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EXHIBIT

ATTACHED TO

99928767

DOCUMENT NUMBER

SEE PLAT BOOK

9-30-99

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99928767

8/28/02 17 51 001 Page 1 of 5
1999-09-30 12:56:37
Cook County Recorder 71.00



THIS INSTRUMENT PREPARED BY:

LLOYD E. GUSSIS
ATTORNEY AT LAW
2524 NORTH LINCOLN AVENUE
CHICAGO, IL 60614

ADDRESS OF PROPERTY:

1654 NORTH MOHAWK
CHICAGO, ILLINOIS

PTIN: 02-1001 thru 1014
14-33-325-~~038-0000~~

EXHIBIT ATTACHED

Box 215
MTC

FIFTH AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF
EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS
FOR MOHAWK FLATS CONDOMINIUM ASSOCIATION
CHICAGO, ILLINOIS

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THIS FIFTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR MOHAWK FLATS CONDOMINIUM ASSOCIATION ("Fourth Amendment") is made and entered into this 30 day of September, 1999 by WALSH DEVELOPMENT, INC., an Illinois corporation, the successor of 1656 N. MOHAWK LIMITED PARTNERSHIP, an Illinois limited partnership, (hereinafter referred to as the "Developer") as follows:

DATE 9/30/99
OR [Signature]

WITNESSETH:

WHEREAS, a Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for Mohawk Flats Condominium Association (the "Declaration") has been previously recorded with the Recorder of Deeds of Cook County, Illinois on July 10, 1997 as Document Number 97498810, by which the real estate commonly known as 1654 North Mohawk, Chicago, Illinois (hereinafter referred to as the "real estate") was submitted to the provisions of the Condominium Act of the State of Illinois, said real estate being legally in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, a certain First Amendment to Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and

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By-Laws for Mohawk Flats Condominium Association was recorded with the Recorder of Deeds of Cook County, Illinois on August 1, 1997 as Document No. 97561804 ("First Amendment"); a certain Second Amendment to Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for Mohawk Flats Condominium Association was recorded with the Recorder of Deeds of Cook County, Illinois on April 16, 1998 as Document No. 98304297 ("Second Amendment"); a certain Third Amendment to Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for Mohawk Flats Condominium Association was recorded with the Recorder of Deeds of Cook County, Illinois on April 16, 1998 as Document No. 98304298 ("Third Amendment"); and a certain Fourth Amendment to Declaration of Condominium Ownership and of Easements, Restrictions, covenants and By-Laws for Mohawk Flats Condominium Association was recorded with the Recorder of Deeds of Cook County, Illinois as Document No. 99712227 ("Fourth Amendment"); and

WHEREAS, pursuant to certain powers granted to Declarant in Section 15.13 of the Declaration, the right was reserved in the Declarant to record a Special Amendment for certain specified purposes; and

WHEREAS, Declarant wishes to amend the Declaration by (i) correcting the Plat of Survey attached to the Declaration as Exhibit "A" to set forth a certain portion of the roof as a limited common element for Unit # 3, with the right of the owner of Unit # 3 to thereafter construct a roof deck thereon.

NOW, THEREFORE, the Declarant hereby declares that The Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for Mohawk Flats Condominium Association be and is hereby amended as follows:

1. The Plat of Survey attached as Exhibit "B" to the Declaration is hereby amended by substituting therefore the page of the Plat of Survey attached hereto.

2. Paragraph 3.03 of the Declaration is hereby deleted in its entirety and the following paragraph 3.03 is hereby substituted therefore:

3.03 Limited Common Elements. The Limited Common Elements are such parts of the Common Elements serving exclusively a single Unit or adjoining Unit as an inseparable appurtenance thereto, as designated as such in this Declaration, including the Plat of Survey or which by the nature or location thereof, or by the terms of this Declaration are clearly intended to be reserved for or for the use of one or more Units to the exclusion of other Units. The Limited Common Elements appertaining to or designated or reserved for or for the use of, or serving for the use of, or serving any Unit (alone or in conjunction with other Units) are hereinafter from time to time referred to as the Limited Common Elements of

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such Unit. The Limited Common Elements shall include, but shall not be limited to, the following: (a) the interior surface of the perimeter walls, ceilings, and floors which define the boundary planes of a Unit; (b) perimeter doors and windows which serve exclusively a single Unit; (c) any system or component part thereof which serves a Unit exclusively to the extent that such system or component part is located outside the boundaries of a Unit; (d) decks or balconies which are contiguous to a Unit, if any; (e) heating and air conditioning systems servicing a single Unit, including those located on the roof-top; (f) storage spaces which shall be assigned to Residential Units pursuant to paragraph 4.10 hereunder; and (g) a roof deck area for Unit # 3.

Unit # 3 have been designed to accommodate a roof deck located on the roof area above such Unit, as set forth in the Plat. These roof deck area shall be a Limited Common Element appurtenant to Unit # 3. The owner of Unit # 3 shall have an ongoing right to construct a roof deck on the roof deck area designated on the Plat for his Unit, without the necessity of first obtaining any consent or approval from the Board. The said Unit Owner shall, however, provide the Board with a copy of the plans for such roof deck and the building permit issued by the City of Chicago, if required, prior to the construction of same. The owner of said Unit shall be responsible for the repair and maintenance of the roof deck area set forth as a Limited Common Element for his sole and exclusive use on the Plat.

3. That except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, Walsh Development, Inc., an Illinois corporation, has caused its name to be signed to these presents on the day and year first above written.

WALSH DEVELOPMENT, INC.

By: *Peter Walsh*
Its President

ATTEST: *Michael L. Walsh*
Its Secretary

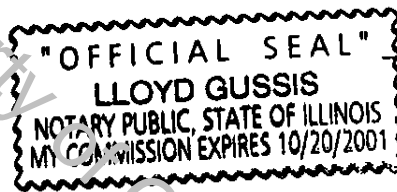
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Peter Walsh and Michael

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Walsh, 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 respectively of Walsh Development, Inc., they signed, sealed and delivered the said instrument as the free and voluntary act of said corporation, pursuant to authority given by the Board of Directors of said corporation, for the uses and purposes therein set forth.

1999 GIVEN under my hand and seal this 30 day of September.



[Handwritten Signature]

Notary Public

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LEGAL DESCRIPTION EXHIBIT "A"

UNITS 1, 2, 3, P-12, P-13 AND P-15 IN THE MOHAWK FLATS CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

LOT 87 AND THE NORTH 6 FEET OF LOT 88 IN C. J. HULL'S SUBDIVISION OF BLOCK 53 OF CANAL TRUSTEES' SUBDIVISION OF THE NORTH 1/2 AND THE NORTH 1/2 OF THE SOUTHEAST 1/4 AND THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO ALL OF THE NORTH-SOUTH 20 FOOT VACATED ALLEY LYING SOUTH OF THE SOUTH LINE OF THE WEST EUGENIE STREET EXTENDED, AND NORTH OF THE SOUTH LINE OF THE NORTH 6 FEET OF LOT 88, EXTENDED WEST, IN SAID C.J. HULL'S SUBDIVISION OF BLOCK 53 (EXCEPT THAT PART OF THE EAST 1/2 OF SAID ALLEY LYING WEST OF AND ADJOINING LOTS 85 AND 86 IN C J HULL'S SUBDIVISION AFORESAID) ALL IN COOK COUNTY, ILLINOIS; WHICH SURVEY IS ATTACHED TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT 97498810, TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

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