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AMENDED AND  
RESTATED  
COVENANT

. DEPT-01 RECORDING 127.  
. 7:55:55 TRAN 0930 06/23/97 13:38:00  
. 43359 J J \* -97-45093  
. COOK COUNTY RECORDER

This Amended and Restated Covenant is made of this 23rd day of June, 1997 by Dan Melk Development/MEL Fullerton Altgeld, L.P. ("Owner").

## RECITALS

A. Owner executed that certain Covenant dated March 24, 1997, recorded March 26, 1997 as Document No. 97208026 in the Office of the Cook County Recorder of Deeds ("Covenant") pertaining to maintenance and repair of water and sewer lines to be constructed on the property commonly known as 1336-1350 Fullerton Avenue, Chicago, Illinois.

B. The City of Chicago has requested Owner to amend the Covenant and Owner has agreed to amend the Covenant.

NOW THEREFORE, for and in consideration of the promises herein made, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner agrees as follows:

1. Owner is the legal owner of the property legally described on Exhibit A attached hereto and incorporated herein ("Property").

2. Owner does hereby covenant and agree for itself, its successors and assigns, that the maintenance and repair of the common water and sewer lines constructed by the undersigned located anywhere on the Property from the point of connection to the sewer and water mains in

This document prepared by  
and return after recording to:

P.I.N.

14-29-321-030

14-29-321-033

14-29-321-035

Mary Koberstein  
Sachnoff & Wenver Ltd.  
30 S. Wacker Dr.  
Suite 2900  
Chicago, IL 60606

Common Address:

1336-1351 W. Fullerton Ave.  
Chicago, IL



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the public way which solely provide water and sewer service to approximately 59 condominium units and 46 townhome units, shall be the responsibility of the owners of the 59 condominium units and the owners of the 46 townhome units intended to be constructed on the Property by the undersigned, and of the Altgeld Club Condominium Association formed in connection with the 59 condominium units, and the Altgeld Club Homeowner's Association formed in connection with the 46 townhome units, and shall not be the responsibility of the City of Chicago.

3. The undersigned further states that this covenant shall run with the land and shall be binding upon all of its grantees. This covenant is made to induce the City of Chicago to furnish sewer and water service to the above-described premises.

IN WITNESS WHEREOF, the undersigned has executed this First Amendment to Covenant as of the date and year first above written.

DAN MELK DEVELOPMENT/MCL FULLERTON  
ALTGELD L.P., an Illinois limited partnership

By: MCL Companies of Chicago, Inc., its  
general partner

By: Orville McLean

Its: PRESIDENT

ATTEST: Marilyn Walsh

By: MARILYN WALSH

Its: SECRETARY

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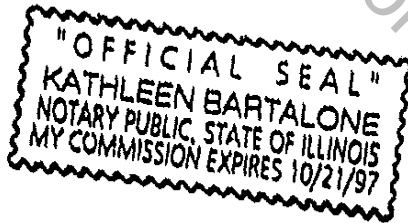
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STATE OF ILLINOIS     )  
  ) SS  
COUNT OF COOK        )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Daniel E. McLean, the President, and Marilyn Walsh, the Secretary, of MCL COMPANIES OF CHICAGO, INC., are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Secretary they signed and delivered the said instruments as \_\_\_\_\_ and \_\_\_\_\_ of said corporation pursuant to authority given by the Board of Directors of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation as general partner of Dan Melk Development/MCL Fullerton Altgeld L.P., an Illinois limited partnership, for the uses and purposes therein set forth.

Given under my hand and official seal this 2th of June, 1997.



Kathleen Bartalone  
Notary Public

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## EXHIBIT A

The East 132.1 feet of Lot 9 in County Clerk's Division of Block 43 in Sheffield's Addition to Chicago in the Southwest Quarter of Section 29, Township 40 North, Range 14, East of the Third Principal Meridian, (except premises described as follows: beginning at the Southwest corner of said East 132.1 feet of said Lot 9; Thence North along the West line of said East 132.1 feet of said Lot 9, a distance of 595.8 feet to the South line of West Altgeld Street; Thence East along the South line of West Altgeld Street 9.6 feet to a point; Thence South on a straight line of 9.6 feet East of and parallel with the West line of said East 132.1 feet of said Lot 9, a distance of 123 feet to a point; Thence West parallel with and 123 feet from the South line of West Altgeld Street, a distance of 6.9 feet to a point; Thence South parallel with and 2.7 feet from the West line of said East 132.1 feet of said Lot 9, a distance of 472.8 feet to the North line of Fullerton Avenue; Thence West along the North line of Fullerton Avenue 2.7 feet to the place of beginning) all in Cook County, Illinois, and except the West 100.00 feet of the North 121.00 feet of the above-described property;

Also

That part of Lot 8 in County Clerk's Division of Block 43 described as follows: commencing at a point on the West line of said Lot 8, 121 feet South of the Northwest corner thereof; Thence South along the West line of said Lot 8, 108 feet 9 inches, more or less, to the center line of a party wall; Thence East along the said center line and said center line extended East to the East line of Lot 8; Thence North along the East line of Lot 8 to a point 121 feet South of the Northeast corner thereof; Thence West 132 feet 6 1/2 inches, more or less, to the point of beginning in Sheffield's Addition to Chicago in the Southeast Quarter of the Southwest Quarter of Section 29, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois;

Also

That part of Lot 8 in County Clerk's Division of Block 43 in Sheffield's Addition to Chicago in the Southeast Quarter of the Southwest Quarter of Section 29, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois, described as follows: beginning at the Southwest corner of said Lot 8; Thence North along the West line of Lot 8, a distance of 366.43 feet; Thence East at right angles to the West line of said Lot a distance of 0.90 feet; Thence Southeasterly along a straight line to a point in the center line of a party wall, said point being 7.50 feet East of the West line and 362.83 feet North of the South line of said Lot 8; Thence East along the said center line of said party wall to a point which is 32 feet West of the East line and 362.88 feet North of the South line of said Lot 8; Thence South along a line which is parallel to and 32 feet West of the East line of said Lot 8, a distance of 362.88 feet to the South line of Lot 8; Thence West along the South line of Lot 8 to the point of beginning, in Cook County, Illinois.

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