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Cook County Recorder

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Property of Cook County Clerk's Office

WAIVER OF RESTRICTIONS

This Agreement is made as of this 2nd day of December, 2000, by and between JETCO PROPERTIES, INC. ("Jetco"), a Delaware corporation with its principal place of business at 250 Parkcenter Boulevard, Boise, Idaho, 83706, JEWEL COMPANIES, INC. ("Jewel"), a New York corporation with its principal place of business at 1955 West North Avenue, Building F, Melrose Park, Illinois 60160-1181, RUBLOFF DEVELOPMENT GROUP, INC. ("Rubloff"), an Illinois corporation with its principal office located at 6277 East Riverside Boulevard, Rockford, Illinois 61114 and CONSOLIDATED STORES CORPORATION ("Consolidated"), an Ohio corporation with its principal office located at 300 Phillipi Road, P.O. Box 28512, Columbus, Ohio 43228-0512.

RECITALS

Jetco is the fee owner of Lot 2 in Jetco Subdivision as described in the Plat recorded May 29, 1969 in Book 792 of Plats at Page 44 as Document No. 20854640 in Cook County, Illinois, which Lot 2 is described in **Exhibit A**; and

Jewel is the lessee of Lot 2 pursuant to that certain agreement between 183rd and Kedzie Properties, Inc. dated September 21, 1969; and

Rubloff is the current tenant of Lot 1 in Upham Subdivision, a subdivision of the East 583.74 feet of the West 974 of the North 579 feet of the Northwest 1/4 of the Northwest 1/4 of Section 1, Township 35 North, Range 13 East of the Third Principal Meridian in Cook County, Illinois pursuant to its sublease with Kmart dated January 14, 1999, said Kmart serving as the tenant in that certain Lease dated January 21, 1976 between American National Bank and Trust Company of Chicago as Trustee under Trust No. 38044, as amended by First Amendment of Lease dated May 5, 1976 and Second Amendment of Lease dated July 31, 1991, which Lease was amended and restated by the

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Amended and Restated Lease dated as of May 1, 1994 between First Berkshire Business Trust, a Delaware Business Trust and Kmart whereby Rubloff leases the property described in Exhibit B ("Rubloff Parcel").

The Rubloff Parcel is encumbered by a certain restriction (the "Restriction") pursuant to that Declaration of Restriction dated January 23, 1968, filed for record January 31, 1968 as Document No. 20393590 and recorded in Jacket of Records in the office of the Recorder of Deeds of Cook County, Illinois, to wit:

That without prior written consent of Jetco, its grantees, successors and assigns, the above-described premises or any part thereof (the Kresge Parcel) shall not be used or occupied for the sale of food, groceries, alcoholic liquors and drugs.

Consolidated is desirous of sub-subleasing the Rubloff Parcel from Rubloff in order to operate a Big Lot Store, but will not enter into a sub-sublease so long as the Rubloff Parcel is burdened with the aforesaid Restriction.


AGREEMENT

NOW, THEREFORE, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows: So long as the Rubloff Parcel is Sub-Subleased to Consolidated and Consolidated operates a Big Lots Store on the Rubloff Parcel, the Restriction (i) shall not prohibit the use of the Rubloff Parcel for the sale of food for consumption off the premises provided that such food sales are incidental to the primary use of the Rubloff Parcel and that no more than three thousand (3,000) square feet of the Rubloff Parcel is utilized for the sale of such items; and (ii) shall also not prohibit the sale of drugs other than drugs the dispensing of which requires the presence of a registered pharmacist, provided that no more than one hundred (100) square feet of the Rubloff Parcel is utilized for the sale of such drugs.

No other part of the Declaration of Restriction is affected by this waiver and the Declaration of Restriction, as modified herein, is ratified and in full force and effect. This Agreement may be executed in multiple counterparts, which counterparts when compiled shall constitute an original. Facsimile version shall be acceptable as originals, provided, however, that the parties agree to circulate original execution versions so that this Waiver of Restrictions may be recorded.


IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

JETCO PROPERTIES, INC.

By: 

LINCOLN V. SHARP, JR.
Vice President
Its: _____

JEWEL COMPANIES, INC.

By: 

Charles F. Cole
Vice President
Its: _____

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RUBLOFF DEVELOPMENT GROUP, INC.

CONSOLIDATED STORES CORPORATION

By: *[Signature]*

By: _____

Its: *President*

Its: _____

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Exhibit A

Legal Description of Lot 2 of Jetco Subdivision

Lot 2 in Jetco Subdivision, a Subdivision of the North 579.00 feet of the West 390.26 feet of the N.W. 1/4 of the N.W. 1/4 of Section 1, T. 35. N, R. 13 E. of the Third P.M., in Cook County, Illinois, in accordance with Plat recorded May 29, 1969 in Book 792 of Plats at Page 44 as Document Number 20854640 in Cook County, Illinois.

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EXHIBIT B

TO LEASE ENTERED INTO BETWEEN AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO AS TRUSTEE UNDER TRUST NO. 38044 AS LANDLORD AND S. S. KRESGE COMPANY AS TENANT.

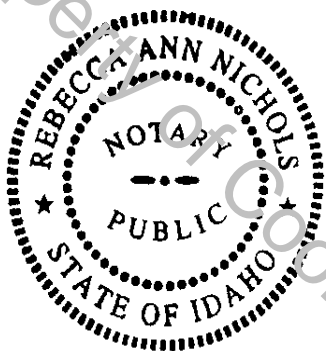
LOT 1 UPHAM SUBDIVISION OF THE EAST 583.74 FEET OF THE WEST 974.00 FEET OF THE NORTH 579.00 FEET OF THE NORTH WEST QUARTER OF THE NORTH WEST QUARTER OF SECTION 1, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

THE AFOREDESCRIBED PROPERTY IS ALSO CORRECTLY DESCRIBED AS:

THAT PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE 3rd PRINCIPAL MERIDIAN DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER QUARTER SECTION; THENCE EAST ALONG THE NORTH LINE THEREOF, 974.0 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER QUARTER SECTION, 50.0 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF W. 183rd STREET, BEING A LINE 50.0 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID QUARTER QUARTER SECTION, SAID LAST DESCRIBED POINT BEING THE PLACE OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUING SOUTH ALONG SAID LINE PARALLEL WITH THE WEST LINE OF SAID QUARTER QUARTER SECTION 529.0 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID QUARTER QUARTER SECTION 583.74 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER QUARTER SECTION, 529.0 FEET TO THE SAID SOUTH LINE OF W. 183rd STREET; THENCE EAST ALONG SAID SOUTH LINE OF W. 183rd STREET, 583.74 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

STATE OF)
) SS.
COUNTY OF)

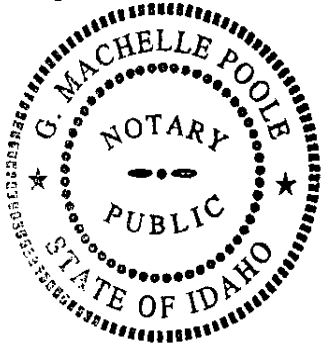
On this 21st day of November, 2000, before me, a Notary Public in and for said County, personally appeared LINCOLN V. SHARP, JR., to me personally known, who being by me duly sworn, did say that he was the Vice President of **JETCO PROPERTIES, INC.**, a Delaware corporation, the corporation named in the foregoing instrument, and that said instrument was signed on behalf of said corporation by authority of its Articles of Incorporation and that the signing of said instrument was the free act and deed of said corporation.



Rebecca Ann Nichols
NOTARY PUBLIC
My Comm. Expires: 09-29-06

STATE OF)
) SS.
COUNTY OF)

On this 21st day of November, 2000, before me, a Notary Public in and for said County, personally appeared Charles F. Cole, to me personally known, who being by me duly sworn, did say that he was the Vice President of **JEWEL COMPANIES, INC.**, a New York corporation, the corporation named in the foregoing instrument, and that said instrument was signed on behalf of said corporation by authority of its Articles of Incorporation and that the signing of said instrument was the free act and deed of said corporation.



G. Machel Pool
NOTARY PUBLIC
My Comm. Expires: 9-26-01

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STATE OF ILLINOIS)
) SS.
COUNTY OF WINNEBAGO)

On this 3rd day of January, 2000, before me, a Notary Public in and for said County, personally appeared Maull A. Robinson, to me personally known, who being by me duly sworn, did say that he was the President of **RUBLOFF DEVELOPMENT GROUP, INC.** an Illinois corporation, the corporation named in the foregoing instrument, and that said instrument was signed on behalf of said corporation by authority of its Articles of Incorporation and that the signing of said instrument was the free act and deed of said corporation.



[Signature]
NOTARY PUBLIC
My Comm. Expires: 12/9/03

STATE OF)
) SS.
COUNTY OF)

On this _____ day of _____, 2000, before me, a Notary Public in and for said County, personally appeared _____, to me personally known, who being by me duly sworn, did say that he was the _____ of **CONSOLIDATED STORES CORPORATION**, an Ohio corporation, the corporation named in the foregoing instrument, and that said instrument was signed on behalf of said corporation by authority of its Articles of Incorporation and that the signing of said instrument was the free act and deed of said corporation.

NOTARY PUBLIC
My Comm. Expires: _____