

FIRST AMENDMENT TO  
MASTER DECLARATION  
WESTLAKE AREA CONDOMINIUM

This First Amendment to Master Declaration Westlake Area Condominium (the "Amendment") is made by all the Unit Owners: Burlington Harbor Hotel Group, LLC (Units D and C-3), Westlake Residential Condominium Association, Inc. (Unit E), The City of Burlington (Unit A, B and C-2 ), and the Burlington Community Development Corporation (Unit C-1) and is made as of the 1st day of August, 2012.

Background

1. The City of Burlington declared and established a condominium known as the Westlake Area Condominium located in the City of Burlington, Vermont as described in the Master Declaration Westlake Area Condominium dated July 27, 2005 and recorded in Volume 925 at Page 709 of the City of Burlington Land Records (the "Declaration").
2. The Unit Owners are the owners of the all of the Units in the Westlake Area Condominium (the "Condominium").
3. The Unit Owners desire to amend the Declaration in order to supplement the provisions of the Declaration that provide easements for the construction of a building on Unit A of the Condominium, including the portion of the said building that encroaches onto Units C-2 and C-3.
4. All capitalized terms used herein shall bear the meanings set forth in the Declaration unless otherwise defined.

NOW, THEREFORE,

Pursuant to the terms of Article XI of the Declaration, the Unit Owners hereby amend the Declaration as follows:

1. The following easements are hereby added to Property Description set forth in Exhibit A to the Declaration, following paragraph (13) of Exhibit A:

(14) An easement and right of way for the benefit of Unit A extending 46.33 feet by 60 feet from Unit A onto Unit C-3, and shown as "New 60' X 46.33' Easement over Unit C-3 to Serve Unit A (the "Projection Easement") on the plan entitled: "Westlake Area Condominium - Unit C-2 and C-3 Easement Plan" prepared by Civil Engineering Associates, Inc. and dated August 1, 2012, attached hereto and to be recorded in the City of Burlington Land Records (the "Unit C-2 and C-3 Easement Plan"). The Projection Easement is granted for the construction, use, maintenance, and repair of the following: (a) projections from the building to be constructed on Unit A, including, without limitation, an outdoor deck with pedestrian access to Unit C-3 by stairway, (b) a one story building, with a rooftop terrace, and (c) related footings, supporting structures and appurtenances. The Projection Easement shall include the right of access to all of Unit C-3 for the purposes of construction, maintenance and repair of the improvements to be located in the easement area shown on the Unit C-2 and C-3 Easement Plan. The improvements built within the Projection Easement shall not encroach on the parking spaces located below it, on Unit C-3, and shall allow for a height of at least 6'8" above each such parking space.

2. The Unit C-2 and C-3 Easement Plan shall be included in the definition of "Plats and Plans" as defined in the Declaration.
3. The following restriction on Unit C-3 shall be deleted from Section 4.03(5) of the Declaration:

"No permanent structure over fifteen feet (15') in height shall be constructed, placed upon or maintained on Unit C-3"

The third paragraph of Section 4.03(5) of the Declaration, as modified hereby, shall now read as follows: "No structure shall be placed, erected or maintained within thirty feet (30') from the face of the easterly wall of Unit E. All landscaping or trees will be maintained at a height less than thirty feet (30')."

4. Section 5.01(2)(C) of the Declaration shall be amended by deleting the reference to "Landscaped Plaza".
5. Section 6.07 of the Declaration shall be amended by deleting the Section labeled "Landscape Plaza I".
6. The easement referred to in note number 5.3 on Sheet 1.3 of the Plats and Plans and recorded in Volume 925 at Page 750 of the City of Burlington Land Records shall be deleted and replaced by the following: Proposed 2' X60' easement for a foundation wall and overhead structure on Unit A onto Unit C-2, as shown on the Unit C-2 and C-3 Easement Plan.
7. All provisions of the Declaration not amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF, the Unit Owners have executed or caused this Amendment to be executed as of the date set forth above.

[signature page to follow]

**City of Burlington**

By: \_\_\_\_\_  
Its duly authorized agent

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF VERMONT  
COUNTY OF CHITTENDEN, SS.

At Burlington in said County and State, this \_\_\_\_ day of August, 2012, the duly authorized agent for the City of Burlington personally appeared, and he acknowledged this instrument by him sealed and subscribed to be his free act and deed of the City of Burlington.

Before me \_\_\_\_\_

Notary Public  
My Commission Expires:

**Burlington Community Development Corporation**

By: \_\_\_\_\_  
Its duly authorized agent

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF VERMONT  
COUNTY OF CHITTENDEN, SS.

At Burlington, in said County and State, this \_\_\_\_ day of August, 2012, the duly authorized agent of the Burlington Community Development Corporation personally appeared, and he acknowledged this instrument by him sealed and subscribed to be his free act and deed of Burlington Community Development Corporation.

Before me \_\_\_\_\_

Notary Public  
My Commission Expires:

**Burlington Harbor Hotel Group, LLC**

By: \_\_\_\_\_  
Its duly authorized agent

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF VERMONT  
COUNTY OF CHITTENDEN, SS.

At Burlington, in said County and State, this \_\_\_\_ day of August, 2012, the duly authorized agent of Burlington Harbor Hotel group personally appeared, and he acknowledged this instrument by him sealed and subscribed to be his free act and deed of Burlington Harbor Hotel Group, LLC.

Before me \_\_\_\_\_  
Notary Public  
My Commission Expires:

**Westlake Residential Condominium Association, Inc.**

By: \_\_\_\_\_  
Its duly authorized agent

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

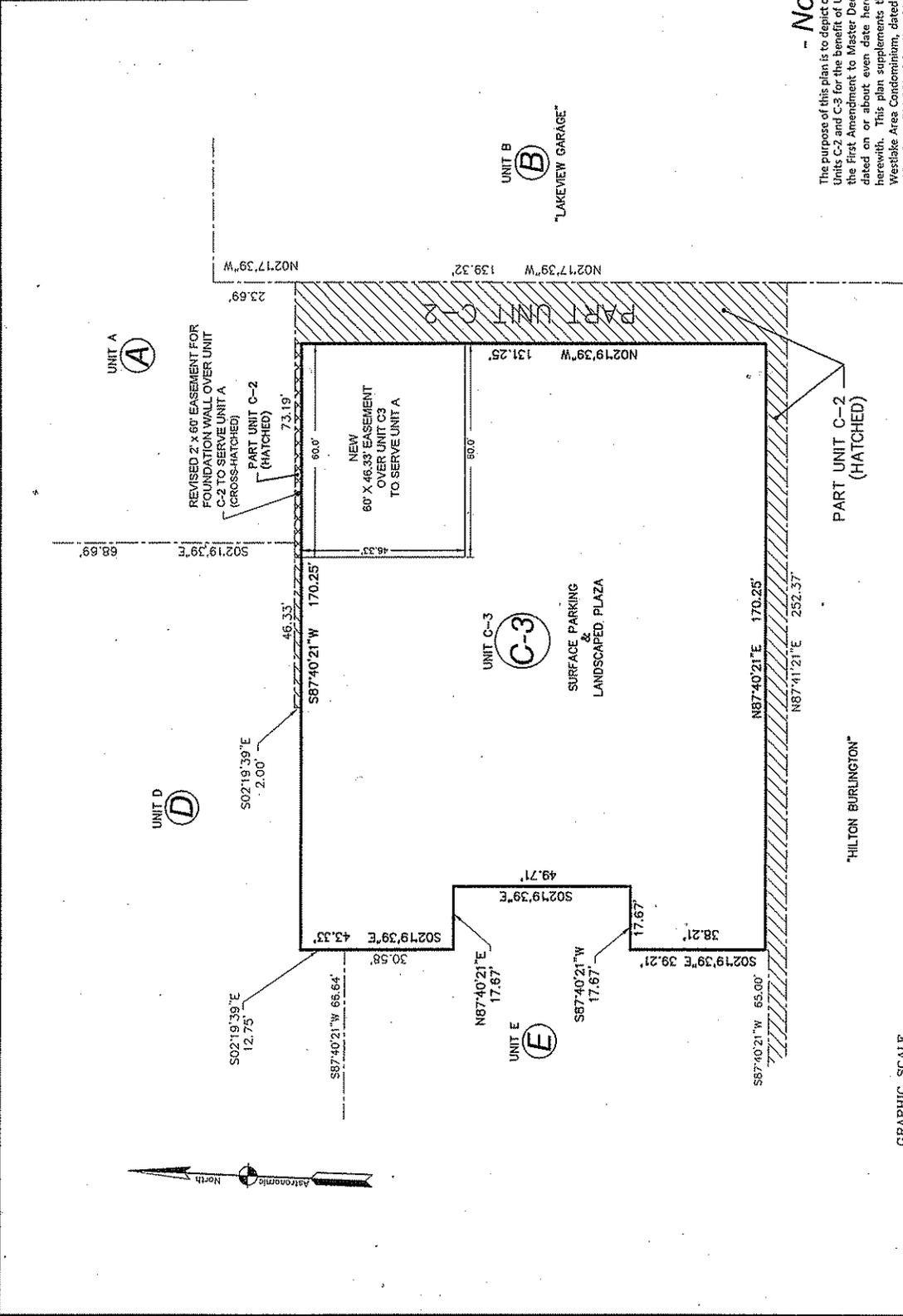
STATE OF VERMONT  
COUNTY OF CHITTENDEN, SS.

At Burlington in said County and State; this \_\_\_\_ day of August, 2012, the duly authorized agent of Westlake Residential Condominium Association, Inc. personally appeared, and he acknowledged this instrument by him sealed and subscribed to be his free act and deed of Westlake Residential Condominium Association, Inc.

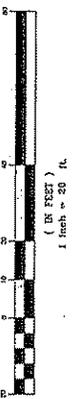
Before me \_\_\_\_\_  
Notary Public  
My Commission Expires:



LOCATION MAP  
NOT TO SCALE



**Note -**  
The purpose of this plan is to depict certain new and revised easements over Units C-2 and C-3 for the benefit of Unit A, as more particularly described in the First Amendment to Master Declaration Westlake Area Condominium, dated on or about even date hereof and recorded contemporaneously herewith. This plan supplements the Plans (Exhibit D) for the Westlake Area Condominium, dated July 27, 2005 and recorded in Volume 925 at Pages 709-752 of the City of Burlington Land Records.



|  |     |  |               |
|--|-----|--|---------------|
| <b>Westlake Area Condominium</b>       |     | <b>VERMONT</b>                                   |               |
| <b>Unit C-2 &amp; C-3 Easements</b>    |     | 41 CHERRY STREET                                 |               |
| BURLINGTON                             |     | VERMONT  |               |
| CIVIL ENGINEERING ASSOCIATES, INC.     |     | 10 HANFIELD NEW LANE, SOUTH BURLINGTON, VT 05408 |               |
| TEL: 802-254-2283 FAX: 802-254-2271    |     | Web: www.ce-at.com                               |               |
| COPYRIGHT © 2012 - ALL RIGHTS RESERVED |     | E1   |               |
| Drawn by                               | JRC | Date   | July 31, 2012 |
| Checked by                             |     | Date   | 11.20.20      |
| Approved by                            |     | Scale  | 1" = 20'      |
|  |     | Project No.                                      | 0228B.11      |

This plan was prepared solely to depict a certain proposed additional easement over Units C-2 and C-3 to serve Unit A. Existing boundaries shown are in conformance with the record. As a specially-requested product, this plan is not meant to be in full compliance with 27A VSA Section 2-109 "Plans and Plans". This statement valid only when accompanied by my original signature and seal below.

Timothy R. Cowan, VT LS 592 Date

