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ER #--97-377291

COOK COUNTY RECORDER

\$83.00

FIRST AMENDMENT TO  
DECLARATION OF EASEMENTS AND PROTECTIVE COVENANTS  
FOR TOWN SQUARE SHOPPING CENTER

AMONG

THE VILLAGE OF SCHAUMBURG, COOK COUNTY, ILLINOIS,

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO,  
NOT INDIVIDUALLY, BUT AS TRUSTEE UNDER TRUST NO. 6044-AH,

THE BOARD OF TRUSTEES OF THE SCHAUMBURG TOWNSHIP  
PUBLIC LIBRARY DISTRICT, COOK COUNTY, ILLINOIS,

and

DODI SCHAUMBURG L.L.C.

Permanent Index Numbers:

07-22-301-025  
07-22-301-026  
07-22-301-028  
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07-22-301-044  
07-22-301-022

07-22-301-038  
07-22-301-039  
07-22-301-040  
07-22-301-041

Prepared by and, after recording, return to:

Bruce K. Muvard, Esq.

Cohen, Cohen & Salt, P.C.  
630 Dundee Road, Suite 120  
Northbrook, Illinois 60062

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(M)	(M)

RECORDING FEE \$ 83.00

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## **FIRST AMENDMENT TO DECLARATION OF EASEMENTS AND PROTECTIVE COVENANTS FOR TOWN SQUARE SHOPPING CENTER, SCHAUMBURG, ILLINOIS**

This First Amendment to Declaration of Easements and Protective Covenants ("First Amendment") is made as of May 1, 1997, by and among the Village of Schaumburg, Cook County, Illinois (the "Village"), American National Bank and Trust Company of Chicago, as Trustee under Trust Agreement dated April 25, 1996 and known as Trust No. 5044-AH ("Trust 5044"), The Board of Trustees of the Schaumburg Township Public Library District, Cook County, Illinois (the "Library"), and Dodi Schaumburg L.L.C., an Illinois limited liability company ("Dodi").

### **Recitals**

A. The Village, Trust 5044, the Library and Dodi (sometimes hereinafter collectively referred to as the "Town Square Owners") are the respective owners of various parcels of real property which together are commonly known as the Town Square Shopping Center, Schaumburg, Illinois and more fully described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 in Town Square Resubdivision, Being a Resubdivision of Lot 2 of Town Square Shopping Center Subdivision, and Lots 1 and 2 of Wilk's Subdivision, and Part of the Northeast 1/4 of the Southwest 1/4 of Section 22, Township 41 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois,

hereinafter referred to as the "Town Square Parcel".

B. Prior to certain conveyances, the Village, as the then sole title holder to the Town Square Parcel, caused a certain Declaration of Easements and Protective Covenants for Town Square Shopping Center to be recorded in the Cook County Recorder's Office on May 1, 1996 as document 96-328988 (the "Declaration").

C. Attached to the Declaration as Exhibit A was a certain plat prepared April 27, 1996, revised April 30, 1996, prepared by Jacob & Hefner Associates, Inc. (the "Original Plat") showing the location of the "Common Improvements Area" (as defined in the Declaration) within portions of the Town Square Parcel.

D. Pursuant to Section 12.02 of the Declaration, the Town Square Owners now desire to substitute a new plat for the Original Plat.

NOW THEREFORE, the Town Square Owners hereby agree as follows:

1. The plat marked "Exhibit A", attached to and hereby made a part of this First Amendment, is a revision dated December 4, 1996 of the Original Plat and is hereby

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substituted as Exhibit A to the Declaration in lieu of the Original Plat. All references throughout the Declaration to the "Plat" or to "Exhibit A" shall mean the revision of the Original Plat which is attached to this First Amendment.

2 The definition of "Ring Road" in Section 1.31 of the Declaration is hereby restated in its entirety as follows: "The extensions of Illinois Avenue and Pleasant Avenue onto the Town Square Parcel, other portions of the Town Square Parcel used for roads, walkways and bicycle paths, and such roads, walkways and bicycle paths, and the areas adjacent thereto, to the extent all of the foregoing are located within the Common Improvements Area, as shown on Exhibit A hereto; provided, however, that any curbs and gutters of the foregoing roadways which may be located outside of the Common Improvements Area, shall nevertheless be deemed part of the Ring Road, except for the curbs and gutters located within an Owner's entrance driveway."

3. Except as modified by this First Amendment, all terms and provisions of the Declaration remain unmodified and in full force and effect. The rights and obligations granted and obtained hereunder shall be for the benefit of and binding upon parties hereto and their respective successors and assigns, from time to time hereafter.

4. This First Amendment is executed by American National Bank and Trust Company of Chicago, not personally but solely as Trustee, as aforesaid. All the covenants and conditions to be performed hereunder by American National Bank and Trust Company of Chicago, are undertaken by it solely as Trustee, as aforesaid and not individually, and no personal liability shall be asserted or be enforceable against American National Bank and Trust Company of Chicago by reason of any of the covenants, statements, representations or warranties contained in this First Amendment. This First Amendment may be executed in multiple counterparts, each of which shall be deemed an original.

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed as of the date and year first above written.

VILLAGE OF SCHAUMBURG,  
Cook County, Illinois

By: 

Its: \_\_\_\_\_

Attest:

By: 

Its: Village Clerk

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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 hereby understood and agreed that all the covenants, conditions, representations, warranties, undertakings and agreements herein made on the part of the Trustee are made solely by it as such Trustee and not personally. All covenants, conditions, representations, warranties, undertakings and agreements herein made on the part of the Trustee are made solely by it as such Trustee and not personally. All covenants, conditions, representations, warranties, undertakings and agreements herein made on the part of the Trustee are made solely by it as such Trustee and not personally.

**AMERICAN NATIONAL BANK AND  
TRUST COMPANY OF CHICAGO, as  
Trustee under Trust No. 5044-AH  
and not personally**

By: [Signature]  
Its: Assistant Vice President

Attest:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

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Attention not required by American National Bank  
and Trust Company of Chicago by law.

**THE BOARD OF LIBRARY TRUSTEES  
OF THE SCHAUMBURG TOWNSHIP  
PUBLIC LIBRARY DISTRICT, COOK  
COUNTY, ILLINOIS**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**DODI SCHAUMBURG L.L.C.**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

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AMERICAN NATIONAL BANK AND  
TRUST COMPANY OF CHICAGO, as  
Trustee under Trust No. 5044-AH

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

THE BOARD OF LIBRARY TRUSTEES  
OF THE SCHAUMBURG TOWNSHIP  
PUBLIC LIBRARY DISTRICT, COOK  
COUNTY, ILLINOIS

By: Robert B. Lewis  
Its: President

Attest:

By: David Sterling  
Its: Secretary

DODI SCHAUMBURG L.L.C.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

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AMERICAN NATIONAL BANK AND  
TRUST COMPANY OF CHICAGO, as  
Trustee under Trust No. 5044-AH

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

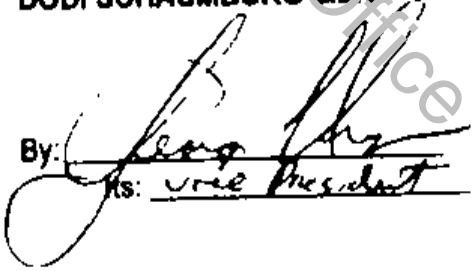
THE BOARD OF LIBRARY TRUSTEES  
OF THE SCHAUMBURG TOWNSHIP  
PUBLIC LIBRARY DISTRICT, COOK  
COUNTY, ILLINOIS

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

DODI SCHAUMBURG LLC

By:   
Its: vice president

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STATE OF ILLINOIS

COOK COUNTY

ss.

I, CAROLE TESSARO, Notary Public in and for said County and State, do hereby certify that Al Larson and Penny Dietrich, President and Village of Clerk, respectively, of the Village of Schaumburg, an Illinois municipal corporation, personally known to me to be the same persons and officers whose name are subscribed to the foregoing instrument appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of said municipal corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 21<sup>st</sup> day of MAY, 1997.



Carole J. Tessaro  
Notary Public

STATE OF ILLINOIS

COOK COUNTY

ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_, as \_\_\_\_\_, Vice President and \_\_\_\_\_, as \_\_\_\_\_, Secretary, of AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, as Trustee as aforesaid, a national banking association, personally known to me to be the same persons and officers whose names are subscribed to the foregoing instrument appeared before me this day in person and acknowledged that they signed, sealed and delivered the 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.

Given under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 1997

\_\_\_\_\_  
NOTARY PUBLIC

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STATE OF ILLINOIS

COOK COUNTY

ss.

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that Al Larson and Penny Dietrich, President and Village of Clerk, respectively, of the Village of Schaumburg, an Illinois municipal corporation, personally known to me to be the same persons and officers whose name are subscribed to the foregoing instrument appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of said municipal corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Notary Public

STATE OF ILLINOIS

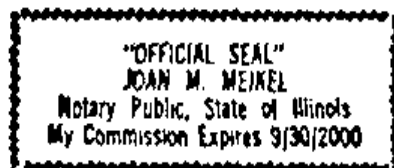
COOK COUNTY

ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that ANNE T. V. N. S. A. as SECRETARY, Vice President and SECRETARY, of AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, as Trustee as aforesaid, a national banking association, personally known to me to be the same persons and officers whose names are subscribed to the foregoing instrument appeared before me this day in person and acknowledged that they signed, sealed and delivered the 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.

Given under my hand and official seal, this 24 day of MAY, 1997

Joan M. Meikel  
NOTARY PUBLIC



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STATE OF ILLINOIS )

) ss.

COOK COUNTY )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Robert B. Lyons, President, and Harold G. Sterling, Clerk, of The Board of Library Trustees of the Schaumburg Township Public Library District, Cook County, Illinois, personally known to me to be the same persons and officers whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of said library district, for the uses and purposes therein set forth.

Given under my hand and official seal, this 2nd day of MAY, 1997



Martha A. Cordt  
NOTARY PUBLIC

STATE OF ILLINOIS )

) ss.

COOK COUNTY )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_, Member (Manager) of Dodi Schaumburg L.L.C., an Illinois limited liability company, personally known to me to be the same persons and officers whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of said company, for the uses and purposes therein set forth.

Given under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 1997

\_\_\_\_\_  
NOTARY PUBLIC

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STATE OF ILLINOIS )

COOK COUNTY )

ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Robert B. Lyons, President, and Harold G. Sterling, Clerk, of The Board of Library Trustees of the Schaumburg Township Public Library District, Cook County, Illinois, personally known to me to be the same persons and officers whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of said library district, for the uses and purposes therein set forth.

Given under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 1997

\_\_\_\_\_  
NOTARY PUBLIC

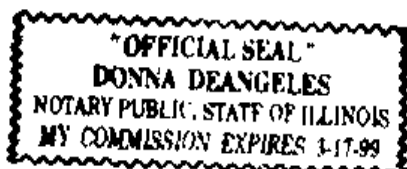
STATE OF ILLINOIS )

*DePage*  
COOK COUNTY )

ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that George Frye, Member (Manager) of Dodi Schaumburg L.L.C., an Illinois limited liability company, personally known to me to be the same persons and officers whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of said company, for the uses and purposes therein set forth.

Given under my hand and official seal, this 6th day of May, 1997



*Donna DeAngelis*  
NOTARY PUBLIC

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