS EAST, 27.46 FEET;  
THENCE SOUTH 36 DEGREES 14 MINUTES 55 SECONDS EAST, 27.46 FEET;  
THENCE SOUTH 38 DEGREES 49 MINUTES 43 SECONDS EAST, 62.13 FEET;  
THENCE SOUTH 30 DEGREES 09 MINUTES 03 SECONDS EAST, 35.62 FEET;  
THENCE SOUTH 20 DEGREES 29 MINUTES 11 SECONDS EAST, 35.62 FEET;  
THENCE SOUTH 5 DEGREES 55 MINUTES 22 SECONDS EAST, 25.08 FEET;  
THENCE SOUTH 3 DEGREES 13 MINUTES 28 SECONDS WEST, 25.08 FEET;  
THENCE SOUTH 5 DEGREES 57 MINUTES 01 SECONDS WEST, 66.31 FEET;  
THENCE SOUTH 1 DEGREE 09 MINUTES 26 SECONDS WEST, 61.40 FEET;  
THENCE SOUTH 10 DEGREES 36 MINUTES 31 SECONDS WEST, 66.09 FEET;  
THENCE SOUTH 11 DEGREES 50 MINUTES 34 SECONDS WEST, 49.64 FEET;  
THENCE SOUTH 6 DEGREES 32 MINUTES 03 SECONDS WEST, 69.18 FEET TO THE SOUTH LINE OF THE NORTH 898.66 FEET (as measured along the East line) OF THE WEST HALF OF SAID SOUTHWEST QUARTER FOR THE TERMINUS POINT OF SAID EASEMENT, SAID POINT BEING 42.95 FEET WESTERLY OF (as measured along said South line) THE EAST LINE OF SAID WEST HALF, ALL IN COOK COUNTY, ILLINOIS.

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## EXHIBIT B-2

### EASEMENT

EASEMENT PARCEL B: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 08 MINUTES 05 SECONDS EAST (assumed), ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1341.75 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 35 MINUTES 49 SECONDS WEST, ALONG THE EAST LINE OF SAID WEST HALF, 898.66 FEET; THENCE NORTH 88 DEGREES 08 MINUTES 05 SECONDS WEST, PARALLEL WITH SAID NORTH LINE, 42.95 FEET FOR THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED EASEMENT CENTERLINE; THENCE SOUTH 1 DEGREE 06 MINUTES 10 SECONDS EAST, 81.22 FEET; THENCE SOUTH 1 DEGREE 29 MINUTES 43 SECONDS EAST, 103.42 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 19 SECONDS WEST, 110.63 FEET; THENCE SOUTH 4 DEGREES 21 MINUTES 57 SECONDS EAST, 40.90 FEET; THENCE SOUTH 1 DEGREE 11 MINUTES 12 SECONDS EAST, 28.19 FEET; THENCE SOUTH 6 DEGREES 57 MINUTES 05 SECONDS WEST, 28.19 FEET; THENCE SOUTH 20 DEGREES 25 MINUTES 43 SECONDS WEST, 25.18 FEET; THENCE SOUTH 29 DEGREES 32 MINUTES 19 SECONDS WEST, 25.18 FEET; THENCE SOUTH 26 DEGREES 42 MINUTES 01 SECOND WEST, 30.10 FEET; THENCE SOUTH 13 DEGREES 36 MINUTES 31 SECONDS WEST, 19.66 FEET; THENCE SOUTH 1 DEGREE 55 MINUTES 49 SECONDS WEST, 19.66 FEET; THENCE SOUTH 2 DEGREES 06 MINUTES 07 SECONDS WEST, 45.12 FEET TO THE NORTH LINE OF THE SOUTH 1216.94 FEET (as measured along the East line) OF THE WEST HALF OF SAID SOUTHWEST QUARTER FOR THE TERMINUS POINT OF SAID EASEMENT CENTERLINE, SAID POINT BEING 77.03 FEET WESTERLY OF (as measured along said North line) THE EAST LINE OF SAID WEST HALF. ALL IN COOK COUNTY, ILLINOIS.

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