

UNOFFICIAL COPY 00914630

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Cook County Recorder 49.50



Property of Cook County Clerk's Office

**CONSENT, SUBORDINATION, ATTORNMENT
AND NONDISTURBANCE AGREEMENT**

**ALTER RECORDING RETURN THIS
INSTRUMENT TO:**

Amy B. Herzog
O'Neil, Cannon & Hollman, S.C.
111 East Wisconsin Avenue
Suite 1400
Milwaukee, Wisconsin 53202

Permanent Tax Index No. 17-10-121-005

15P

UNOFFICIAL COPY
CONSENT, SUBORDINATION, ASSIGNMENT
AND NONDISTURBANCE AGREEMENT

00914630

THIS AGREEMENT is made as of this 4th day of Oct, 2000, by and between LANDESBANK HESSEN-THURINGEN GIROZENTRALE (hereinafter referred to as "Mortgagee"), and SPRINTCOM, INC., a Kansas corporation (hereinafter referred to as "SprintCom") having offices at 9801 West Higgins Road, Rosemont, Illinois 60018.

WHEREAS, Mortgagee now holds a Mortgage dated March 10, 2000 which was recorded in the Office of the Recorder of Deeds of Cook County on March 10, 2000 as Document Number 00175458, on the real property and improvements thereon located in the City of Chicago and County of Cook, Illinois, and more particularly described on Exhibit A, which is attached hereto (the "Property"); and

WHEREAS, SprintCom and Chicago 540 Hotel, L.L.C., a Delaware limited liability company ("Owner") have entered into a certain PCS Site Agreement dated February 29, 2000 (the "Site Agreement") whereby SprintCom leases from Owner certain premises which are a part of the Property and which are more particularly described in the Site Agreement (the "Site"); and

WHEREAS, SprintCom and Mortgagee desire to confirm their understanding and agreement respecting the Site Agreement and the Mortgage.

NOW, THEREFORE, in consideration of the mutual promises and conditions set forth below, and other good and valuable consideration, the receipt and sufficiency of which is hereby expressly acknowledged, SprintCom and Mortgagee hereby agree as follows:

1. Consent: Subordination. Mortgagee hereby consents to the provisions of the Site Agreement between SprintCom and Owner. The parties acknowledge and agree that at all times the Site Agreement shall be subject and subordinate in each and every respect to the Mortgage and to any and all modifications, renewals, increases, extensions, and consolidations of the Mortgage.

2. Nondisturbance. So long as SprintCom is not in default (beyond any period given SprintCom by the terms of the Site Agreement to cure such default) in the payment of rent or in any other material obligation imposed upon SprintCom by the terms of the Site Agreement, SprintCom's possession of the Site and SprintCom's other rights and privileges under the Site Agreement, or any extensions or renewals thereof which may occur in accordance with any option contained in the Site Agreement, shall not be diminished, disturbed, or interfered with by Mortgagee and Mortgagee will not join SprintCom as a party defendant in any action or proceeding to foreclose the Mortgage unless required to by law or otherwise.

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3. ~~Foreclosure. Attornment.~~ If the interest of Owner shall be acquired by Mortgagee by reason of foreclosure of the Mortgage or other proceedings brought to enforce the rights of Mortgagee, by deed in lieu of foreclosure or by any other method, and Mortgagee succeeds to the interest of Owner under the Site Agreement, SprintCom shall attorn to Mortgagee as its landlord. Such attornment shall be effective and self-operative, without the execution of any other instruments, immediately upon Mortgagee's succeeding to the interest of Owner under the Site Agreement and the Site Agreement shall continue in accordance with its terms between SprintCom and Mortgagee as landlord; provided, however, that:

A. Mortgagee's liability under the Site Agreement shall be limited to the interest of Mortgagee in the Property;

B. Mortgagee shall not be liable for any act or omission of any prior landlord (including Owner);

C. Mortgagee shall not be subject to any offsets or defenses which SprintCom might have against any prior landlord (including Owner) except as provided in the Site Agreement; and

D. Mortgagee shall not be bound by any rent which SprintCom might have paid for more than the current month to any prior landlord (including Owner) or be liable to SprintCom for any deposit, rental security or any other sums deposited with the Owner and not delivered to Mortgagee.

E. Mortgagee shall not be bound by any amendment or modification of the Site Agreement not consented to by Mortgagee

F. Mortgagee shall not be liable for consequential damages of any kind.

4. Notice of Default. SprintCom agrees to give prompt written notice to Mortgagee of any default of the Owner in the obligations of the Owner under the Site Agreement, if such default is of such nature as to give SprintCom a right to terminate the Site Agreement, reduce the rent or credit or offset any amounts against future rents. Mortgagee shall have a reasonable time thereafter to correct any such default; but nothing herein contained shall be deemed or construed to impose any obligation on the Mortgagee to correct or cure any such condition or default.

5. Binding Effect. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, it being expressly understood that all references herein to Mortgagee shall be deemed to include not only Mortgagee but also its successors and assigns.

6. Entire Agreement. This Agreement contains the entire agreement between the parties respecting the subject matter contained herein and supersedes all prior or contemporaneous written or oral agreements and negotiations between the parties.

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7. Modification. No modification, amendment, or termination of this Agreement shall be effective unless in writing and signed by the parties hereto or their respective successors in interest.

8. Notices. All notices pursuant to this Agreement shall be in writing and shall be personally delivered or sent by U.S. Mail or recognized carrier to the applicable party at the following addresses, or to such other address as either party will provide by written notice to the other:

Mortgagee: Landesbank Hessen-Thuringen Girozentrale
420 5th Avenue
New York, New York 10018
Attn: Christopher Godlewski

SprintCom: SprintCom, Inc.
9801 West Higgins Road
Suite 220
Rosemont, Illinois 60018

With a copy: Sprint Spectrum L.P.
4900 Main Street
Kansas City, Missouri 64112
Attn: Legal Department

9. Governing Law; Venue. This Agreement shall be governed by the laws of the State of Illinois and any action brought by either party to enforce this Agreement shall be filed in the Illinois Circuit Court of the County in which the Property is located or the Federal District Court for the Northern District of Illinois.

10. No Defaults. SprintCom certifies that there are no defaults on the part of SprintCom under the Site Agreement and to the best of its knowledge, there are no defaults on the part of Owner under the Site Agreement; the Site Agreement has not been amended and is a complete statement of the agreement of the parties thereto; and all the provisions therein contained are in full force and effect on the date of this Agreement.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date first above written.

MORTGAGEE:

LANDESBANK HESSEN-THURINGEN
GIROZENTRALE - as agent - *km*

By: *R. Becker*

ROBERT W. BECKER (Signature)
VICE PRESIDENT

Thomas R. Crowley
(Name/Title) **Thomas R. Crowley**
VICE PRESIDENT
SPRINTCOM, INC. Vice President
Real Estate Finance

By: *Michael S. Romesburg*
(Signature)

MICHAEL S. ROMESBURG DIRECTOR OF SITE DEVELOPMENT
(Name/Title)

STATE OF *Illinois* }
Cook COUNTY } ss.

Personally came before me, this *4th* day of *Oct*, 2000, the above named *Michael S. Romesburg*, the *Director of Site Development* of SprintCom, Inc., to me known to be such person who executed the foregoing instrument and acknowledged that he executed the same on behalf of SprintCom Inc., by its authority.



Ofelia Moreno
Notary Public, State of *Illinois*
My Commission: *9/20/02*

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STATE OF New York }
New York COUNTY } ss.

00914630

Robert W. Becker Personally came before me, this 5th day of September, 2000, the above named ~~and~~ Thomas R. Crowley, the Vice President of Landesbank Hessen-Thuringen Girozentrale, to me known to be the person who executed the foregoing instrument and acknowledged that he/she executed the same on behalf of Landesbank Hessen-Thuringen Girozentrale by its authority.

Julia C. Kuhn
Notary Public, State of _____
My Commission: _____

JULIA C. KUHN
Notary Public, State of New York
No. 01KU5021194
Qualified in New York County
Commission Expires December 6, ~~1999~~ 2001



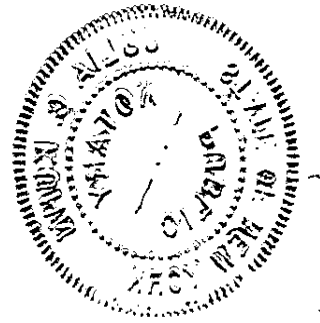
This document was drafted by and when recorded should be returned to:

Amy B. Herzog
O'Neil, Cannon & Hollman, S.C.
111 East Wisconsin Avenue, Suite 1400
Milwaukee, Wisconsin 53202-4803
(414) 276-5000

Property of Cook County Clerk's Office

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Property of Cook County Clerk's Office



NOTICE TO THE PUBLIC
COOK COUNTY CLERK
OFFICE OF THE CLERK OF COOK COUNTY
1100 N. LAKE ST. CHICAGO, IL 60610
TEL: 312.603.1000

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00911630

Exhibit A

Legal Description

00911630

Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract (and hereinafter referred to as the Main Tract) in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

EXCEPT from said Main Tract:

(A-1)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 36.83 feet above Chicago City Datum and lying above 16.12 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Beginning at the Northeast corner of said tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 21.98 feet; thence North 90 degrees 00 minutes 00 seconds West 6.11 feet; thence South 00 degrees 00 minutes 00 seconds West 4.22 feet; thence Northwesterly 31.62 feet along the arc of a circle having a radius of 15.39 feet, convex Southwesterly and whose chord bears North 55 degrees 43 minutes 49 seconds West 26.34 feet; thence South 90 degrees 00 minutes 00 seconds East 4.05 feet; thence North 00 degrees 00 minutes 00 seconds East 5.30 feet; thence North 90 degrees 00 minutes 00 seconds West 70.31 feet; thence North 00 degrees 00 minutes 00 seconds East 6.07 feet to a point on the North line of said Tract; thence South 90 degrees 00 minutes 00 seconds East along the North line of said Tract 94.20 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT

(A-2)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 36.83 feet above Chicago City Datum and lying above 19.05 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract, thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 21.98 feet; thence North 90 degrees 00 minutes 00 seconds West 6.11 feet; thence South 00 degrees 00 minutes 00 seconds West 4.22 feet to the point of beginning; thence South 00 degrees 00 minutes 00 seconds West 8.65 feet; thence North 90 degrees 00 minutes 00 seconds West 25.95 feet; thence South 00 degrees 00 minutes 00 seconds West 23.90 feet; thence South 90 degrees 00 minutes 00 seconds East 8.71 feet; thence South 00 degrees 00 minutes 00 seconds West 5.00 feet; thence South 90 degrees 00 minutes 00 seconds East 23.22 feet to a point on the East line of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line of said Tract 33.18 feet; thence North 90 degrees 00 minutes 00 seconds West

77.96 feet; thence North 00 degrees 00 minutes 00 seconds East 7.83 feet; thence North 90 degrees 00 minutes 00 seconds West 15.59 feet; thence North 00 degrees 00 minutes 00 seconds East 36.40 feet; thence North 90 degrees 00 minutes 00 seconds West 15.04 feet; thence North 00 degrees 00 minutes 00 seconds East 7.50 feet; thence South 90 degrees 00 minutes 00 seconds East 11.72 feet; thence North 00 degrees 00 minutes 00 seconds East 21.72 feet; thence South 90 degrees 00 minutes 00 seconds East 4.75 feet; thence North 00 degrees 00 minutes 00 seconds East 6.00 feet; thence South 90 degrees 00 minutes 00 seconds East 27.43 feet; thence North 00 degrees 00 minutes 00 seconds East 11.40 feet; thence South 90 degrees 00 minutes 00 seconds East 41.08 feet; thence South 00 degrees 00 minutes 00 seconds West 5.30 feet; thence North 90 degrees 00 minutes 00 seconds West 4.05 feet; thence Southeasterly 31.62 feet along the arc of a circle having a radius of 15.39 feet, convex Southwesterly and whose chord bears South 55 degrees 43 minutes 49 seconds East 26.34 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT

(A-3)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 26.84 feet above Chicago City Datum and lying above 14.65 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 21.98 feet; thence North 90 degrees 00 minutes 00 seconds West 6.11 feet; thence South 00 degrees 00 minutes 00 seconds West 4.22 feet; thence South 00 degrees 00 minutes 00 seconds West 8.65 feet; thence North 90 degrees 00 minutes 00 seconds West 25.95 feet; thence South 00 degrees 00 minutes 00 seconds West 23.90 feet; thence South 90 degrees 00 minutes 00 seconds East 8.71 feet; thence South 00 degrees 00 minutes 00 seconds West 5.00 feet; thence South 90 degrees 00 minutes 00 seconds East 23.22 feet to a point on the East line of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line of said Tract 33.18 feet; thence North 90 degrees 00 minutes 00 seconds West 77.96 feet; thence North 00 degrees 00 minutes 00 seconds East 7.83 feet; thence North 90 degrees 00 minutes 00 seconds West 15.59 feet; thence North 00 degrees 00 minutes 00 seconds East 36.40 feet; thence North 90 degrees 00 minutes 00 seconds West 15.04 feet to the point of beginning; thence North 00 degrees 00 minutes 00 seconds East 7.50 feet; thence South 90 degrees 00 minutes 00 seconds East 11.72 feet; thence North 00 degrees 00 minutes 00 seconds East 21.72 feet; thence South 90 degrees 00 minutes 00 seconds East 4.75 feet; thence North 00 degrees 00 minutes 00 seconds East 6.00 feet; thence North 90 degrees 00 minutes 00 seconds West 1.46 feet; thence Northwesterly 24.80 feet along the arc of a circle having a radius of 18.44 feet, convex Southwesterly and whose chord bears North 50 degrees 56 minutes 50 seconds West 22.97 feet; thence North 00 degrees 00 minutes 00 seconds East 3.00 feet to a point on the North line of said Tract; thence North 90 degrees 00 minutes 00 seconds West on the North line of said Tract 42.35 feet; thence South 00 degrees 00 minutes 00 seconds West 13.53 feet; thence North 89 degrees 59 minutes 14 seconds West 1.01 feet; thence South 00 degrees 00 minutes 00 seconds West 40.72 feet; thence South 90 degrees 00 minutes 00 seconds East 35.57 feet; thence North 00 degrees 00

minutes 00 seconds East 1.55 feet; thence South 90 degrees 00 minutes 00 seconds East 10.62 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT

(A-4)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 21.72 feet above Chicago City Datum and lying above 19.05 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 21.98 feet; thence North 90 degrees 00 minutes 00 seconds West 6.11 feet; thence South 00 degrees 00 minutes 00 seconds West 4.22 feet; thence Northwesterly 31.62 feet along the arc of a circle having a radius of 15.39 feet, convex Southwesterly and whose chord bears North 55 degrees 43 minutes 49 seconds West 26.34 feet; thence South 90 degrees 00 minutes 00 seconds East 4.05 feet; thence North 00 degrees 00 minutes 00 seconds East 5.30 feet; thence North 90 degrees 00 minutes 00 seconds West 41.08 feet; thence North 90 degrees 00 minutes 00 seconds West 5.56 feet; thence North 90 degrees 00 minutes 00 seconds West 7.57 feet to the point of beginning; thence North 90 degrees 00 minutes 00 seconds West 3.83 feet; thence South 00 degrees 00 minutes 00 seconds West 11.40 feet; thence South 90 degrees 00 minutes 00 seconds East 3.83 feet; thence North 00 degrees 00 minutes 00 seconds East 11.40 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT

(A-5)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 24.95 feet above Chicago City Datum and lying above 19.05 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 21.98 feet; thence North 90 degrees 00 minutes 00 seconds West 6.11 feet; thence South 00 degrees 00 minutes 00 seconds West 4.22 feet; thence Northwesterly 31.62 feet along the arc of a circle having a radius of 15.39 feet, convex Southwesterly and whose chord bears North 55 degrees 43 minutes 49 seconds West 26.34 feet; thence South 90 degrees 00 minutes 00 seconds West 4.05 feet; thence North 00 degrees 00 minutes 00 seconds East 5.30 feet; thence North 90 degrees 00 minutes 00 seconds West 41.08 feet; thence North 90 degrees 00 minutes 00 seconds West 5.56 feet to the point of beginning; thence South 00 degrees 00 minutes 00 seconds West 11.40 feet; thence North 90 degrees 00 minutes 00 seconds West 7.57 feet; thence North 00 degrees 00 minutes 00 seconds East 11.40 feet; thence South 90 degrees 00 minutes 00 seconds East 7.57 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT

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(A-6)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 26.25 feet above Chicago City Datum and lying above 19.05 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 21.98 feet; thence North 90 degrees 00 minutes 00 seconds West 6.11 feet; thence South 00 degrees 00 minutes 00 seconds West 4.22 feet; thence Northwesterly 31.52 feet along the arc of a circle having a radius of 15.39 feet, convex Southwesterly and whose chord bears North 55 degrees 43 minutes 49 seconds West 26.34 feet; thence South 90 degrees 00 minutes 00 seconds East 4.05 feet; thence North 00 degrees 00 minutes 00 seconds East 5.30 feet; thence North 90 degrees 00 minutes 00 seconds West 41.08 feet to the point of beginning; thence North 90 degrees 00 minutes 00 seconds West 5.56 feet; thence South 00 degrees 00 minutes 00 seconds West 11.40 feet; thence South 90 degrees 00 minutes 00 seconds East 5.56 feet; thence North 00 degrees 00 minutes 00 seconds East 11.40 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT

(A-7)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 36.83 feet above Chicago City Datum and lying above 16.12 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 21.98 feet to the point of beginning; thence North 90 degrees 00 minutes 00 seconds West 6.11 feet; thence South 00 degrees 00 minutes 00 seconds West 41.77 feet; thence South 90 degrees 00 minutes 00 seconds East 5.98 feet to a point on the East line of said Tract; thence North 00 degrees 10 minutes 00 seconds East along the East line of said Tract 41.77 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT

(A-8)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 59.98 feet above Chicago City Datum and lying above 37.36 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 25.02 feet; thence South 00 degrees 10 minutes 00 seconds West along the East line of said Tract 165.06 feet; thence North 90 degrees 00 minutes 00 seconds West 33.03 feet; thence South 00 degrees 00 minutes 00 seconds West 7.70 feet; thence North 90 degrees 00 minutes 00 seconds West 8.33 feet; thence North 00 degrees 00 minutes 00 seconds East 2.09 feet; thence North 90 degrees 00 minutes 00 seconds West 12.50 feet; thence South 00 degrees 00 minutes 00 seconds West 22.58 feet to a point on the South line of said Tract; thence South 89 degrees 58 minutes 55 seconds West along the South line of said Tract, 112.05 feet; thence North 00 degrees 00 minutes 00 seconds East 64.01 feet; thence South 90 degrees 00 minutes 00 seconds East 7.23 feet to the point of beginning; thence South 90 degrees 00 minutes 00 seconds East 41.74 feet; thence North 00 degrees 00 minutes 00 seconds East 100.60 feet; thence North 90 degrees 00 minutes 00 seconds West 38.74 feet; thence South 00 degrees 00 minutes 00 seconds West 8.15 feet; thence North 90 degrees 00 minutes 00 seconds West 3.00 feet; thence South 00 degrees 00 minutes 00 seconds West 92.45 feet to the point of beginning, in Cook County, Illinois.

**ALSO EXCEPT FROM SAID MAIN TRACT
(A-9)**

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 50.64 feet above Chicago City Datum and lying above 36.83 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Beginning at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 3.37 feet; thence North 90 degrees 00 minutes 00 seconds West 78.00 feet; thence South 00 degrees 00 minutes 00 seconds West 14.20 feet; thence South 90 degrees 00 minutes 00 seconds East 45.87 feet; thence South 00 degrees 00 minutes 00 seconds West 7.45 feet; thence South 90 degrees 00 minutes 00 seconds East 32.07 feet to a point on the East line of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line of said Tract 165.06 feet; thence North 90 degrees 00 minutes 00 seconds West 33.03 feet; thence South 00 degrees 00 minutes 00 seconds West 7.70 feet; thence North 90 degrees 00 minutes 00 seconds West 8.33 feet; thence North 00 degrees 00 minutes 00 seconds East 2.09 feet; thence North 90 degrees 00 minutes 00 seconds West 12.50 feet; thence South 00 degrees 00 minutes 00 seconds West 22.58 feet to a point on the South line of said Tract; thence South 89 degrees 58 minutes 55 seconds West along the South line of said Tract, 112.05 feet; thence North 00 degrees 00 minutes 00 seconds East 64.01 feet; thence South 90 degrees 00 minutes 00 seconds East 48.97 feet; thence North 00 degrees 00 minutes 00 seconds East 101.60 feet; thence South 90 degrees 00 minutes 00 seconds East 8.62 feet; thence North 00 degrees 00 minutes 00 seconds East 7.50 feet; thence South 90 degrees 00 minutes 00 seconds East 11.72 feet; thence North 00 degrees 00 minutes 00 seconds East 19.44 feet; thence North 90 degrees 00 minutes 00 seconds West 40.31 feet; thence North 00 degrees 00 minutes 00 seconds East 12.49 feet; thence South 90 degrees 00 minutes 00 seconds East 5.75 feet; thence North 00 degrees 00 minutes 00 seconds East 13.26 feet to a point on the North line of said Tract; thence South 90 degrees 00 minutes 00 seconds East

along the North line of said Tract 131.72 feet to the point of beginning (except that part thereof described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 25.02 feet; thence South 00 degrees 10 minutes West along the East line of said Tract 10.66 feet; thence North 90 degrees 00 minutes 00 seconds West 6.07 feet to the point of beginning; thence South 00 degrees 00 minutes 00 seconds West 18.65 feet; thence North 90 degrees 00 minutes 00 seconds West 6.90 feet; thence South 00 degrees 00 minutes 00 seconds West 5.00 feet; thence North 90 degrees 00 minutes 00 seconds West 19.12 feet; thence North 00 degrees 00 minutes 00 seconds East 23.65 feet; thence South 90 degrees 00 minutes 00 seconds East 25.02 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT
(A-10)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 47.57 feet above Chicago City Datum and lying above 36.83 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 25.02 feet; thence South 00 degrees 10 minutes 00 seconds West along the East line of said Tract 165.06 feet; thence North 90 degrees 00 minutes 00 seconds West 33.03 feet; thence South 00 degrees 00 minutes 00 seconds West 7.70 feet; thence North 90 degrees 00 minutes 00 seconds West 8.33 feet; thence North 00 degrees 00 minutes 00 seconds East 2.09 feet; thence North 90 degrees 00 minutes 00 seconds West 12.50 feet; thence South 00 degrees 00 minutes 00 seconds West 22.58 feet to a point on the South line of said Tract; thence South 89 degrees 58 minutes 55 seconds West along the South line of said Tract, 112.05 feet; thence North 00 degrees 00 minutes 00 seconds East 64.01 feet; thence South 90 degrees 00 minutes 00 seconds East 48.97 feet; thence North 00 degrees 00 minutes 00 seconds East 101.60 feet to the point of beginning; thence South 90 degrees 00 minutes 00 seconds East 8.62 feet; thence North 00 degrees 00 minutes 00 seconds East 7.50 feet; thence South 90 degrees 00 minutes 00 seconds East 11.72 feet; thence North 00 degrees 00 minutes 00 seconds East 19.44 feet; thence North 90 degrees 00 minutes 00 seconds West 40.31 feet; thence North 00 degrees 00 minutes 00 seconds East 12.49 feet; thence South 90 degrees 00 minutes 00 seconds East 5.75 feet; thence North 00 degrees 00 minutes 00 seconds East 13.26 feet to a point on the North line of said Tract; thence North 90 degrees 00 minutes 00 seconds West along the North line of said Tract 24.51 feet; thence South 00 degrees 00 minutes 00 seconds West 53.70 feet; thence South 90 degrees 00 minutes 00 seconds East 38.74 feet; thence North 00 degrees 00 seconds East 1.00 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT
(B-1)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the

North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 36.83 feet above Chicago City Datum and lying above 22.94 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 119.83 feet; thence South 00 degrees 10 minutes 0 seconds West along the East line of said Tract 36.00 feet; thence North 90 degrees 00 minutes 00 seconds West 24.82 feet; thence South 00 degrees 00 minutes 00 seconds West 10.26 feet; thence 90 degrees 00 minutes 00 seconds East 24.79 feet to the East line of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line of said Tract 5.85 feet to point of beginning; thence North 90 degrees 00 minutes 00 seconds West 60.67 feet; thence North 00 degrees 00 minutes 00 seconds East 16.41 feet; thence North 90 degrees 00 minutes 00 seconds West 16.28 feet; thence South 00 degrees 00 minutes 00 seconds West 51.74 feet; thence South 90 degrees 00 minutes 00 seconds East 6.77 feet; thence North 53 degrees 18 minutes 52 seconds East 9.91 feet; thence South 90 degrees 00 minutes 00 seconds East 13.31 feet; thence South 00 degrees 00 minutes 00 seconds West 16.93 feet to a point on the South line of said Tract; thence North 89 degrees 58 minutes 55 seconds East along the South line of said Tract 48.79 feet to the Southeast corner thereof; thence North 00 degrees 10 minutes 00 seconds East along the East line of said Tract 46.32 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT

(B-2)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal meridian, said parcel lying below 36.83 feet above Chicago City Datum and lying above 21.12 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 119.83 feet to point of beginning; thence South 00 degrees 10 minutes 00 seconds East along the East line of said Tract 36.00 feet; thence North 90 degrees 00 minutes 00 seconds West 24.82 feet; thence South 00 degrees 00 minutes 00 seconds West 10.26 feet; thence South 90 degrees 00 minutes 00 seconds East 24.79 feet to the East line of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line of said Tract 5.85 feet; thence North 90 degrees 00 minutes 00 seconds West 60.67 feet; thence North 00 degrees 00 minutes 00 seconds East 16.41 feet; thence North 90 degrees 00 minutes 00 seconds West 16.28 feet; thence North 00 degrees 00 minutes 00 seconds East 28.26 feet; thence North 90 degrees 00 minutes 00 seconds West 1.37 feet; thence North 00 degrees 00 minutes 00 seconds East 4.55 feet; thence South 90 degrees 00 minutes 00 seconds East 1.33 feet; thence North 00 degrees 00 minutes 00 seconds East 2.89 feet; thence South 90 degrees 00 minutes 00 seconds East 77.10 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT

(B-3)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 36.83 feet above Chicago City Datum and lying above 24.53 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 119.83 feet; thence South 00 degrees 10 minutes 00 seconds West along the East line of said Tract 36.00 feet thence North 90 degrees 00 minutes 00 seconds West 24.82 feet; thence South 00 degrees 00 minutes 00 seconds West 10.26 feet; thence South 90 degrees 00 minutes 00 seconds East 24.79 feet to the East line of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line of said Tract 5.85 feet; thence North 90 degrees 00 minutes 00 seconds West 60.67 feet; thence North 00 degrees 00 minutes 00 seconds East 16.41 feet; thence North 90 degrees 00 minutes 00 seconds West 16.28 feet; thence South 00 degrees 00 minutes 10 seconds West 51.74 feet to point of beginning; thence South 90 degrees 00 minutes 00 seconds East 6.77 feet; thence South 00 degrees 00 minutes 00 seconds West 11.02 feet to a point on the South line of said Tract; thence South 89 degrees 58 minutes 55 seconds West along the South line of said Tract 6.77 feet; thence North 00 degrees 00 minutes 00 seconds East 11.02 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT

(B-4)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 21.12 feet above Chicago City Datum and lying above 8.11 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 166.09 feet to the point of beginning; thence South 00 degrees 10 minutes 00 seconds West along said East line 5.85 feet; thence North 90 degrees 00 minutes 00 seconds West 41.95 feet; thence North 00 degrees 00 minutes 00 seconds East 16.41 feet; thence North 90 degrees 00 minutes 00 seconds West 9.88 feet; thence North 00 degrees 00 minutes 00 seconds East 7.50 feet; thence North 90 degrees 00 minutes 00 seconds West 8.84 feet; thence North 00 degrees 00 minutes 00 seconds East 30.23 feet; thence South 90 degrees 00 minutes 00 seconds East 1.50 feet; thence North 00 degrees 00 minutes 00 seconds East 1.44 feet; thence South 90 degrees 00 minutes 00 seconds East 21.78 feet; thence South 00 degrees 00 minutes 00 seconds West 11.14 feet; thence South 90 degrees 00 minutes 00 seconds East 7.95 feet; thence South 00 degrees 00 minutes 00 seconds West 2.27 feet; thence South 90 degrees 00 minutes 00 seconds East 4.67 feet; thence South 00 degrees 00 minutes 00 seconds West 36.32 feet; thence South 90 degrees 00 minutes 00 seconds East 24.79 feet to the point of beginning, in Cook County, Illinois.

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ALSO EXCEPT FROM SAID MAIN TRACT
(B-5)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 21.12 feet above Chicago City Datum and lying above 9.18 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 166.09 feet; thence South 00 degrees 10 minutes 00 seconds West along said East line 5.85 feet; thence North 90 degrees 00 minutes 00 seconds West 41.95 feet to the point of beginning; thence North 00 degrees 00 minutes 00 seconds East 16.41 feet; thence North 90 degrees 00 minutes 00 seconds West 9.88 feet; thence North 00 degrees 00 minutes 00 seconds East 7.50 feet; thence North 90 degrees 00 minutes 00 seconds West 8.84 feet; thence South 00 degrees 00 minutes 00 seconds West 23.91 feet; thence South 90 degrees 00 minutes 00 seconds East 18.72 feet to the point of beginning, in Cook County, Illinois.

ALSO EXCEPT FROM SAID MAIN TRACT
(B-6)

A parcel being part of Block 22 (except the East 75.00 feet thereof taken for widening North Michigan Avenue), taken as a tract in Kinzie's Addition to Chicago, being a subdivision in the North Fractional 1/4 of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, said parcel lying below 36.83 feet above Chicago City Datum and lying above 22.94 feet above Chicago City Datum and lying within the horizontal boundaries of said parcel projected vertically and described as follows:

Commencing at the Northeast corner of said Tract; thence South 00 degrees 10 minutes 00 seconds West along the East line thereof 119.83 feet; thence South 00 degrees 10 minutes 00 seconds West along the East line of said Tract 36.00 feet to point of beginning; thence North 90 degrees 00 minutes 00 seconds West 24.82 feet; thence South 00 degrees 00 minutes 00 seconds West 10.26 feet; thence South 90 degrees 00 minutes 00 seconds East 24.79 feet to the East line of said Tract; thence North 00 degrees 10 minutes 00 seconds East along the East line of said Tract 10.26 feet to the point of beginning, in Cook County, Illinois.

AND,

RN 540 Hotel Company L.L.C., a Delaware limited liability company, as to those portions of the land described above as Parcels (A-1), (A-2), (A-3), (A-4), (A-5), (A-6), (A-7), (A-8), (A-9), (A-10), (B-1), (B-2), (B-3), (B-4), (B-5) and (B-6) excepted out and not conveyed by said Deed Document Number 00072923.