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2001-01-30 08:22:23

Cook County Recorder

37.00



0010078233

SPECIAL WARRANTY DEED

This instrument prepared by,
and after recording return to:

Thomas L. Hefty
McDermott, Will & Emery
227 West Monroe Street
Chicago, Illinois 60606

Addresses: 2324 and 2328-44
West Walnut Street; 2305-23
West Fulton Street; 238 North
Oakley Boulevard; and 2323
West Fulton Street, Chicago,
Cook County, Illinois.

- PIN: 17-07-308-015-0000
- 17-07-308-025-0000
- 17-07-308-026-0000
- 17-07-308-027-0000
- 17-07-308-028-0000
- 17-07-308-029-0000
- 17-07-308-037-0000
- 17-07-308-049-0000
- 17-07-308-050-0000
- 17-07-308-051-0000
- 17-07-308-052-0000

BARCLAY MARINE DISTRIBUTOR CORPORATION, an Illinois corporation, whose address is 2323 West Fulton Street, Chicago, Illinois, 60612, (hereinafter called "**Grantor**"), in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration in hand paid to **BBC II, LLC**, a Delaware limited liability company (hereinafter called "**Grantee**"), the receipt and sufficiency of which are hereby acknowledged and confessed, by these presents does

BOX 333-CTI

7766007, 6574, 6062

Property of Cook County Clerk's Office

9

hereby GRANT, BARGAIN AND SELL unto Grantee, all of Grantor's right, title and interest in and to the real property located in Cook County, Illinois, which is more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference, together with (i) all and singular, all of Grantor's right, title and interest in and to all rights, benefits, privileges, easements, tenements, and appurtenances thereon and pertaining thereto, including all of Grantor's right, title and interest in and to any adjacent streets, roads, alleys, easements and rights-of-way, (ii) all of Grantor's right, title and interest in and to any and all improvements and buildings located on the real property, and (iii) all of Grantor's right, title and interest in and to any and all fixtures affixed or attached to, or situated upon, or acquired or used in connection therewith (the real property, together with the rights, appurtenances and interests, improvements, buildings, and fixtures being collectively called the "Property"), subject to, however, those exceptions and encumbrances set forth on Exhibit "B" attached hereto and made a part hereof for all purposes (the exceptions and encumbrances being called the "Permitted Exceptions").

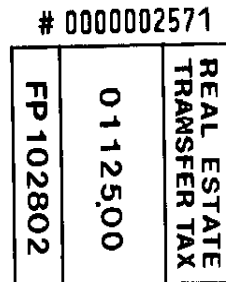
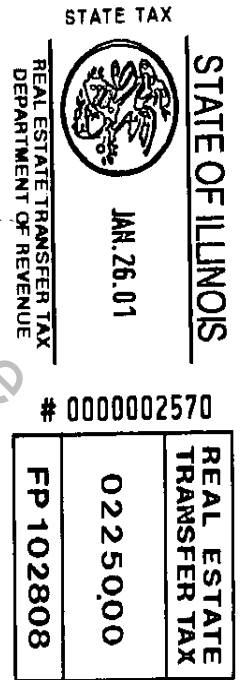
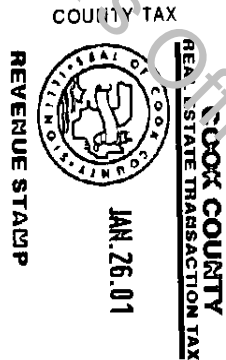
TO HAVE AND TO HOLD the Property unto Grantee, its successors and assigns FOREVER, and Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Permitted Exceptions, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

This Special Warranty Deed is executed as of this ____ day of January, 2001.

GRANTOR:

BARCLAY MARINE DISTRIBUTOR CORPORATION
an Illinois corporation

By: William Stawsky
Name: William Stawsky
Title: President



EXEMPT UNDER PROVISIONS OF PARAGRAPH 2
SEC. 200. 1-2 (B-6) OR PARAGRAPH..... SEC. 200.
1-4 (B) OF THE CHICAGO TRANSACTION TAX
ORDINANCE.

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that William Slasky, personally known to me to be the President of **BARCLAY MARINE DISTRIBUTOR CORPORATION**, an Illinois corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such President, he signed, sealed and delivered said instrument as president of said corporation, pursuant to authority, given by the Board of Directors of said corporation as its free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this ____ day of January, 2001.

Lisa A. Baker
Notary Public

My Commission Expires: 4/22/03



Address of Grantee and
Send subsequent Tax Bills To:

BBC II, LLC
2323 West Fulton Street
Chicago, Illinois 60612

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EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LOTS 3 AND 4 IN THE SUBDIVISION OF LOT 7 IN THE SUBDIVISION OF BLOCK 41 OF CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOTS 5, 6, 7 AND 8 IN THE SUBDIVISION OF LOTS 5 AND 6 IN THE SUBDIVISION OF BLOCK 41 OF CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THE SOUTH 1/2 OF THE VACATED EAST WEST ALLEY LYING NORTH OF AND ADJOINING LOTS 3 AND 4 IN THE SUBDIVISION OF LOT 7 OF BLOCK 4 OF CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THE SOUTH 1/2 OF THE VACATED EAST WEST ALLEY LYING NORTH OF AND ADJOINING LOTS 5, 6, 7 AND 8 IN THE SUBDIVISION OF LOTS 5 AND 6 IN THE SUBDIVISION OF BLOCK 41 OF CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, RANGE 39, TOWNSHIP 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

LOTS 5 TO 8 BOTH INCLUSIVE IN SUBDIVISION OF LOTS 3 AND 4 IN BLOCK 41 IN CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

LOTS 5 TO 8 BOTH INCLUSIVE IN THE SUBDIVISION OF LOTS 1 AND 2 IN BLOCK 41 OF CANAL TRUSTEE'S SUBDIVISION, SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 7:

LOTS 1, 2, 3 AND 4, TOGETHER WITH THE 14 FOOT VACATED EAST AND WEST ALLEY, LYING SOUTH OF AND ADJOINING SAID LOTS, IN THE SUBDIVISION OF LOTS 1 AND 2 IN BLOCK 41 OF CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 8:

LOTS 1, 2, 3 AND 4, TOGETHER WITH THE 14 FOOT VACATED EAST AND WEST ALLEY, LYING SOUTH OF AND ADJOINING SAID LOTS, IN THE SUBDIVISION OF LOTS 3 AND 4 IN BLOCK 41 OF CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 9:

LOT 1, TOGETHER WITH THE NORTH HALF OF THE VACATED EAST AND WEST ALLEY, LYING SOUTH OF AND ADJOINING SAID LOT, IN THE SUBDIVISION OF LOTS 5 AND 6 IN BLOCK 41 OF CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBERS:

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17-07-308-049-0000
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17-07-308-051-0000
17-07-308-052-0000

EXHIBIT B

PERMITTED EXCEPTIONS

1. REAL ESTATE TAXES NOT YET DUE AND PAYABLE.
2. INDUSTRIAL LEASE DATED JANUARY ____, 2001 BETWEEN GRANTOR, BARCLAY MARINE DISTRIBUTOR CORPORATION, AS TENANT, AND BBC II, LLC, GRANTEE, AS LANDLORD.
3. (G 12). COVENANTS CONDITIONS, RESTRICTIONS AND AGREEMENTS CONTAINED IN THE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICAGO, A MUNICIPAL CORPORATION, AS THE SELLER, AND BOWMAN DAIRY COMPANY, AS THE PURCHASER OR REDEVELOPER, DATED AUGUST 7, 1963 AND RECORDED AUGUST 9, 1963 AS DOCUMENT 18879160, TO THE CITY OF CHICAGO AND THE UNITED STATES OF AMERICA FOR THE PURPOSE OF SAID REDEVELOPMENT AGREEMENT, RELATING TO THE USE OF THE LAND, CHARACTER OF IMPROVEMENTS (AS ORIGINALLY PLANNED OR SUBSEQUENTLY CHANGED) THE NECESSITY FOR APPROVAL BY THE CITY, OF ANY CHANGE IN THE IMPROVEMENTS, RIGHTS OF ACCESS TO THE LAND, PROHIBITION AGAINST THE EXECUTION OF ANY AGREEMENT, LEASE, CONVEYANCE OR OTHER INSTRUMENT WHEREBY THE LAND OR ANY PART THEREOF, IS RESTRICTED UPON THE BASIS OF RACE, RELIGION, COLOR OR NATIONAL ORIGIN, IN THE SALE, LEASE OR OCCUPANCY THEREOF. (AFFECTS THE SOUTH 7 FEET LOTS 1 AND 2 IN SUB-BLOCK 8; AND THE NORTH 1/2 OF THE 14 FOOT ALLEY LYING SOUTH OF AND ADJOINING LOTS 1 AND 2 IN SUB-BLOCK 9 AND THE SOUTH 7 FEET OF THAT PART OF LOT 10 (EXCEPT THE WEST 17 FEET THEREOF) LYING NORTH OF THE WESTERLY EXTENSION OF THE CENTER LINE OF THE 14 FOOT ALLEY SOUTH OF AND ADJOINING LOTS 1 AND 2 IN SUB-BLOCK 9)
4. (H 13). COVENANTS, CONDITIONS AND RESTRICTIONS AND AGREEMENTS IN QUIT CLAIM DEED FROM THE CITY OF CHICAGO, A MUNICIPAL CORPORATION, TO BOWMAN DAIRY COMPANY, DATED AUGUST 7, 1963 AND RECORDED OCTOBER 10, 1963 AS DOCUMENT 18938381, RELATING TO THE USE OF THE LAND, PROHIBITION OF THE EXECUTION OF ANY AGREEMENT, LEASE, CONVEYANCE OR OTHER INSTRUMENT WHEREBY ANY PART OF THE LAND IS RESTRICTED UPON THE BASIS OF RACE, CREED OR COLOR, IN THE SALE, LEASE OR OCCUPANCY THEREOF, NON-MERGER IN THIS QUIT CLAIM DEED RECORDED AS DOCUMENT 18938381 OF ANY OF THE COVENANTS, TERMS OR CONDITIONS OF THE AFORESAID REDEVELOPMENT AGREEMENT.
5. (J 14). RIGHTS OF THE PUBLIC OR QUASI-PUBLIC UTILITIES, IF ANY, IN SAID VACATED ALLEY FOR MAINTENANCE THEREIN OF POLES, CONDUITS, SERVICES, ETC.

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6. (C 15). TERMS, PROVISIONS, LIMITATIONS AND CONDITIONS IMPOSED BY THE REDEVELOPMENT PLAN, AS DISCLOSED BY ORDINANCE RECORDED MARCH 24, 1961 AS DOCUMENT 18118237.

7. (D 16). COVENANTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS CONTAINED IN THE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICAGO, A MUNICIPAL CORPORATION, AS THE SELLER, AND JERRY L. SOLOMON AND ELAINE R. SOLOMON, HIS WIFE, AS THE PURCHASER OR REDEVELOPER, DATED FEBRUARY, 1964 AND RECORDED AND FILED FEBRUARY 28, 1964 AS DOCUMENT NUMBERS 19059126 AND LR2142111 RELATING TO: (A) USE OF THE LAND; (B) CHARACTER OF IMPROVEMENTS (AS ORIGINALLY PLANNED OR SUBSEQUENTLY CHANGED) AND NECESSITY FOR APPROVAL, BY THE CITY, OF ANY CHANGE IN THE IMPROVEMENTS; (C) RIGHTS OF ACCESS TO THE LAND, THE CITY OF CHICAGO, AND THE UNITED STATES OF AMERICA FOR THE PURPOSES OF SAID REDEVELOPMENT AGREEMENT; (D) RIGHTS AND LIMITATIONS THEREOF, AND OBLIGATIONS OF MORTGAGEES AND OF PARTIES COMING INTO TITLE BY WAY OF, OR IN LIEU OF, FORECLOSURE OF A MORTGAGE, IN CASE OF DEFAULT OF THE REDEVELOPER IN COMPLYING WITH THE TERMS OF THE SAID REDEVELOPMENT AGREEMENT; (E) PROHIBITION AGAINST THE EXECUTION OF ANY AGREEMENT, LEASE, CONVEYANCE OR OTHER INSTRUMENT WHEREBY THE LAND OR ANY PART THEREOF, IS RESTRICTED UPON THE BASIS OF RACE, RELIGION, COLOR OR NATIONAL ORIGIN, IN THE SALE, LEASE OF OCCUPANCY THEREOF.

8. (E 17). COVENANTS, CONDITIONS, RESTRICTIONS AND AGREEMENTS CONTAINED IN QUIT CLAIM DEED FROM THE CITY OF CHICAGO, A MUNICIPAL CORPORATION OF ILLINOIS, TO JERRY L. SOLOMON AND ELAINE R. SOLOMON, HIS WIFE, DATED FEBRUARY 21, 1964 AND RECORDED AND FILED MARCH 31, 1964 AS DOCUMENT NUMBERS 19055949 AND LR2142112, RELATING TO: (A) USE OF THE LAND; (B) NECESSITY OF APPROVAL, BY THE CITY OF CHICAGO OF ANY CHANGES (IN THE IMPROVEMENTS ON THE LAND) WHICH ARE NOT IN CONFORMITY WITH THE ABOVE COVENANTS, CONDITIONS, RESTRICTIONS AND AGREEMENTS (AS AMENDED OR EXTENDED) OR WHICH CONSTITUTE A MAJOR CHANGE IN SAID IMPROVEMENTS OR IN THE UTILIZATION OF THE LAND; (C) PROHIBITION OF THE EXECUTION OF ANY AGREEMENT, LEASE, CONVEYANCE OR OTHER INSTRUMENT WHEREBY ANY PART OF THE LAND IS RESTRICTED UPON THE BASIS OF RACE, CREED OR COLOR, IN THE SALE, LEASE OR OCCUPANCY THEREOF; (D) NON-MERGER IN THIS QUIT CLAIM DEED 19085949 AND LR2142112 OF ANY OF THE COVENANTS, TERMS OR CONDITIONS OF THE ABOVE COVENANTS, CONDITIONS, RESTRICTIONS AND AGREEMENTS.

9. (K 18). RIGHTS OF THE MUNICIPALITY, THE STATE OF ILLINOIS, THE PUBLIC AND ADJOINING OWNERS IN AND TO VACATED ALLEY.

10. (L 19). EASEMENT OVER THE SOUTH 5 FEET OF THE NORTH 1/2 OF THE 14 FOOT VACATED EAST AND WEST ALLEY, LYING SOUTH OF AND ADJOINING LOT 1 IN THE SUBDIVISION OF LOTS 5 AND 6 IN BLOCK 41, ALSO THE SOUTH 12 FEET OF THE 14 FOOT VACATED EAST AND WEST ALLEY, LYING SOUTH OF AND ADJOINING LOTS 1, 2, 3 AND 4 IN THE SUBDIVISION OF LOTS 3 AND 4, ALSO, THE SOUTH 12 FEET OF THE 14 FOOT VACATED EAST AND WEST ALLEY LYING SOUTH OF AND ADJOINING LOTS 1, 2, 3 AND 4 IN THE SUBDIVISION OF LOTS 1 AND 2 IN BLOCK 41 OF LAND FOR THE PURPOSE OF INSTALLING AND MAINTAINING ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC SERVICE, AND ALSO WITH RIGHT OF ACCESS THERETO, AS GRANTED TO COMMONWEALTH EDISON AND ILLINOIS BELL TELEPHONE COMPANY AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS AND AS SHOWN ON EASEMENTS RECORDED MAY 26, 1966 AS DOCUMENT 19838612 AND JUNE 16, 1966 AS DOCUMENT 19859205, RESPECTIVELY.

11. (M 20). COVENANTS AND RESTRICTIONS CONTAINED IN THE REDEVELOPMENT AGREEMENT BETWEEN CITY OF CHICAGO, AS THE SELLER, AND MCBRIDE & HARTNETT OIL COMPANY., INC. AS THE PURCHASER OR REDEVELOPER, DATED APRIL 9, 1963 AND RECORDED JUNE 14, 1963 AS DOCUMENT NO. 18825574.

12. (N 21). COVENANTS AND RESTRICTIONS CONTAINED IN THE QUIT CLAIM DEED FROM CITY OF CHICAGO TO MCBRIDE & HARTNETT OIL COMPANY., INC. DATED JUNE 21, 1963 AND RECORDED JULY 10, 1963 AS DOCUMENT NO. 18848295.

13. (O 22). COVENANTS AND CONTAINED IN THE REDEVELOPMENT AGREEMENT BETWEEN CITY OF CHICAGO AS THE SELLER AND CHOCOLATE SPRAYING COMPANY, INC. AS THE PURCHASER OR REDEVELOPER, DATED FEBRUARY, 1965 AND RECORDED MARCH 23, 1965 AS DOCUMENT NO. 19414216.

14. (P 23). COVENANTS AND RESTRICTIONS CONTAINED IN THE QUIT CLAIM DEED FROM CITY OF CHICAGO TO CHOCOLATE SPRAYING COMPANY, INC., A CORPORATION OF ILLINOIS, DATED MARCH 16, 1965 AND RECORDED MAY 7, 1965 AS DOCUMENT NO. 19457646.

15. (AC 27). EASEMENTS IN FAVOR OF PUBLIC AND QUASI-PUBLIC UTILITY COMPANIES OVER THAT PART OF THE LAND MARKED "INLET" "POWER POLE" "POWER POLE WITH 1 TRANSFORMER" "OVERHEAD WIRE(S)" AND "5 OVERHEAD WIRES" SHOWN THROUGH THE CENTER OF THE LAND TAKEN AS A WHOLE AND OVER LOTS 1 AND 2 AFORESAID AS SHOWN ON THE PLAT OF

SURVEY MADE BY NATIONAL SURVEY SERVICE, INC., DATED SEPTEMBER 23, 1998, ORDER NO. N-122022.

16. (AE 28). ENCROACHMENT OF THE FENCE LOCATED MAINLY ON THE PROPERTY WEST AND ADJOINING THE LAND OVER AND ONTO THE LAND BY UNDISCLOSED DISTANCES AS SHOWN ON THE PLAT OF SURVEY MADE BY NATIONAL SURVEY SERVICE, INC., DATED SEPTEMBER 23, 1998, ORDER NO. N-122022.

17. (AG 29). LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE RECORDED SEPTEMBER 8, 2000 AS DOCUMENT 00697183 BY ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

18. (AH 30). LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE RECORDED SEPTEMBER 28, 2000 AS DOCUMENT 00760041 BY ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.