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MCHENRY COUNTY RECORDER
PHYLLIS K. WALTERS

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**FIRST AMENDMENT TO WALK UP AT THE PARK DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS**

This First Amendment to Walk up at the Park Declaration dated October 28, 1999 and recorded November 1, 1999 as Doc. No. 1999 R 0075301 is made this 26 day of Feb, 2002 by the OAK BROOK BANK, not personally, but as Trustee under Trust Agreement Dated December 8, 1997 and known as Trust Number 2973 (hereinafter referred to as "Declarant").

RECITALS

Whereas, THE HARRIS BANK BARRINGTON, NATIONAL ASSOCIATION, as Trustee under Trust Agreement dated November 2, 1978 and known as Trust Number 11-1716 original recorded a Declaration Of Covenants, Conditions, Restrictions and Easements for the Crystal Ridge property in the McHenry County recorder's office on December 12, 1989 as Doc. No. 89 R 042474;

Whereas, AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally, but as Trustee under Trust Agreement Dated September 9, 1988 and known as Trust Number 106400-01 (hereinafter referred to as "American") was the Successor Declarant and/or Owner of the Crystal Ridge property.

Whereas, American recorded the CRYSTAL RIDGE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS as Doc. No. 90R005622 which amended previously recorded covenants recorded as Doc. No. 89 R 042474.

Whereas American was succeeded by U.S. BANK NATIONAL ASSOCIATION which deeded their interest to Oak Brook Bank Trust Number 2973 by deed dated December 17, 1997 and recorded as Doc. No. 97 R 062662 in the McHenry County Recorder of Deeds.

Whereas under the terms of the original covenants and amended covenants Oak Brook Bank trust number 2973 has become the successor in interest and the Declarant for the purposes of amending the original Crystal Ridge Covenants, Conditions, Restrictions and Easements as referenced above.

Whereas, the Declarant recorded "Walkup at the Park Declaration of Covenants, Conditions, Restrictions and Easements" on November 1, 1999 as Doc. No. 1999 R 0075301 at the McHenry County Recorder of Deeds to apply to the property described in Exhibit A.

Whereas, these changes will benefit all of the homeowners of the property originally covered by the prior conditions, (see legal description in Exhibit B), by improving the care, maintenance, and preservation of both the real and personal property held by the association for the common use and enjoyment of its members while at the same time spreading the cost of such maintenance over the largest number of homeowners.

Whereas, the Declarant intends to expand the homeowners association in order to include Unit Two of the Walkup at the Park subdivision in the homeowners association. This additional property is legally described in Exhibit C.

NOW, THEREFORE, Declarant hereby declares pursuant to the powers granted under the Crystal Ridge covenants as Article 11, Section 4 and under The Walk Up At The Park Covenants at Article 11, Section 4 as follows:

1. The property previously known and described in the Crystal Ridge Declarations and described herein as set forth in the attached Exhibit B, and the property which is to be added as Unit Two of Walkup At The Park as set forth herein in the attached Exhibit C is and shall be held, transferred, sold, conveyed and occupied subject to the conditions, covenants, restrictions, reservations, of the Walkup At The Park Declaration of Covenants Conditions Restrictions and Easements As Recorded on November 1, 1999 As Doc. No. 1999 R 0075301 hereinafter collectively referred to as "Walkup Covenants".

2. It is the intention of the Declarant, that the Crystal Ridge Declaration of Covenants, Conditions, Restrictions and Easements and all of the amendments prior to this document are hereby stricken and held for naught and shall be superceded by the Walkup Covenants. The previous covenants 89 R 042474 and 90 R 005622 shall no longer apply to either the property described in Exhibit A, which is the legal description of Walkup at the Park Unit One, nor to the property described in Exhibit B, which is the

legal description for Crystal Ridge Unit One, nor to the property described in Exhibit C, which is the legal description for Walkup At The Park Unit Two.

3. The Walkup Covenants previously referenced herein and recorded as Document Number 1999 R 0075301 are hereby amended to include the following restrictions on Private Drainage Easements (PDE):

Private Drainage Easements(PDE).

Each individual, entity or other party accepting title to all or any part of the Private Drainage Easements (PDE) shall conclusively be deemed to have covenanted and agreed, jointly and severally, to (i) care for and maintain the surface of that portion of the private drainage easement(s) which is located on such parties property as a well landscaped, high-quality parcel of property (which maintenance shall include, but shall not be limited to, the regular seeding, watering and mowing of all lawns), and (ii) keep all surface openings of the drainage pipes underlying the Private Drainage Easements free of all grass clippings, leaves, or other related or foreign materials. Except as otherwise expressly permitted by written notice from the City, (i) no title holder of any part or portion of the Private Drainage Easements (or any party acting on behalf of the titleholder) shall install, construct, direct, place or plant any building, structures, improvements or vegetation (other than grass) upon the Private Drainage Easements, or (ii) alter, modify or change in any way the topography or elevations of the Private Drainage Easements, or (iii) obstruct, alter or modify the established drainage pattern from or over the Private Drainage Easements. Fences are allowed within the Private Drainage Easements subject to the ordinances of the City and approval of the Association. In the event of multiple overlapping easements, the most restricted easements' provision shall apply. Maintenance of the storm sewers and storm structures within the private drainage easements are the sole responsibility of the Association pursuant to these covenants. Owners of adjacent lots shall be permitted to connect their sump pump discharges into the storm sewer within the Private Drainage Easements within the property or additional property after notifying the Association and obtaining a permit from the City of Crystal Lake. As part of the City permit, the owner of any adjacent Lot making a connection to the storm sewer shall promptly restore the property or additional property to an as good or better condition which existed prior to commencement of such work.

4. The owners of Lots 70 through 78 inclusive are encouraged to preserve the existing trees on the South portion of their lots.

5. Declarant hereby declares that the Walkup At The Park Declaration Of Covenants Conditions And Restrictions as amended from time to time shall be considered as covenants to run with the land and shall be binding on all parties acquiring any interest in the aforesaid properties as described in Exhibits A, B, and C or for any part thereof, and shall inure to the benefit of each owner thereof.

6. In the event that a court of competent jurisdiction finds that any portion of this document is unenforceable or inapplicable to any of the properties described in Exhibits A and B then the original covenants previously recorded and referenced in this document shall remain in effect.

IN WITNESS WHEREOF, OAK BROOK BANK As Trustee, and that individually has signed this First Amendment to the Walkup At The Park Declaration of Covenants, Conditions, Restrictions and Easements as of the date and year first above mentioned.

OAK BROOK BANK, As Trustee
under Trust Number 2973

By: [Signature] V.P. 70

Attest: [Signature]

PREPARED BY AND MAIL TO:

Joseph Gottemoller
Madsen, Sugden & Gottemoller
One North Virginia
Crystal Lake, IL 60014

(mt)

Exhibit "A"
Walkup At The Park Unit One

That part of the North Half of Section 32, Township 44 North, Range 8 East of the Third Principal Meridian described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Section 32, thence South 01 Degree 50 minutes 17 seconds West, along the East line of said Northwest Quarter, a distance of 1372.37 feet to the point of beginning; thence South 55 degrees, 22 minutes 50 seconds East a distance of 42.37 feet; thence South 36 degrees 31 minutes 45 seconds West a distance of 9.87 feet to a line parallel with and 30.00 feet Easterly of, as measured perpendicular to, the East line of said Northwest Quarter; thence South 01 degree 50 minutes 17 seconds West, along said parallel line, a distance of 246.36 feet to the Northerly line of Crystal Ridge Unit One Subdivision according to the plat thereof recorded December 12, 1989 as Document Number 89R42473; thence the following nine (9) courses and distances along the Northerly and Westerly lines of said Crystal Ridge Unit One Subdivision; (1) thence North 88 degrees 10 minutes 04 seconds West a distance of 154.86 feet; (2) thence South 85 degrees 52 minutes 53 seconds West a distance of 60.33 feet; (3) thence North 88 degrees 10 minutes 04 seconds West a distance of 125.00 feet; (4) thence South 01 degree 49 minutes 56 seconds West a distance of 71.38 feet; (5) thence South 63 degrees 02 minutes 40 seconds East a distance of 87.72 feet; (6) thence South 36 degrees 31 minutes 01 seconds West a distance of 146.95 feet; (7) thence Southeasterly along the arc of a non-tangential curve, concave Southwesterly and having a radius of 837.00 feet, the chord of which bears South 34 degrees 45 minutes 59 seconds East a distance of 126.72 feet, a distance of 126.84; (8) thence South 40 degrees 33 minutes 45 seconds West a distance of 74.44 feet; (9) thence South 36 degrees 31 minutes 01 seconds West a distance of 123.57 feet to the Northerly line of the Chicago and Northwestern Railroad right-of-way; thence North 53 degrees 28 minutes 59 seconds West along the Northerly line of said Railroad right-of-way, a distance of 1202.60 feet to the Easterly line of Spring Ridge of Crystal Lake Subdivision according to the plat thereof recorded March 1, 1995 as Document Number 95R007342; thence North 02 degrees 45 minutes 27 seconds East along the line of said Spring Ridge of Crystal Lake Subdivision a distance of 199.83 feet to the Easterly lines of a parcel of land described in a Trustee's Deed recorded June 9, 1995 as Document Number 95R022452; thence the following eight (8) courses and distances along said Easterly lines (1) thence South 85 degrees 46 minutes 23 seconds East a distance of 29.86 feet; (2) thence North 08 degrees 31 minutes 42 seconds East a distance of 112.94 feet; (3) thence North 23 degrees 03 minutes 03 seconds East a distance of 92.46 feet; (4) thence North 30 degrees 19 minutes 57 seconds East a distance of 92.46 feet; (5) thence North 37 degrees 36 minutes 51 seconds East a distance of 92.46 feet; (6) thence North 35 degrees 33 minutes 47 seconds East a distance of 65.06 feet; (7) thence North 24 degrees 06 minutes 59 seconds East a distance of 65.78 feet; (8) thence North 12 degrees 40 minutes 11 seconds East a distance of 37.41 feet; thence South 87 degrees 51 minutes 38 East a distance of 144.05 feet; thence Southerly along the arc of a non-tangential curve concave Westerly and having a radius of 270.00 feet, the chord of which bears South 06 degrees 07 minutes 00 seconds West a distance of 37.45 feet, a distance of 37.48 feet; thence South 67 degrees 00 minutes 51 seconds East a distance of 166.53 feet; thence South 55 degrees 22 minutes 50 seconds East a distance of 953.73 feet to the point of beginning, containing 23.7876 acres, more or less, and lying in McHenry County, Illinois

90R 005622

EXHIBIT B

Crystal Ridge Unit One being a Subdivision of parts of the Southwest quarter of the Northeast quarter and of the Southeast quarter of the Northwest quarter of Section 32, Township 44 North, Range 8, East of the Third Principal Meridian, in McHenry County, Illinois pursuant to the plat thereof recorded on December 12, 1989 as Document No. 89R-042473 with the McHenry County, Illinois, Recorder of Deeds.

90-06-1510

Exhibit "C"

THAT PART OF THE NORTH HALF OF SECTION 32, TOWNSHIP 44 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 32, THENCE SOUTH 01 DEGREES 50 MINUTES 17 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 694.92 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 23 DEGREES 20 MINUTES 12 SECONDS EAST A DISTANCE OF 72.72 FEET; THENCE SOUTH 02 DEGREES 05 MINUTES 42 SECONDS WEST A DISTANCE OF 316.22 FEET; THENCE SOUTH 87 DEGREES 54 MINUTES 18 SECONDS EAST A DISTANCE OF 185.00; THENCE SOUTH 02 DEGREES 05 MINUTES 42 SECONDS WEST A DISTANCE OF 3.70 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG THE ARC OF A TANGENTIAL CURVE, CONCAVE TO THE WEST AND HAVING A RADIUS OF 180.00 FEET, A DISTANCE OF 78.26; THENCE SOUTH 87 DEGREES 54 MINUTES 18 SECONDS EAST A DISTANCE OF 325.91 FEET; THENCE SOUTH 02 DEGREES 05 MINUTES 42 SECONDS WEST A DISTANCE OF 7.48 FEET; THENCE SOUTH 87 DEGREES 54 MINUTES 18 SECONDS EAST A DISTANCE OF 125.00 FEET; THENCE NORTH 02 DEGREES 05 MINUTES 42 SECONDS EAST A DISTANCE OF 160.00 FEET; THENCE NORTH 12 DEGREES 54 MINUTES 24 SECONDS EAST A DISTANCE OF 26.41 FEET TO THE NORTHWEST CORNER OF LOT 2 IN BLOCK 2 OF WALKUP'S PARKVIEW SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 27, 1957 AS DOCUMENT NUMBER J22264; THENCE THE FOLLOWING FOUR COURSES AND DISTANCES ALONG SAID BLOCK 2: (1) THENCE NORTH 89 DEGREES 45 MINUTES 54 SECONDS EAST A DISTANCE OF 161.92 FEET; (2) THENCE SOUTH 02 DEGREES 22 MINUTES 08 SECONDS WEST A DISTANCE OF 275.98 FEET TO A POINT OF CURVATURE; (3) THENCE SOUTHWESTERLY ALONG THE ARC OF A TANGENTIAL CURVE, CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 15.00 FEET, A DISTANCE OF 22.88 FEET; (4) THENCE SOUTH 89 DEGREES 46 MINUTES 27 SECONDS WEST A DISTANCE OF 146.23 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32; THENCE SOUTH 02 DEGREES 05 MINUTES 05 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 66.05 FEET TO A LINE DRAWN PARALLEL WITH AND 66.00 FEET SOUTH OF, AS MEASURED PERPENDICULAR TO, THE MONUMENTED SOUTH LINE OF BLOCKS 1 & 2 IN SAID WALKUP'S PARKVIEW SUBDIVISION; THENCE NORTH 89 DEGREES 46 MINUTES 27 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 412.09 FEET TO THE EAST LINE OF THE WEST 1065.1 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 44 NORTH RANGE 8 EAST, AS MEASURED PERPENDICULAR TO THE WEST LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 01 DEGREE 50 MINUTES 17 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 207.83 FEET TO THE NORTH LINE OF PARKVIEW ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 10, 1979 AS DOCUMENT NUMBER 764661; THENCE SOUTH 89 DEGREES 46 MINUTES 27 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 1033.77 FEET TO THE EASTERLY LINE OF WALKUP AT THE PARK UNIT ONE SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 1, 1999 AS DOCUMENT 1999R0075300; THENCE THE FOLLOWING FIVE (5) COURSES AND DISTANCES ALONG SAID WALKUP AT THE PARK UNIT ONE SUBDIVISION: (1) THENCE NORTH 01 DEGREE 30 MINUTES 17 SECONDS EAST A DISTANCE OF 161.93 FEET (2) THENCE NORTH 36 DEGREES 31 MINUTES 45 SECONDS EAST A DISTANCE OF 9.87 FEET; (3) THENCE NORTH 33 DEGREES 22 MINUTES 50 SECONDS WEST A DISTANCE OF 996.09 FEET, (4) THENCE NORTH 67 DEGREES 00 MINUTES 51 SECONDS WEST A DISTANCE OF 166.53 FEET TO A POINT ALONG THE ARC OF A CURVE; (5) THENCE NORTHERLY ALONG THE ARC OF A NON-TANGENTIAL CURVE (AND EXTENDING NORTHERLY OF SAID WALKUP AT THE PARK SUBDIVISION), CONCAVE WESTERLY AND HAVING A RADIUS OF 270.00 FEET A DISTANCE OF 71.42 FEET AND WHOSE CHORD LENGTH OF 71.21 FEET BEARS NORTH 02 DEGREES 30 MINUTES 57 SECONDS EAST TO A POINT OF TANGENCY; THENCE NORTH 05 DEGREES 03 MINUTES 43 SECONDS WEST A DISTANCE OF 76.20 FEET; THENCE NORTH 84 DEGREES 56 MINUTES 17 SECONDS EAST A DISTANCE OF 91.06 FEET TO A POINT OF CURVATURE, THENCE EASTERLY ALONG THE ARC OF A TANGENTIAL CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 180.00 FEET A DISTANCE OF 124.66 FEET TO A POINT OF TANGENCY; THENCE SOUTH 33 DEGREES 22 MINUTES 50 SECONDS EAST A DISTANCE OF 9.41 FEET; THENCE NORTH 34 DEGREES 37 MINUTES 10 SECONDS EAST A DISTANCE OF 154.32 FEET TO THE SOUTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN A TRUSTEE'S DEED RECORDED JUNE 9, 1995 AS DOCUMENT 95R022452; THENCE THE FOLLOWING FIVE (5) COURSES AND DISTANCES ALONG SAID SOUTHERLY LINE, (1) THENCE SOUTH 73 DEGREES 53 MINUTES 51 SECONDS EAST A DISTANCE OF 130.84 FEET; (2) THENCE NORTH 80 DEGREES 25 MINUTES 53 SECONDS EAST A DISTANCE OF 260.45 FEET; (3) THENCE SOUTH 78 DEGREES 06 MINUTES 39 SECONDS EAST A DISTANCE OF 118.30 FEET; (4) THENCE SOUTH 56 DEGREES 37 MINUTES 05 SECONDS EAST A DISTANCE OF 118.89 FEET; (5) THENCE SOUTH 33 DEGREES 40 MINUTES 29 SECONDS EAST A DISTANCE OF 111.20 FEET TO THE POINT OF BEGINNING, CONTAINING 20.1551 ACRES, MORE OR LESS, AND LYING IN McHENRY COUNTY, ILLINOIS.

STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

I, **Debi A. Burde**, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that **Adriana Rodek** and **Henry Wessel** of **Oak Brook Bank**, Trustee u/t/a/d December 8, 1997 a/k/a/t/n 2973 who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such **Trust Officer**, and **Vice President**, each appeared before me this day in person and acknowledged that he or she signed and delivered the said instrument as his or her own free and voluntary act and as the free and voluntary act of said entity, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 13th day of December, 2001.

OFFICIAL SEAL
DEBI A. BURDE
Notary Public, State of Illinois
My Commission Expires 6/22/2003

Debi A. Burde
Notary Public

My Commission Expires: 6/22/03