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THIS INSTRUMENT  
PREPARED BY AND AFTER  
RECORDING, RETURN TO:  
Kenneth W. Bosworth, Esq.  
Horwood Marcus & Berk, Chtd  
180 N. LaSalle Street, #3700  
Chicago, Illinois 60601



PI  
7900264  
Tennel

Property of Cook County, Illinois

AMENDMENT TO LEASE

THIS AMENDMENT TO LEASE ("Amendment") is made as of this 17<sup>th</sup> day of March, 2001 by and between River City Holdings, LLC, an Illinois limited liability company ("Lessor") and Parkway Bank and Trust Company, an Illinois Banking Corporation, as Trustee for Trust No.12842 under a certain Trust Agreement dated February 6, 2001 ("Lessee").

WITNESSETH:

WHEREAS, the Lessor is the owner of the real property located at 800 South Wells Street, Chicago, Illinois, the legal description of said real property is attached hereto as Exhibit A ("Fee Property");

WHEREAS, River City Fee, LLC, an Illinois limited liability company ("River City Fee") and Parkway Bank and Trust Company, an Illinois banking corporation, as Trustee for Trust Number 11855, under a certain trust agreement dated December 16, 1997 ("Parkway Trust") entered into a restated lease dated January 2, 1998 ("Restated Lease") whereby River City Fee leased to Parkway Trust a certain portion of the Fee Property, which is described on Exhibit B attached to the Restated Lease ("Leased Property");

WHEREAS, River City Fee assigned to Lessor all of its right, title and interest as lessor in and into the lease and the leasehold estate created thereby, together with all of its right, title and interest in and into the leased property described in the Restated Lease and all of the improvements located thereon, under a certain assignment and assumption of lease;

WHEREAS, Parkway Trust assigned to Lessee all of its right, title and interest as lessee in and into the lease and the leasehold estate created thereby, together with all of its right, title and interest in and into the leased property described in the Restated Lease and all of the improvements located thereon, under a certain assignment and assumption of lease;

WHEREAS, the Lessor and Lessee desire to amend the Restated lease in order to (i) delete from the Leased Property a portion of the Leased Property which is used for a marina which is described on Exhibit B attached hereto ("Marina Parcel"); (ii) to delete any and all references to the "marina"; and (iii)

# UNOFFICIAL COPY

to acknowledge that the lessor has submitted the Fee Property to a new set of easements and restrictions as set forth in a certain Amended and Restated Grant and Reservation of Easements pertaining to the project which is recorded immediately prior to the recording of this document;

**WHEREAS**, the Lessor and the Lessee desire to amend the Restated Lease as set forth below.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee hereby agree as follows:

1. **Defined Terms; Conflicts.** Except as expressly set forth herein, all words and phrases which are defined in the Restated Lease shall have the same meaning in this Amendment as are ascribed to such words and phrases in the Restated Lease. In the event of any conflict or inconsistency between the terms of the Restated Lease and the terms of this Amendment, the terms of this Amendment shall in all instances control and prevail.
2. **Removal of Marina Parcel.** Lessor and Lessee hereby agree that the Marina Parcel is hereby deleted from the provisions of the Restated Lease and the Lease is hereby amended to delete any and all references to the Marina Parcel as being a portion of the Leased Property.
3. **Demised Premises.** Lessor and Lessee hereby agree that Paragraph 1(b) is hereby amended by inserting the following provision at the end of such Article:
  - (b) Amended and Restated Grant and Reservation of Easements Pertaining to the Project Commonly Known as River City, 800 South Wells Street, Chicago, Illinois, recorded as document number 0010245091 in the Office of the Recorder of Deeds of Cook County, Illinois
4. **Ratification.** Except as set forth herein, the parties hereby ratify all of the terms and conditions of the Restated Lease.

LESSOR:

RIVER CITY HOLDINGS, LLC,  
an Illinois limited liability company

By: \_\_\_\_\_  
Name: John Cadden  
Its: J.P.

LESSEE:

PARKWAY BANK AND TRUST  
COMPANY, an Illinois Banking Corporation, as  
Trustee for Trust No. 12842 under a certain Trust  
Agreement dated February 6, 2001 and not individually

By: \_\_\_\_\_  
Name: Diane Y. Poczynski  
Its: Vice President Trust Officer

Property of COOK COUNTY Clerk's Office

This Agreement is signed by Parkway Bank & Trust Co., not individually but solely as Trustee under a certain Trust Agreement known as Trust No. .... Said Trust Agreement is hereby made a part hereof and any claims against said Trustee which may result from the signing of this Agreement shall be payable only out of any trust property which may be held thereunder, and said Trustee shall not be personally liable for the performance of any of the terms and conditions of this agreement or for the validity or condition of the title of said property or for any agreement with respect thereto. Any and all personal liability of Parkway Bank and Trust Co. is hereby expressly waived by the parties hereto and their respective successors and assigns.

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that John Cadden, personally known to me to be the Vice President of **RIVER CITY HOLDINGS, LLC, an Illinois limited liability company**, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act and deed as the Vice President of said limited liability company for the uses and purposes therein set forth

Given under my hand and official seal, this 14<sup>th</sup> day of March, 2001

"OFFICIAL SEAL"  
KRISTIN VUCINOVICH  
Notary Public, State of Illinois  
My Commission Expires 5/22/2004  
(Notary Seal)

[Signature]  
Notary Public

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Diane Y. Peszynski, personally known to me to be the Authorized Signatory of **Parkway Bank and Trust Company, an Illinois Banking Corporation, as Trustee for Trust No.12842 under a certain Trust Agreement dated February 6, 2001**, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

"OFFICIAL SEAL"  
LUBA KOHN  
NOTARY PUBLIC STATE OF ILLINOIS  
My Commission Expires 05/22/2004

[Signature]  
Notary Public

0010245092  
**UNOFFICIAL COPY**

EXHIBIT A

THAT PART OF BLOCKS 85 AND 86 IN THE SCHOOL SECTION ADDITION TO CHICAGO, BEING A SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THE FILLED OLD CHANNEL OF THE SOUTH BRANCH OF THE CHICAGO RIVER ALL TAKEN AS A TRACT AND DESCRIBED AS FOLLOWS:  
COMMENCING AT THE INTERSECTION OF THE EAST LINE OF BLOCK 86 AFORESAID AND THE SOUTH LINE OF WEST POLK STREET, BEING ALSO THE NORTH LINE OF BLOCK 86 AFORESAID; THENCE NORTH 89 DEGREES 53 MINUTES 33 SECONDS WEST ALONG THE SOUTH LINE OF WEST POLK STREET 10.00 FEET TO A POINT ON THE WEST LINE OF SOUTH WELLS STREET (SAID WEST LINE BEING DRAWN 10.00 FEET WEST OF AND PARALLEL WITH THE AFOREMENTIONED EAST LINE OF BLOCK 86) SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT HEREINAFTER DESCRIBED; THENCE SOUTH 0 DEGREES 03 MINUTES 37 SECONDS EAST, ALONG THE WEST LINE OF SOUTH WELLS STREET AFORESAID, 674.00 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 45 SECONDS WEST, 315.078 FEET TO THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AS ESTABLISHED BY ORDINANCE PASSED JULY 8, 1926; THENCE NORTH 5 DEGREES 26 MINUTES 15 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AFORESAID, 179.644 FEET TO ITS POINT OF INTERSECTION WITH THE SOUTHWESTERLY FACE OF THE DOCK AS IT EXISTED PRIOR TO JULY 8, 1926; THENCE NORTH 17 DEGREES 31 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AFORESAID, 39.09 FEET; THENCE NORTH 4 DEGREES 27 MINUTES 27 SECONDS WEST ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AFORESAID, 459.60 FEET TO A POINT ON THE HERETOFORE MENTIONED SOUTH LINE OF WEST POLK STREET; THENCE SOUTH 89 DEGREES 53 MINUTES 33 SECONDS EAST ALONG THE SOUTH LINE OF WEST POLK STREET AFORESAID 378.88 FEET TO THE HEREINABOVE DESIGNATED POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

AREA = 235,903.0 SQUARE FEET OR 5.4156 ACRES.

Common Address: 800 S. Wells Street, Chicago, Illinois 60607

PIN Nos.: 17-16-401-004-0000; 17-16-401-005-0000

MARINA PARCEL:

THAT PART OF BLOCKS 85 AND 86 IN THE SCHOOL SECTION ADDITION TO CHICAGO, BEING A SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN AND OF THE FILLED OLD CHANNEL OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ALL TAKEN AS A TRACT, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF BLOCK 86 AFORESAID WITH THE SOUTH LINE OF WEST POLK STREET; THENCE NORTH 89 DEGREES 53 MINUTES 33 SECONDS WEST, ALONG THE SOUTH LINE OF WEST POLK STREET, 10.00 FEET TO A POINT ON THE WEST LINE OF SOUTH WELLS STREET (SAID WEST LINE BEING DRAWN 10.00 FEET WEST OF AND PARALLEL WITH THE AFOREMENTIONED EAST LINE OF BLOCK 86); THENCE SOUTH 0 DEGREES 03 MINUTES 37 SECONDS EAST ALONG THE WEST LINE OF SOUTH WELLS STREET AFORESAID, 388.20 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 23 SECONDS WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 199.78 FEET TO A POINT ON A LINE DRAWN 1.31 FEET (AS MEASURED PERPENDICULARLY) EAST OF AND PARALLEL WITH THE EASTERLY LINE OF A 20 FOOT PERMANENT ACCESS EASEMENT PER CIRCUIT COURT OF COOK COUNTY CASE NO. 76L11684 ENTERED JULY 1, 1977; THENCE SOUTH 5 DEGREES 26 MINUTES 15 SECONDS EAST, ALONG SAID PARALLEL LINE 108.05 FEET; THENCE SOUTH 84 DEGREES 33 MINUTES 45 SECONDS WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 22.99 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUING SOUTH 84 DEGREES 33 MINUTES 45 SECONDS WEST, 118.52 FEET; THENCE NORTH 5 DEGREES 26 MINUTES 15 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AS ESTABLISHED BY ORDINANCE PASSED JULY 8, 1926, A DISTANCE OF 14.67 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHWESTERLY FACE OF THE DOCK AS IT EXISTED PRIOR TO JULY 8, 1926; THENCE NORTH 17 DEGREES 31 MINUTES 24 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AFORESAID, 39.09 FEET; THENCE NORTH 4 DEGREES 27 MINUTES 27 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AFORESAID, 459.60 FEET TO A POINT ON THE SOUTH LINE OF WEST POLK STREET; THENCE NORTH 89 DEGREES 53 MINUTES 33 SECONDS WEST, ALONG THE SOUTH LINE OF WEST POLK STREET AFORESAID, 119.40 FEET TO A POINT SAID POINT BEING 259.48 FEET (AS MEASURED ALONG SAID SOUTH LINE) WEST OF THE WEST LINE OF SOUTH WELLS STREET AFORESAID; THENCE SOUTH 5 DEGREES 26 MINUTES 15 SECONDS EAST, ALONG A LINE DRAWN 1.46 FEET (AS MEASURED PERPENDICULARLY) WEST OF AND PARALLEL WITH THE WESTERLY LINE OF THE 20 FOOT EASEMENT AFORESAID, 500.89 FEET TO THE HEREINABOVE DESIGNATED POINT OF BEGINNING

SAID PARCEL HAVING NO LOWER LIMITS, AND HAVING AS AN UPPER LIMIT A HORIZONTAL PLANE OF ELEVATION +16.00 FEET CHICAGO CITY DATUM, ALL IN COOK COUNTY, ILLINOIS.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

PARCEL C1-L3:

THAT PART OF BLOCKS 85 AND 86 IN THE SCHOOL SECTION ADDITION TO CHICAGO, BEING A SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN AND OF THE FILLED OLD CHANNEL OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ALL TAKEN AS A TRACT, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF BLOCK 86 AFORESAID WITH THE SOUTH LINE OF WEST POLK STREET; THENCE NORTH 89 DEGREES 53 MINUTES 33 SECONDS WEST, ALONG THE SOUTH LINE OF WEST POLK STREET, 10.00 FEET TO A POINT ON THE WEST LINE OF SOUTH WELLS STREET (SAID WEST LINE BEING DRAWN 10.00 FEET WEST OF AND PARALLEL WITH THE AFOREMENTIONED EAST LINE OF BLOCK 86); THENCE SOUTH 0 DEGREES 03 MINUTES 37 SECONDS EAST ALONG THE WEST LINE OF SOUTH WELLS STREET AFORESAID, 388.20 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 23 SECONDS WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 199.78 FEET TO A POINT ON A LINE DRAWN 1.51 FEET (AS MEASURED PERPENDICULARLY) EAST OF AND PARALLEL WITH THE EASTERLY LINE OF A 20 FOOT PERMANENT ACCESS EASEMENT PER CIRCUIT COURT OF COOK COUNTY CASE NO. 76L11684 ENTERED JULY 1, 1977; THENCE SOUTH 5 DEGREES 26 MINUTES 15 SECONDS EAST, ALONG SAID PARALLEL LINE, 108.05 FEET; THENCE SOUTH 84 DEGREES 33 MINUTES 45 SECONDS WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 22.99 FEET TO A POINT ON A LINE DRAWN 1.48 FEET (AS MEASURED PERPENDICULARLY) WEST OF AND PARALLEL WITH THE WESTERLY LINE OF THE 20 FOOT EASEMENT AFORESAID; THENCE CONTINUING SOUTH 84 DEGREES 33 MINUTES 45 SECONDS WEST, 24.07 FEET; THENCE NORTH 5 DEGREES 26 MINUTES 15 SECONDS WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 62.06 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE SOUTH 84 DEGREES 30 MINUTES 02 SECONDS WEST, 2.97 FEET; THENCE NORTH 5 DEGREES 29 MINUTES 58 SECONDS WEST, 2.32 FEET; THENCE NORTH 50 DEGREES 29 MINUTES 47 SECONDS WEST, 42.49 FEET; THENCE NORTH 39 DEGREES 30 MINUTES 13 SECONDS EAST, 5.18 FEET; THENCE NORTH 6 DEGREES 51 MINUTES 19 SECONDS WEST, 24.84 FEET; THENCE NORTH 83 DEGREES 45 MINUTES 48 SECONDS EAST, 2.97 FEET TO A POINT, SAID POINT BEING 51.10 FEET (AS MEASURED PERPENDICULARLY) WEST OF THE HEREINAFTER DESIGNATED LINE "A", BEING A LINE DRAWN 1.48 FEET (AS MEASURED PERPENDICULARLY) WEST OF AND PARALLEL WITH THE WESTERLY LINE OF THE 20 FOOT EASEMENT AFORESAID; THENCE SOUTH 47 DEGREES 32 MINUTES 01 SECONDS EAST, 36.08 FEET; THENCE NORTH 84 DEGREES 00 MINUTES 45 SECONDS EAST, 2.87 FEET TO A POINT, SAID POINT BEING 24.05 FEET (AS MEASURED PERPENDICULARLY) WEST OF THE HEREINABOVE DESIGNATED LINE "A"; THENCE SOUTH 5 DEGREES 24 MINUTES 11 SECONDS EAST, 34.12 FEET TO THE HEREINABOVE DESIGNATED POINT OF BEGINNING SAID PARCEL HAVING AS A LOWER LIMIT A HORIZONTAL PLANE OF ELEVATION +12.60 FEET CHICAGO CITY DATUM, AND HAVING AS AN UPPER LIMIT A HORIZONTAL PLANE OF ELEVATION +16.00 FEET CHICAGO CITY DATUM, IN COOK COUNTY, ILLINOIS.

AREA = 62,157.6 SQUARE FEET OR 1.4269 ACRES.