

766950

Ronald E. Guenther
2200 E. Devon Ave
Suite 116
Des Plaines, Ill.
60018

6

AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR
MIDWEST CENTRAL BUSINESS PARK

This instrument is an Amendment to the Declaration of Protective Covenants for Midwest Central Business Park, Munster, Indiana, and is executed on behalf of Botaba Realty Company, a Texas general partnership, this 25th day of July, 1984.

STATE OF INDIANA/S.S. NO.
LAKE COUNTY
FILED FOR RECORD
JUL 21 3 30 PM '84
WILLIAM BIELSKI JR
RECORDER

W I T N E S S E T H:

WHEREAS, the Declaration of Protective Covenants was executed on behalf of Kaiser Aetna, a California general partnership, on April 21, 1977 and recorded as document number 427777 in the Official Records of Lake County, Indiana on September 9, 1977 (hereinafter called the "Protective Covenants"); and

WHEREAS, the Protective Covenants are applicable to the property described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, pursuant to Section 8.1 of the Protective Covenants, Botaba Realty Company is the assignee of all of the rights, powers and reservations of Kaiser Aetna under the Protective Covenants; and

FILED

JUL 31 1984

Lucie D. [Signature]
AUDITOR LAKE COUNTY

001479

12-50

WHEREAS, pursuant to Section 2.2(A) of the Protective Covenants, Botaba Realty Company, as successor to Kaiser Aetna, has the power to add to the business park governed by the Protective Covenants all or any portion of any real property which it owns; and

WHEREAS, pursuant to Section 6.2 of the Protective Covenants, the Protective Covenants may be terminated, extended, modified or amended with the written consent of the owners of 75% of the property described in Exhibit A, based on the number of square feet of real property contained therein; and

WHEREAS, Botaba Realty Company is, on the date of this Amendment, the owner of more than 75% of the property described in Exhibit A based on the number of square feet of real property contained therein; and

WHEREAS, Botaba Realty Company desires to amend certain provisions of the Protective Covenants and to add certain real property owned by it to the business park governed by the Protective Covenants;

NOW THEREFORE, the following additions of real property to the business park governed by the Protective Covenants and the following amendments to the Protective Covenants are made:

1. The following described real property shall be added to the business park governed by the Protective Covenants and the Protective Covenants shall apply to such real property, to wit:

Midwest Central Industrial Park Unit 1, being a resubdivision of Block 4 and Block 5 and the West 160.0 Feet of (vacated) Superior Avenue in Midwest Central Business Park, being a subdivision of part of Sections 25 and 36, Township 36 North, Range 10 West of the Second Principal Meridian according to the plat thereof recorded as document #292873 (except that part of Block 4 conveyed to the Town of Munster by document #531535), all as shown in Plat Book 52, page 31 of the Official Public Records of Lake County, Indiana; excluding, however, Lots 1, 2, 5, 6, 7, 12 and 13, and the West 55 feet of Lot 4.

2. The provisions of Section 4.2(C)(1) of the Protective Covenants are deleted and the following inserted in their place:

Buildings or structures of any kind or any part thereof shall be subject to the following setback requirements:

Front setback, or any setback bordering on a street property line:

35 feet - streets other than Calumet Avenue and 45th Street

50 feet - Calumet Avenue and 45th Street

Rear Setback - 20 feet

Side Setback - 20 feet each side

3. The language following the semi-colon in the last sentence contained in Section 4.2(D)(1) is deleted, and the following language inserted in its place:

provided, however, that not less than 65% of the area between said building line and the street property line shall be devoted to landscaping.

IN WITNESS WHEREOF, this Amendment has been executed on behalf of Botaba Realty Company this 25th day of July, 1984.

BOTABA REALTY COMPANY,
a Texas General partnership

By: Transcontinental Corporation,
a California corporation,
a general partner

BY: *William E. Golda*
Its: Authorized Agent

ATTEST:

By: _____

Its: _____

This instrument prepared by:
Steven A. Baskin
Sidley & Austin
One First National Plaza
Chicago, Illinois 60603

STATE OF Arizona)
) SS.
COUNTY OF Maricopa)

On July 25, 1984, before me, the undersigned,
a Notary Public in and for said State, personally appeared
John C. Bidda, and _____, known to me
to be the Authorized Agent and _____,
respectively of TRANSCONTINENTAL CORPORATION, the corpora-
tion that executed the within instrument on behalf of said
partnership, said corporation being known to me to be one of
the partners of BOTABA REALTY COMPANY, the partnership that
executed the within instrument, and acknowledged to me that
such corporation executed the same as such partner and that
such partnership executed the same.

WITNESS my hand and official seal.

Signature Karen Ann [Signature]

My Commission Expires: My commission expires Feb. 14, 1988

EXHIBIT "A"

Parcel North of 45th Street and East of Louisville & Nashville RR.

That part of the East Half of Section 25, Township 36 North, Range 10 West of the Second Principal Meridian, described as lying North of 45th Street as dedicated; South of the Grand Trunk Western Railroad right-of-way and the Penn Central Railroad right-of-way; East of the Louisville and Nashville Railroad right-of-way; and West of Calumet Avenue as dedicated; all in Lake County, Indiana.

Parcel South of 45th Street and East of Louisville & Nashville RR.

That part of the Southeast Fractional Quarter of Section 25, Township 36 North, Range 10 West of the Second Principal Meridian described as lying South of 45th Street as dedicated; East of the Louisville and Nashville Railroad right-of-way; and West of Calumet Avenue as dedicated, all in Lake County, Indiana.