

FIRST AMENDMENT TO
DECLARATION OF PARTY
WALL
RIGHTS, EASEMENTS,
COVENANTS AND
RESTRICTIONS

THIS FIRST AMENDMENT TO
DECLARATION OF PARTY
WALL RIGHTS, EASEMENTS,
COVENANTS AND RESTRICTIONS (this "Amendment") is made and entered into as of the 15th
day of September, 1997, by and among KEITH and KATHERINE KAZUK, GREGORY
WILKINSON, and RANDALL CURWEN, being all the record owners of the property covered
herein.

RECTALS

- A. On June 15, 1977, the Bank of Ravenswood as Trustee under trust agreement dated January 31, 1977 recorded a certain Declaration of Party Wall Rights, Easements, Covenants and Restrictions with the Cook County Recorder of Deeds as document number 23 966 310 (the "Declaration").
- B. The Declaration covers 3 parcels of land located at 928-930 W. Roscoe, Chicago, IL, and the current owners of the parcels referenced in the Declaration are as follows:

- Parcel I - WILKINSON
- Parcel II - KEITH & KATHERINE KAZUK
- Parcel III - RANDALL CURWEN, and the legal descriptions of

said parcels are attached hereto as Exhibit A.

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C. The Declaration provides for, among other things, an easement over Parcel I for the benefit of the owners of Parcels II and III, and the parties desire to amend said easement to provide that the owners of Parcel I grant and the owners of Parcel II receive, with the owner of Parcel III's consent, an exclusive, perpetual easement for parking on the easement described in the Declaration for the benefit of the owner of Parcel II, all as more fully set forth herein.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Wilkinson, Kazuks, and Curwen do hereby declare that the following rights, easements, covenants, burdens, uses and privileges shall and do exist at all times hereafter among the several owners and mortgagees of the parcels described herein, in the manner and to the extent herein set forth, and that this declaration shall be binding upon and inure to the benefit of each and every grantee or mortgagee of each and every parcel described herein.

1. Wilkinson hereby grants, gives and conveys to Kazuks and their successors and assigns, as an easement appurtenant to Parcel I, an exclusive, irrevocable and perpetual easement for the use of the easement area described in Paragraph 8 of the Declaration for the parking of one (1) motor vehicle by one of the current or future owners of Parcel II, or their agents, tenants, invitees or licensees. The area designated for parking shall be an area which is adequate for one (1) standard-size American automobile. No barrier, curb or other improvement shall be erected on the west boundary line of the parking area which would prohibit or prevent ingress to or egress from the parking area from and to the adjacent alley. However, the parties shall permit the installation and maintenance of a fence which delineates the parking area, and the owners of Parcel II shall hereafter bear all responsibility for the maintenance, repair, and replacement of the fence. The fence shall be

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constructed of similar materials and be similar in appearance and height to the existing wood fence. The owners of Parcel II shall be entitled to post a towing sign on the outside of the fence, facing the alley, and shall be entitled to enforce same.

2. The remaining portion of the easement not covered by the parking area shall be used exclusively for pedestrian, non-vehicular traffic.

3. The location of the fence which defines the parking area shall not change without the mutual agreement of all the then owners of 928 and 930 W. Roscoe, Chicago, IL.

4. All maintenance and repair of the parking area shall be made so as to interfere as little as practicable with the use and enjoyment of the easement area by the owners of Parcel I and III.

5. All provisions of this Amendment, including the benefits and burdens set forth herein, shall run with the land and are binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

6. The rule of strict construction does not apply to the grants herein. The grants herein shall be given a reasonable construction to carry out the intention of the parties hereto to confer a commercially usable right of parking enjoyment to the owners of Parcel II.

7. The grantee of any easement granted under this Amendment or the Declaration may terminate such easement by recording a release thereof with the Office of Recorder of Deeds of Cook County, Illinois, with directions for delivery of same to the grantor of such easement at its address given pursuant hereto, whereupon all rights duties and liabilities hereby created shall terminate as to such easement except for liabilities incurred hereunder prior to such termination.

8. Except as expressly modified by this Amendment, the Declaration shall continue in full force and effect.

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COOK COUNTY CLERK'S OFFICE
JAN 11 2011
11:00 AM
CLERK'S OFFICE
111 N. LAUREL ST.
CHICAGO, IL 60602

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I, LUZ O. NARANJO, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Gregory Wilkinson 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 said instrument as his/her own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notarized Seal, this 3rd day of DECEMBER, 1997.

LUZ O. NARANJO
NOTARY PUBLIC



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EXHIBIT A - LEGAL DESCRIPTIONS

PARCEL I - WILKINSON

Lots 130 and 131, taken a tract, in Feinberg's Sheridan Drive Addition, a Subdivision of Lot 3 and the South 49 feet of Lot 2 in Partition of the North three quarters of the East half of the Southeast Quarter of Section 20, Township 40 North, Range 14, East of the Third Principal Meridian, (except from said tract the East 22.0 feet as measured on the north and south lines thereof and except the North 32.15 feet as measured on the east line of said tract) in Cook County Illinois

P.I.N.: 14-20-413-081

PARCEL II - KAZUK

The East 22.0 feet (as measured on the North and South lines) of Lots 130 and 131, taken as a tract in Feinberg's Sheridan Drive addition, a Subdivision of Lot 3 and the South 49 feet of Lot 2 in Partition of the North three quarters of the East half of the Southeast Quarter of Section 20, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

P.I.N.:

PARCEL III - CURWEN

The North 32.15 feet, as measured on the East line (except the East 22.00 feet as measured on the North and South lines) of Lots 130 and 131, taken as a tract, in Feinberg's Sheridan Drive addition, a Subdivision of Lot 3 and the South 49 feet of Lot 2 in Partition of the North three quarters of the East half of the Southeast Quarter of Section 20, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

P.I.N.:

This document was prepared by, and after recording, mail to:
Mary Ellen Rosemeyer, Esq.
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