

FILED FOR RECORD
KANE COUNTY, ILL.

1999K072876

1999 JUL 23 PM 2:00

Lynda M. Reinsel
RECORDER

①
99055910/459409

THIRD ANNEXATION AND AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS

NW 16/42-18
NE 17




Chg 18⁰⁰

CHICAGO TITLE INSURANCE CO.
Kane County Office Geneva, IL 60134
Phone 232-2750

POOR ORIGINAL
Recorder Not Responsible
For Reproduction

⑦

THIRD ANNEXATION AND AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS
CHICAGO TITLE LAND TRUST COMPANY
SUCCESSOR TRUSTEE TO 

DECLARATION, made this 30th day of June, 1999 by THE CHICAGO TRUST COMPANY, as Trustee under Trust Number 65451, dated December 10, 1974, (hereinafter referred to as TRUSTEE).

WITNESSETH:

WHEREAS, the Trustee is the record owner of real property described in Exhibit A attached hereto and made part hereof, in the Village of Carpentersville, Kane County, Illinois (hereinafter referred to as the Premises), and

WHEREAS, the Trustee is desirous of establishing for the mutual benefit of all future owners of any part of the Premises certain rights, restrictions and obligations with respect to the use, conduct and maintenance thereof, and

WHEREAS, the Trustee desires and intends that the several owners, mortgagees, occupants and any other persons hereafter acquiring any interest in said Premises shall, at all times, enjoy the benefits of and shall hold their interest subject to rights, easements, privileges and restrictions, all of which are declared to be in furtherance of a plan to promote and protect the cooperative and aesthetic aspects of the Premises and is established for the purpose of enhancing and perfecting the value, desirability and attractiveness thereof, and

WHEREAS, a Declaration of Covenants and Restrictions was made on July 19, 1994 and recorded on July 26, 1994 as document 94 K

WHEREAS, a Declaration of Covenants and Restrictions was made on July 19, 1994 and recorded on July 26, 1994 as document 94 K 058701 (the **DECLARATION**) which provides for addition of territory to be subject thereto and for its amendment, and

WHEREAS, the Trustee is an Assignee of the privilege of annexing additional property and amending the Declaration and

WHEREAS, the Declaration provides for its amendment by action of the Developer as defined therein, and

WHEREAS, the Developer, acting in its capacity as sole member of the Board of Managers, as is yet his privilege to do, has taken those steps necessary to authorize and direct amendment of the Declaration, and

WHEREAS, the Trustee also intends hereby to annex the premises described in Exhibit A hereto to the property subject to said Declaration.

NOW THEREFORE, the Trustee hereby declares as follows:

1. The foregoing recitals and the Declaration are incorporated herein by reference.


2. All of the property described in Exhibit A is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved subject to the limitations, restrictions, conditions, and covenants contained in said Declaration which shall be binding upon all parties having or acquiring any right, title, or interest in the described lands or any part thereof.

3. The Declaration is amended only so far as it is applicable to the premises hereby annexed in the following respect: Article 6, Section 6-2 is deleted and the following provision inserted in its stead:

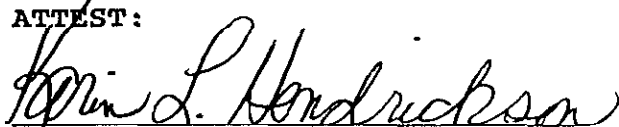
Each single-story residence shall have not less than 2000 square feet of living area space and each multi-level residence shall have not less than 2200 square feet of living space, exclusive of porches, basements and garages.

4. The Declaration at Section 7-6 is amended to provide that until July 1, 2004, the Developer reserves the sole privilege to amend the Declaration or any amendment thereto and to delay constitution of the Board by lot owners.

5. Except as expressly set forth herein, the Declaration shall remain in full force and effect.

CHICAGO TITLE LAND TRUST COMPANY
SUCCESSOR TRUSTEE TO 
THE CHICAGO TRUST CO., as
Trustee and not individually,

BY: 
Assistant Vice President

ATTEST:

Assistant Secretary

This instrument is executed by The Chicago Trust co. as Trustee under the provisions of a Trust Agreement dated December 10, 1974 and known as Trust No. 65451, not personally, but solely as Trustee aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. This instrument is executed and delivered by the Trust solely in the exercise of the powers expressly conferred upon the Trustee under the Trust and upon the written direction of the beneficiaries and/or holders of the power of direction of said Trust and warrants that it possesses full power and authority to execute this instrument. It is expressly

understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the representations, warranties, covenants, undertakings and agreements herein made on the part of the Trustee in form purporting to be the said representations, warranties, covenants, undertakings and agreements of said Trustee are each and every one of them not made with the intention of binding the Trustee in its individual capacity.

STATE OF ILLINOIS)
COUNTY OF KANE)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT David NELSON personally known to me to be the Asst Vice President of the above cited Trustee, and Karin HENDRICKSON, personally known to me to be Asst the Secretary of said Trustee, and 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 Asst Vice President and Asst Secretary, they signed and delivered the said instrument as Asst V- President, and Asst Secretary, and caused its seal to be affixed thereto, pursuant to authority, given by the Board of Directors of said Trustee as their free and voluntary act, and as the free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal
this 9th day of July, 1999.

Rochelle Graham
Notary Public



This document prepared by
and should be returned to:

Ronald O. Roeser
ROESER & VUCHA
920 Davis Road, Suite 100
Elgin, IL 60123

EXHIBIT "A"

PARCEL ONE

THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE AZIMUTH 180 DEGREES 14 MINUTES 46 SECONDS (ASSUMED) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 1321.24 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID NORTHWEST QUARTER, FOR THE POINT OF BEGINNING; THENCE AZIMUTH 00 DEGREES 14 MINUTES 46 SECONDS, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 40.79 FEET; THENCE AZIMUTH 90 DEGREES 14 MINUTES 46 SECONDS, 40.00 FEET; THENCE AZIMUTH 109 DEGREES 24 MINUTES 08 SECONDS, 245.42 FEET; THENCE AZIMUTH 118 DEGREES, 12 MINUTES 32 SECONDS, 173.78 FEET; THENCE AZIMUTH 88 DEGREES 16 MINUTES, 25 SECONDS 86.56 FEET; THENCE AZIMUTH 55 DEGREES 16 MINUTES 57 SECONDS, 128.45 FEET; THENCE AZIMUTH 0 DEGREES 18 MINUTES 59 SECONDS, 218.86 FEET; THENCE AZIMUTH 327 DEGREES 37 MINUTES 54 SECONDS, 70.46 FEET; THENCE AZIMUTH 64 DEGREES 54 MINUTES 25 SECONDS, 158.92 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH RADIUS OF 460.00 FEET AND CHORD AZIMUTH 333 DEGREES 01 MINUTE, 35 SECONDS, AN ARC DISTANCE OF 30.20 FEET; THENCE AZIMUTH 61 DEGREES, 08 MINUTES, 44 SECONDS, 227.17 FEET; THENCE AZIMUTH 142 DEGREES 10 MINUTES 02 SECONDS, 123.31 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 16; THENCE AZIMUTH 180 DEGREES 18 MINUTES 59 SECONDS, ALONG SAID EAST LINE AND THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 16, 667.00 FEET; THENCE AZIMUTH 269 DEGREES 56 MINUTES 44 SECONDS, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 16, 163.83; THENCE AZIMUTH AZIMUTH 180 DEGREES 18 MINUTES 17 SECONDS, ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 16, 330.12 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 16; THENCE AZIMUTH 269 DEGREES 55 MINUTES 57 SECONDS, ALONG SAID SOUTH LINE 818.80 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16; THENCE AZIMUTH 00 DEGREES 14 MINUTES 46 SECONDS, ALONG SAID WEST LINE, 660.62 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

PARCEL TWO

THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, ALL IN TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN,

DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 16; THENCE AZIMUTH 180 DEGREES 14 MINUTES 46 SECONDS (assumed) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 1321.24 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID NORTHWEST QUARTER, BEING ALSO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17; THENCE AZIMUTH 00 DEGREES 14 MINUTES 46 SECONDS, ALONG SAID WEST LINE, 40.79 FEET FOR THE POINT OF BEGINNING; THENCE AZIMUTH 00 DEGREES 14 MINUTES 46 SECONDS, ALONG SAID WEST LINE, 707.50 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, ALONG A CURVE TO THE LEFT WITH RADIUS OF 2040 FEET AND CHORD AZIMUTH 356 DEGREES 49 MINUTES 22 SECONDS, AN ARC DISTANCE OF 243.78 FEET; THENCE AZIMUTH 83 DEGREES 23 MINUTES 57 SECONDS, 40.00 FEET; THENCE AZIMUTH 89 DEGREES 19 MINUTES 35 SECONDS, 154.80 FEET; THENCE NORTHERLY ALONG A CURVE TO THE LEFT WITH RADIUS OF 390.00 FEET AND CHORD AZIMUTH 1 DEGREE 38 MINUTES 32 SECONDS, AN ARC DISTANCE OF 66.13 FEET; THENCE AZIMUTH 89 DEGREES 19 MINUTES 35 SECONDS, 156.27 FEET; THENCE AZIMUTH 179 DEGREES 19 MINUTES 35 SECONDS, 66.00 FEET; THENCE AZIMUTH 157 DEGREES 41 MINUTES 09 SECONDS, 194.71 FEET; THENCE AZIMUTH 121 DEGREES 11 MINUTES 44 SECONDS, 427.55 FEET; THENCE AZIMUTH 142 DEGREES 10 MINUTES 02 SECONDS, 206.69 FEET TO A POINT 123.31 FEET NORTHWESTERLY OF (as measured along the extension of the last described course) THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 16; THENCE AZIMUTH 241 DEGREES 08 MINUTES 44 SECONDS, 227.17 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT WITH RADIUS OF 460.00 FEET AND CHORD AZIMUTH 153 DEGREES 01 MINUTE 35 SECONDS, AN ARC DISTANCE OF 30.20 FEET; THENCE AZIMUTH 244 DEGREES 54 MINUTES 25 SECONDS, 158.92 FEET; THENCE AZIMUTH 147 DEGREES 37 MINUTES 54 SECONDS, 70.46 FEET; THENCE AZIMUTH 180 DEGREES 18 MINUTES 59 SECONDS, 218.86 FEET; THENCE AZIMUTH 235 DEGREES 16 MINUTES 57 SECONDS, 128.45 FEET; THENCE AZIMUTH 268 DEGREES 16 MINUTES 25 SECONDS, 86.56 FEET; THENCE AZIMUTH 298 DEGREES 12 MINUTES 32 SECONDS, 173.78 FEET; THENCE AZIMUTH 289 DEGREES 24 MINUTES 08 SECONDS, 245.42 FEET; THENCE AZIMUTH 270 DEGREES 14 MINUTES 46 SECONDS, 40.00 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

WP6.0: sah-iii.ror
10/22/98; 11/11/98
12/2/98 12/17/98
12/21/98 2/2/99

1999 K072876⁷