



78-91-965 d 2 PB

TERMINATION AND RELEASE OF EASEMENT RIGHTS

THIS TERMINATION AND RELEASE OF EASEMENT RIGHTS (the "Agreement") is executed as of the 9th day of ~~March~~ ^{April}, 2002, by and among MEIJER STORES LIMITED PARTNERSHIP, a Michigan limited partnership, 2929 Walker Avenue, N.W., Grand Rapids, Michigan 49544 ("Meijer"), CHI-CO, INC., a Colorado corporation ("Arby's"), and BRADFORD MEADOWS LLC, an Illinois limited liability company, with a mailing address at One North Franklin Street, Suite 3602, Chicago, Illinois 60606 ("Bradford").

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PREMISES

A. Arby's is the fee simple owner of certain real property legally described as Lot 5 in Heise's Subdivision of Part of the Northwest ¼ of Section 16, Township 41 North, Range 11, East of the Third Principal Meridian, Cook County, Illinois (the "Arby's Property").

B. Meijer is the fee simple owner of certain real property located in Cook County, Illinois and being part of Lot 3 in Heise's Subdivision, and more particularly described on attached Exhibit A (the "Meijer Property").

Bradford is the fee simple owner of certain real property located in Cook County, Illinois and being part of Lot 3 in Heise's Subdivision, and more particularly described on attached Exhibit B (the "Bradford Property").

The Arby's Property is benefited by certain ingress/egress and utility easement rights as created by Document No. 24119807 recorded in the Cook County records, portions of which easement rights encumber the Meijer Property and the Bradford Property.

The Meijer Property is benefited by certain ingress/egress and utility easement rights as created by Document No. 24119807 recorded in the Cook County records, portions of which easement rights encumber the Arby's Property and the Bradford Property.

The Bradford Property is benefited by certain ingress/egress and utility easement rights as created by Document No. 24119807 recorded in the Cook County records, portions of which easement rights encumber the Arby's Property and the Meijer Property.

BOX 333-C7

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The parties hereto desire to terminate the thirty (30) foot ingress/egress easement created by Document No. 24119807 recorded in the Cook County records as it relates to and encumbers the Arby's Property, the Meijer Property and the Bradford Property.

NOW, THEREFORE, in consideration of the premises, the covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

Release of Easements. Arby's, Meijer and Bradford each hereby release and terminate their respective ingress/egress easement rights and interests over the property of the other as to that thirty (30) foot ingress/egress easement granted by Document No. 24119807 as recorded in the Cook County records. The parties further agree that to the extent the drainage lines and utility improvements located within such thirty (30) foot easement are relocated, the parties shall enter into replacement utility easements based upon the location of such utilities as relocated, and the existing easement shall then be terminated and released by the parties. Each party shall have the right to relocate within its property those utility lines located pursuant to the easements granted by Document No. 24119807 recorded in the Cook County records.

Captions. The captions of the sections and subsections of this Agreement are for convenience only and shall not be considered nor referred to in resolving questions of interpretation and construction.

Governing Laws. This Agreement shall be construed in accordance with the laws of the State of Illinois and any applicable federal laws and regulations.

Not a Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Meijer Property or the Arby's Property to the general public or for the general public or for any public purpose whatsoever.

Severability. If any term, provision or condition contained in this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement (or the application of such term, provision or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected thereby, and each term, provision and condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

Exhibits. All exhibits referred to herein and attached hereto shall be deemed part of this Agreement.

Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

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

MEIJER STORES LIMITED
PARTNERSHIP, a Michigan
limited partnership

By: MEIJER GROUP, INC.

Its: General Partner

CHI-CO, INC., a Colorado
corporation

By: [Signature]

Printed
Name: Michael G. Kramer

Title: Pres

By: [Signature] ^{EMP}
Printed
Name: Michael L. Kinstle

Title: Vice President - Real Estate

BRADFORD MEADOWS LLC, an
Illinois limited liability

By: BRADFORD REAL ESTATE
SERVICES CORP., an
Illinois corporation
Its: Manager

By: [Signature]
Printed
Name: J.R. Troutman

Title: Secretary and Treasurer

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EXHIBIT A
Meijer Property

DESCRIPTION OF MEIJER PORTION OF THE PADDOCK PROPERTY
ROLLING MEADOWS, ILLINOIS
CONTAINING 0.626 ACRES
JANUARY 15, 2002

Situate in Section 16, Township 41 North, Range 11 East of the Third Principal Meridian, City of Rolling Meadows, County of Cook, State of Illinois, and being part of Lot 3 of Heise's Subdivision as recorded in Document Number 24119807, and being more particularly bounded and described as follows:

PARCEL 1

Commencing for reference at an iron pin found at the northeast corner of Lot 1 of said Caudill's Subdivision as recorded in Document No. 13160398, said corner also being in the south line of said Heise's Subdivision;

thence along the south line of said Heise's Subdivision, North eighty degrees fifty-nine minutes twenty-nine seconds West ($N80^{\circ}59'29''W$) for two hundred twenty-six and $76/100$ feet (226.76') to the **TRUE POINT OF BEGINNING** of the herein described Parcel 1;

thence continuing along the south line of said Heise's Subdivision, North eighty degrees fifty-nine minutes twenty-nine seconds West ($N80^{\circ}59'29''W$) for one hundred ninety-nine and $33/100$ feet (199.33');

thence over said Lot 3 on a new division line for the following six (6) courses:

North twenty-one degrees ten minutes forty-six seconds East ($N21^{\circ}10'46''E$) for eighteen and $70/100$ feet (18.70');

on a non-tangent curve to the left with a radius of twenty-seven and $00/100$ feet (27.00') for an arc distance of eleven and $94/100$ feet (11.94'), [chord bearing North thirty-seven degrees fifty-nine minutes fifty-nine seconds East ($N37^{\circ}59'59''E$) for eleven and $85/100$ feet (11.85'), delta angle of said curve being twenty-five degrees twenty minutes thirty-seven seconds ($25^{\circ}20'37''$)];

South eighty degrees fifty-seven minutes twenty seconds East ($S80^{\circ}57'20''E$) for one and $80/100$ feet (1.80');

North nine degrees two minutes forty seconds East ($N09^{\circ}02'40''E$) for one hundred fifteen and $13/100$ feet (115.13');

South eighty degrees fifty-seven minutes twenty seconds East ($S80^{\circ}57'20''E$) for one hundred eighty-seven and $86/100$ feet (187.86');

South nine degrees two minutes forty seconds West ($S09^{\circ}02'40''W$)

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for one hundred forty-three and 65/100 feet (143.65') to the **TRUE POINT OF BEGINNING**, said Parcel 1 containing no and 625/1000 (0.625) acres, more or less.

ALSO - PARCEL 2

Commencing for reference at an iron pin found at the northeast corner of Lot One of said Caudill's Subdivision as recorded in Document No. 13160398, said corner also being in the south line of said Heise's Subdivision;

thence along the south line of said Heise's Subdivision, North eighty degrees fifty-nine minutes twenty-nine seconds West ($N80^{\circ}59'29''W$) for six hundred thirteen and 30/100 feet (613.30') to the **TRUE POINT OF BEGINNING** of the herein described Parcel 2;

thence continuing along the south line of said Heise's Subdivision, North eighty degrees fifty-nine minutes twenty-nine seconds West ($N80^{\circ}59'29''W$) for twenty and 91/100 feet (20.91') to the southeast corner of Lot 5 of said Heise's Subdivision (witness an iron pin found South eighty-four degrees West ($S84^{\circ}W$) for no and 19/100 feet (0.19') from said corner);

thence along the east line of said Lot 5, North nine degrees no minutes thirty-one seconds East ($N09^{\circ}00'31''E$) for four and 33/100 feet (4.33');

thence over said Lot 4 on a new division line, South sixty-nine degrees eighteen minutes twenty seconds East ($S69^{\circ}18'20''E$) for twenty-one and 35/100 feet (21.35') to the **TRUE POINT OF BEGINNING**, said Parcel 2 containing no and 001/1000 (0.001) acres, more or less.

The above described Parcels 1 and 2 contain a combined area of no and 626/1000 (0.626) acres, more or less, subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tracts of land.

This description was prepared from a field survey performed by Woolpert LLP during January through September of 2001, with bearings based upon Illinois The State Plane Coordinate System (East Zone) as determined by Christopher B. Burke Engineering, Ltd. using the City of Rolling Meadows Control Monument System.

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EXHIBIT B



DESCRIPTION OF LOT 1 OF MEIJER - ROLLING MEADOWS SUBDIVISION CONTAINING 3.024 ACRES FEBRUARY 28, 2002

Woolpert LLP

409 East Monument Avenue

Dayton, OH 45402-1261

937.461.5660

Fax: 937.461.0743

www.woolpert.com

Situate in Section 16, Township 41 North, Range 11 East of the Third Principal Meridian, City of Rolling Meadows, County of Cook, State of Illinois, and being Lot 1 of Meijer - Rolling Meadows Subdivision as recorded in Document Number 2002 _____, and being part of Lot 1 of Caudill's Subdivision as recorded in Document Number 13160398, and part of Lots 3 and 4 of Heise's Subdivision as recorded in Document Number 24119807 and being more particularly bounded and described as follows:

Commencing for reference at an iron pin found at the northeast corner of Lot 1 of Caudill's Subdivision as recorded in Document No. 13160398, said corner also being in the south line of said Heise's Subdivision;

thence along the south line of said Heise's Subdivision, North eighty degrees fifty-nine minutes twenty-nine seconds West (N80°59'29"W) for one hundred two and 01/100 feet (102.01') to an iron pin found at the **TRUE POINT OF BEGINNING** of the herein described tract of land at the southwest corner of Lot 2 of said Heise's Subdivision;

thence continuing along the south line of said Heise's Subdivision, North eighty degrees fifty-nine minutes twenty-nine seconds West (N80°59'29"W) for one hundred twenty-four and 75/100 feet (124.75');

thence on a new division line over Lots 3 and 4 of said Heise's Subdivision and said Lot 1 of Caudill's Subdivision for the following seven (7) courses:

1. North nine degrees two minutes forty seconds East (N09°02'40"E) for one hundred forty-three and 65/100 feet (143.65');
2. North eighty degrees fifty-seven minutes twenty seconds West (N80°57'20"W) for one hundred eighty-seven and 86/100 feet (187.86');
3. South nine degrees two minutes forty seconds West (S09°02'40"W) for one hundred fifteen and 13/100 feet (115.13');
4. North eighty degrees fifty-seven minutes twenty seconds West (N80°57'20"W) for one and 80/100 feet (1.80');

EXHIBIT B
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5. on a non-tangent curve to the right with a radius of twenty-seven and 00/100 feet (27.00') for an arc distance of eleven and 94/100 feet (11.94'), [chord bearing South thirty-seven degrees fifty-nine minutes fifty-nine seconds West (S37°59'59"W) for eleven and 85/100 feet (11.85'), delta angle of said curve being twenty-five degrees twenty minutes thirty-seven seconds (25°20'37")];
6. South twenty-one degrees ten minutes forty-six seconds West (S21°10'46"W) for fifty-six and 62/100 feet (56.62');
7. North sixty-nine degrees eighteen minutes twenty seconds West (N69°18'20"W) for two hundred four and 37/100 feet (204.37') to point in the east line of Lot 5 of said Heise's Subdivision;

thence along the east line of Lot 5 of said Heise's Subdivision for the following two (2) courses:

1. North nine degrees no minutes thirty-one seconds East (N09°00'31"E) for one hundred thirty seven and 03/100 feet (137.03');
2. North one degree twenty-two minutes fifty-two seconds West (N01°22'52"W) for ninety-nine and 05/100 feet (99.05') to an iron pin found in the south right-of-way line of Golf Road as established by said Heise's Subdivision;

thence along the south right-of-way line of said Golf Road for the following two (2) courses:

1. North eighty-eight degrees thirty-seven minutes eight seconds East (N88°37'08"E) for five hundred twenty-seven and 91/100 feet (527.91') to an iron pin found;
2. on a non-tangent curve to the right with a radius of three hundred ninety and 00/100 feet (390.00') for an arc distance of thirty-one and 71/100 feet (31.72'), [chord bearing South sixty-eight degrees twenty-six minutes forty-seven seconds East (S68°26'47"E) for thirty-one and 71/100 feet (31.71'), delta angle of said curve being four degrees thirty-nine minutes thirty-five seconds (4°39'35")] to the northwest corner of Lot 2 of said Heise's Subdivision;

thence along the west line of said Lot 2, South nine degrees two minutes one second West (S09°02'01"W) for three hundred twenty-seven and 10/100 feet (327.10') to the **TRUE POINT OF BEGINNING**, containing three and 024/1000 (3.024) acres, more or less, subject however to all covenants, **20638479**

conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land.

This description was prepared from a field survey performed by Woolpert LLP during January through September of 2001, with bearings based upon Illinois The State Plane Coordinate System (East Zone) as determined by Christopher B. Burke Engineering, Ltd. using the City of Rolling Meadows Control Monument System.

Woolpert LLP

Paul F. MacCallum

Paul F. MacCallum
Illinois Professional Surveyor #035-3123



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PIN'S:

08-16-100-004-0000

08-16-100-005-0000

08-16-100-006-0000

08-16-100-021-0000

08-16-100-022-0000

08-16-102-009-0000

08-16-102-017-0000

08-16-102-018-0000

08-16-102-019-0000

C/K/A:

THE SOUTHWEST CORNER OF
ALGONQUIN AND GOLF ROADS
ROLLING MEADOWS, IL

Property of Cook County Clerk's Office

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