

UNOFFICIAL COPY

0020948358

1350/0003 55 001 Page 1 of 15
2002-08-28 10:54:08
Cook County Recorder 49.00

DEED



0020948358

SPECIAL WARRANTY DEED
(ILLINOIS)

Prepared by:

Barack Ferrazzano Kirschbaum
Perlman & Nagelberg LLC
333 West Wacker Drive, Suite 2700
Chicago, Illinois 60606
Attn: T. Randall Graeb

After recording return to:

Aronberg, Goldgehn, Davis &
Garmisa
One IBM Plaza, Suite 3000
Chicago, Illinois 60611
Attn: Henry Morris

Space Above For Recorder's Use Only

This DEED, made and entered into as of this 2nd day of August, 2002, by and between O.H. 159TH STREET, INC., a Delaware corporation ("Grantor") with its principal office address at c/o CB Richard Ellis Investors, 601 108th Avenue N.E. #1900, Bellevue, WA 98006, and ORLAND TOWNE CENTER, L.L.C., an Illinois limited liability company ("Grantee") with its principal office address at 888 Beverly Place, Lake Forest, IL 60045.

WITNESSETH, that the Grantor, for the consideration of One Dollar (\$1.00) and other good and valuable consideration in hand paid, by these presents, does hereby GRANT, BARGAIN and SELL unto Grantee the following described real estate (the "Property"), situated in the City of Orland Hills, County of Cook, State of Illinois, more particularly described as follows, to wit:

See legal description set forth on Exhibit A, attached hereto and incorporated herein;

Address of Real Estate: 94th Avenue and 159th Street
Orland Hills, Illinois
Tax Identification Number(s): 27-22-101-013-0000
27-22-101-014-0000
27-22-101-015-0000
27-22-101-020-0000
27-22-101-021-0000

Subject to the exceptions identified below.

BOX 333-CTI

UNOFFICIAL COPY

TO HAVE AND TO HOLD the Property as above described, with the appurtenances, unto the Grantee, its successors and assigns forever.

The Grantor hereby covenants that Grantor and its successors and assigns, shall and will warrant and defend the title to the said Property unto the Grantee, against the lawful claims of all persons claiming by and through the Grantor and none other, excepting however: real estate taxes and assessments not yet due and payable; acts or omissions of the Grantee or anyone acting by, through or under the Grantee; leases and other occupancy agreements assigned to Grantee; and all other matters set forth on Exhibit B attached hereto and incorporated by reference.

IN WITNESS WHEREOF, said Grantor has caused this Special Warranty Deed to be executed by an authorized representative of Grantor this 2nd day of August, 2002.

GRANTOR:

O.H. 159TH STREET, INC,
a Delaware corporation

STATE OF ILLINOIS	
STATE TAX	AUG. 27. 02
REAL ESTATE TRANSFER TAX	1368800
# 699500000	FP 102808
REAL ESTATE TRANSFER TAX DEPARTMENT OF REVENUE	

By:

Paul C. Chapman,
Executive Vice President

STATE OF District

COUNTY OF Columbia)ss

COOK COUNTY REAL ESTATE TRANSACTION TAX	
COUNTY TAX	AUG. 27. 02
REAL ESTATE TRANSFER TAX	06844.00
# 0000035785	FP 102802
REVENUE STAMP	

Be it remembered that on this 30 day of July, 2002, before me, personally appeared Paul C. Chapman is personally known to me to be the Executive Vice President of O.H. 159th Street, Inc., a Delaware corporation, and the same person who executed the foregoing instrument and duly acknowledged the execution of the same for and on behalf of and as the act and deed of said corporation.

In witness whereof, I have hereunto set my hand and fixed my seal the day and year above written.

Marla E. Ollinger
Notary Public

Marla E. Ollinger
Notary Public District of Columbia
My commission expires: January 31, 2004

Seal

SEND FUTURE TAX BILLS TO:

Orland Towne Center, L.L.C.
888 Beverly Place,
Lake Forest, IL 60045

20948358

UNOFFICIAL COPY

Property of Cook County Clerk's Office

2011/11/22

COOK COUNTY CLERK'S OFFICE
11/22/2011 10:00 AM

COOK COUNTY CLERK'S OFFICE
11/22/2011 10:00 AM

UNOFFICIAL COPY

Exhibit A to Deed

(Legal Description)

All that certain parcel of ground situated in the City of Orland Hills, County of Cook and State of Illinois, bounded and described as follows:

PARCEL 1:

LOTS 1, 2 AND 3 IN ORLAND TOWNE CENTER SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295427, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

NON-EXCLUSIVE PERPETUAL EASEMENTS FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY AGREEMENT DATED JUNE 1, 1990 AND RECORDED JUNE 21, 1990 AS DOCUMENT 90295432 ON, OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY: THE EAST 40 FEET OF THE NORTH 343.37 FEET OF THE WEST 202 FEET OF LOT 1 IN THOMAS RESUBDIVISION BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 3:

NON-EXCLUSIVE, PERPETUAL EASEMENT FOR THE BENEFIT OF PARCEL 1 CREATED BY THE EASEMENT AGREEMENT DATED NOVEMBER 1, 1990 AND RECORDED DECEMBER 21, 1990 AS DOCUMENT NUMBER 90619832 MADE BY AND BETWEEN ORLAND HILLS I PARTNERSHIP, STEEL CITY NATIONAL BANK OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 5, 1984 AND KNOWN AS TRUST NUMBER 2731 AND WORTH BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 18, 1984 AND KNOWN AS TRUST NUMBER 3887 FOR THE PURPOSE OF INSTALLING, MAINTAINING, REPAIRING, REPLACING AND USING A 12 INCH WATER MAIN UNDER AND ACROSS THE NORTH 15 FEET OF THE FOLLOWING DESCRIBED LAND:

THE NORTHWEST QUARTER (EXCEPT THE EAST 20 ACRES AND THE SOUTH 10 FEET OF THE NORTH 63 FEET THEREOF AND EXCEPT THE EAST 434.60 FEET OF THE NORTH 300 FEET THEREOF) OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; AND THE WEST 144.60 FEET OF THE SOUTH 300 FEET OF THE NORTH 363 FEET OF THE EAST 435 FEET OF THE NORTHWEST 1/4 (EXCEPT EAST 20 ACRES) OF NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

UNOFFICIAL COPY

PARCEL 4:

NON-EXCLUSIVE, PERPETUAL EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR VEHICULAR INGRESS AND EGRESS AS CREATED BY THE COVENANTS, CONDITIONS, RESTRICTIONS AND RECIPROCAL RIGHTS AGREEMENT DATED AUGUST 13, 1992 AND RECORDED AUGUST 21, 1992 AS DOCUMENT NUMBER 92623488 ON, OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL OF LAND: LOT 5 IN ORLAND TOWNE CENTER SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 5:

NON-EXCLUSIVE, PERPETUAL EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR VEHICULAR INGRESS AND EGRESS AS CREATED BY THE COVENANTS, CONDITIONS, RESTRICTIONS AND RECIPROCAL RIGHTS AGREEMENT DATED AUGUST 13, 1992 AND RECORDED AUGUST 21, 1992 AS DOCUMENT NUMBER 92623490 ON, OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL OF LAND: LOT 6 IN ORLAND TOWNE CENTER SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

UNOFFICIAL COPY

Exhibit B to Deed

(Permitted Exceptions)

1. LIENS FOR TAXES ON REAL PROPERTY NOT YET DUE AND PAYABLE, AND LIENS FOR ANY GENERAL OR SPECIAL ASSESSMENTS OF RECORD AGAINST THE PROPERTY NOT YET DELINQUENT.
2. RIGHTS OR CLAIMS OF THE PARTIES IN POSSESSION UNDER LEASES AND AGREEMENTS ASSIGNED TO GRANTEE AND ALL PARTIES CLAIMING BY THROUGH OR THEREUNDER.
3. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL, HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
4. PERPETUAL EASEMENT FOR CONSTRUCTION, REPAIR, MAINTENANCE AND OPERATION OF A SANITARY SEWER CREATED BY GRANT FROM LASALLE NATIONAL BANK, AS SUCCESSOR TRUSTEE UNDER TRUST AGREEMENT DATED FEBRUARY 1, 1973 AND KNOWN AS TRUST NUMBER 10-27504-09 TO THE VILLAGE OF ORLAND PARK, A MUNICIPAL CORPORATION, RECORDED JUNE 3, 1986 AS DOCUMENT 86221599.
5. PERPETUAL EASEMENT FOR CONSTRUCTION, REPAIR, MAINTENANCE AND OPERATION OF A SANITARY SEWER CREATED BY GRANT FROM LASALLE NATIONAL BANK, AS SUCCESSOR TRUSTEE UNDER TRUST AGREEMENT DATED FEBRUARY 1, 1973 AND KNOWN AS TRUST NUMBER 10-27504-09 TO THE VILLAGE OF ORLAND PARK, A MUNICIPAL CORPORATION, RECORDED JUNE 3, 1986 AS DOCUMENT 86221600.
6. NOTE SHOWN ON PLAT OF THOMAS RESUBDIVISION RECORDED AUGUST 1, 1989 AS DOCUMENT 89352404, AS FOLLOWS:

"AN EXAMINATION HAS BEEN MADE OF THE FLOOD INSURANCE RATE MAP OF THE NATIONAL FLOOD INSURANCE PROGRAM FOR THIS AREA OF THE VILLAGE OF ORLAND PARK, COOK COUNTY, ILLINOIS BEING COMMUNITY PANEL NUMBER 176146 0003--EFFECTIVE DATE MAY 3, 1982. THE NATIONAL FLOOD INSURANCE PROGRAM HAS DETERMINED THAT THE ABOVE DESCRIBED PROPERTY IS DESIGNATED AS ZONE 'C' DEFINED AS AREAS OF MINIMAL FLOODING. THIS STATEMENT IS FOR FLOOD INSURANCE PURPOSES ONLY AND DOES NOT NECESSARILY INDICATE ALL AREAS SUBJECT TO FLOODING."

THE FOLLOWING NOTE APPEARED ON THE SURVEY MADE BY TECH 3 CONSULTING GROUP INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060: "AN EXAMINATION HAS BEEN MADE OF THE FLOOD INSURANCE RATE MAP OF THE NATIONAL FLOOD INSURANCE PROGRAM FOR THIS AREA OF "WILL" COUNTY (EMPHASIS ADDED), ILLINOIS BEING MAP NUMBER 17031C0701F, EFFECTIVE DATE NOVEMBER 6, 2000. THE NATIONAL FLOOD INSURANCE PROGRAM HAS DETERMINED THAT THE ABOVE DESCRIBED PROPERTY IS DESIGNATED AS ZONE X DEFINED AS AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOODPLAIN, THIS STATEMENT IS FOR FLOOD INSURANCE PURPOSES ONLY AND DOES NOT NECESSARILY INDICATE ALL AREAS SUBJECT TO FLOODING."

(THIS EXCEPTION IS FOR INFORMATIONAL PURPOSES ONLY)

UNOFFICIAL COPY

7. NOTICE OF REQUIREMENTS FOR STORM WATER DETENTION RECORDED OCTOBER 11, 1989 AS DOCUMENT 89482002 BY THE METROPOLITAN SANITARY DISTRICT.
8. RECORDED EASEMENT AS SET FORTH ON PLAT OF SUBDIVISION RECORDED AS DOCUMENT NUMBER 90295427 TO MAINTAIN A 30 INCH STORM SEWER AND A 15 INCH STORM SEWER, AS SHOWN ON THE PLAT OF SURVEY MADE BY TECH 3 CONSULTING GROUP, INC., JOB NUMBER 94046 DATED JUNE 13, 2002.
9. AN EASEMENT FOR PUBLIC UTILITIES AS SHOWN ON PLAT OF ORLAND TOWNE CENTER SUBDIVISION RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295427 GRANTED TO THE COMMONWEALTH EDISON COMPANY, THE ILLINOIS BELL TELEPHONE COMPANY, NORTHERN ILLINOIS GAS COMPANY AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS (SAID UTILITY COMPANIES BEING HERINAFTER SOMETIMES REFERRED TO INDIVIDUALLY AS "GRANTEE" AND COLLECTIVELY AS "GRANTEES") UNDER AND THROUGH THOSE AREAS MARKED OR CODED ON THE ACCOMPANYING PLAT OF SUBDIVISION (THE "PLAT") AS "PUBLIC UTILITY EASEMENT", FOR THE NON-EXCLUSIVE RIGHT, PRIVILEGE AND AUTHORITY TO INSTALL, CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, OPERATE, MAINTAIN AND REMOVE AND SUBSTITUTE VARIOUS UNDERGROUND UTILITY TRANSMISSION AND DISTRIBUTION LINES, PIPES, CONDUITS, AND RELATED FIXTURES, APPURTENANCES AND EQUIPMENT (COLLECTIVELY, THE "UTILITY EQUIPMENT") FOR THE PURPOSE OF SERVING THE PROPERTY DEPICTED ON THE PLAT (THE "PROPERTY") WITH ELECTRIC, TELEPHONE AND GAS SERVICE, TOGETHER WITH THE RIGHT OF ACCESS OVER AND ACROSS THE PROPERTY AS NECESSARY TO PERFORM ANY OF THE ABOVE ACTIVITIES. ALL INSTALLATIONS PERMITTED HEREUNDER ARE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF ORLAND HILLS, ILLINOIS.

THE GRANTEES SHALL HAVE THE RIGHT TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS, OR OTHER PLANTS LOCATED ON THE FOREGOING EASEMENT AREAS THAT MATERIALLY INTERFERE WITH THE OPERATION OF THE UTILITY EQUIPMENT. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT AREAS, BUT THE EASEMENT AREAS MAY BE USED FOR TREES, PLANTS, SHRUBS AND OTHER LANDSCAPING, AND FOR HARD SURFACED DRIVEWAYS, AISLES AND PARKING AREAS AND OTHER SUCH PURPOSES AND IMPROVEMENTS THAT DO NOT MATERIALLY INTERFERE WITH THE OPERATION OF THE UTILITY EQUIPMENT. AFTER INITIAL INSTALLATION, EACH GRANTEE SHALL BE RESPONSIBLE, AT ITS SOLE COST AND EXPENSE FOR BACKFILLING AND GRADING ANY TRENCHES EXCAVATED IN THE COURSE OF INSTALLING, REPAIRING, MAINTAINING, AND OPERATING ITS RESPECTIVE UTILITY SYSTEM.

THE FOREGOING GRANT OF EASEMENT SHALL BE SUBJECT TO EACH OF THE FOLLOWING:

A) GRANTOR SHALL HAVE THE RIGHT TO RELOCATE THE UTILITY EQUIPMENT AND CORRESPONDING EASEMENT AREA TO A MUTUALLY AGREED UPON LOCATION, PROVIDED THAT SUCH RELOCATION SHALL BE AT GRANTOR'S SOLE COST AND EXPENSE.

B) THE TERM "GRANTOR", AS USED HEREIN, SHALL MEAN THE HOLDER (S) OF RECORD TITLE TO THE PROPERTY AND ITS/THEIR SUCCESSORS AND ASSIGNS; AND

C) THE RIGHTS, DUTIES, BENEFITS AND OBLIGATIONS CONTAINED HEREIN ARE APPURTENANT TO AND SHALL RUN WITH THE LAND AND SHALL BE PERPETUAL IN DURATION.

UNOFFICIAL COPY

10. STORMWATER DETENTION EASEMENT PROVISIONS AS SHOWN ON THE PLAT OF ORLAND TOWNE CENTER SUBDIVISION RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295427, AS FOLLOWS:

A NONEXCLUSIVE STORMWATER DETENTION EASEMENT IS HEREBY RESERVED FOR THE BENEFIT OF (A) LOTS 3, 5, 6 AND 7 AS SHOWN ON THE PLAT OVER, UNDER, THROUGH AND ACROSS ALL OF LOTS 1 AND 2 DESIGNATED AS "STORMWATER DETENTION EASEMENT" FOR THE PURPOSE OF USING DETENTION AND RETENTION POND (S) AND RELATED FACILITIES LOCATED FROM TIME TO TIME ON SUCH LOTS 1 AND 2 AND (B) LOT 4 AS SHOWN ON THE PLAT OVER, UNDER, THROUGH AND ACROSS LOT 1 DESIGNATED AS "STORMWATER DETENTION EASEMENT" FOR THE PURPOSE OF USING DETENTION AND RETENTION POND (S) AND RELATED FACILITIES, LOCATED FROM TIME TO TIME ON SUCH LOT 1.

NOTWITHSTANDING THE FOREGOING RESERVATIONS FOR STORM DRAINAGE AND STORMWATER DETENTION EASEMENT PURPOSES, LOTS 1 AND 2 MAY ALSO BE USED FOR PLACEMENT AND OPERATION OF UTILITY EQUIPMENT AS PROVIDED IN THE PUBLIC UTILITY EASEMENT PROVISIONS AND THE WATER AND SANITARY SEWER EASEMENT PROVISIONS SET FORTH HEREIN. THE OWNER FROM TIME TO TIME OF LOTS 1 AND 2 (THE "DETENTION" POND OWNER) SHALL MAINTAIN SAID DETENTION AND RETENTION PONDS AND RELATED FACILITIES IN GOOD CONDITION AND REPAIR. THE COST OF SUCH DETENTION POND MAINTENANCE SHALL BE SHARED AMONG SOME OR ALL OF THE OWNERS OF LOTS 1, 2, 3, 4, 5, 6 AND 7 AS PROVIDED FOR IN ANY DOCUMENT DEALING WITH SUCH MATTERS WHICH HAS BEEN HERETOFORE OR IS HEREAFTER RECORDED AGAINST ALL OR ANY OF SUCH LOTS. THE EASEMENT RIGHTS, DUTIES, BENEFITS AND OBLIGATIONS CONTAINED HEREIN ARE APPURTENANT TO AND SHALL RUN WITH THE LAND AND SHALL BE PERPETUAL IN DURATION.

11. ENCROACHMENT OF THE 1-STORY CONCRETE BLOCK BUILDING (A/K/A CIRCUIT CITY) LOCATED MAINLY ON THE LAND ONTO THE EASEMENT IN THE PRECEDING EXCEPTION AS SHOWN ON PLAT OF SURVEY NUMBER 00039 AND 02060 PREPARED BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002.
12. WATER AND SANITARY SEWER EASEMENT PROVISIONS AS SHOWN ON THE PLAT OF ORLAND TOWNE CENTER SUBDIVISION RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295427, AS FOLLOWS:

THERE IS HEREBY RESERVED FOR AND GRANTED TO CITIZENS UTILITIES COMPANY OF ILLINOIS, ITS SUCCESSORS AND ASSIGNS, A PERPETUAL NONEXCLUSIVE EASEMENT UNDER AND ACROSS THOSE PARTS OF THE PROPERTY MARKED OR CODED ON THIS PLAT AS "WATER AND SANITARY SEWER EASEMENT" TO INSTALL, CONSTRUCT, OPERATE, MAINTAIN, REPAIR, AND RENEW ITS MAINS, LAMPHOLES, EFFLUENT LINES, LIFT STATIONS AND ALL OTHER APPURTENANCES OR FACILITIES WHICH ARE NECESSARY FOR THE FURNISHING OF WATER SERVICE AND SEWAGE COLLECTION TREATMENT OR DISPOSAL SERVICE IN THE SUBDIVISION OR ANY ADJACENT TERRITORY, INCLUDING, THE RIGHT TO ENTER UPON SUCH PROPERTY AS NECESSARY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, OPERATING, MAINTAINING, REPAIRING OR RENEWING ANY FACILITIES, AS AFORESAID, AND TO CARRY ON THE BUSINESS OF A PUBLIC UTILITY BY MEANS OF FACILITIES LOCATED UNDER AND ACROSS SUCH EASEMENT AREAS; PROVIDED HOWEVER, THAT ANY EXCAVATION OR OTHER WORK INVOLVING AN OPENING OF SUCH PROPERTY SHALL BE COMPLETED IN A REASONABLE TIME AND AFTER COMPLETION OF SAID EXCAVATION OR OTHER WORK INVOLVING AN OPENING OF SUCH PROPERTY SHALL BE COMPLETED IN A REASONABLE TIME AND

UNOFFICIAL COPY

AFTER COMPLETION OF SAID EXCAVATION OR OTHER WORK THE SURFACE OF SUCH PROPERTY SHALL BE PROMPTLY RESTORED TO AS GOOD CONDITIONS AS BEFORE SAID OPENING, NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR TREES, PAVING, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT MATERIALLY INTERFERE THEN OR LATER WITH AFORESAID USES OR RIGHTS HEREIN GRANTED, PROVIDED THE ESTABLISHED GROUND ELEVATIONS REMAIN UNCHANGED ON SAID EASEMENTS. ALL FACILITIES OR APPURTENANCES INSTALLED OR TO BE INSTALLED BY CITIZENS UTILITIES COMPANY OF ILLINOIS AND/OR THE GRANTOR HEREOF AND/OR ANY OF ITS AFFILIATES OR THEIR RESPECTIVE SUCCESSORS AND ASSIGNS OR ANY OF THEIR CONTRACTORS OR SUBCONTRACTORS IN ORDER TO PROVIDE WATER AND SANITARY SEWER SERVICES WHICH ARE LOCATED OR INTENDED TO BE LOCATED WITHIN THE EASEMENTS GRANTED HEREIN SHALL BE AND REMAIN THE SOLE PROPERTY OF CITIZENS UTILITIES COMPANY OF ILLINOIS AND ITS SUCCESSORS AND ASSIGNS. GRANTOR SHALL HAVE THE RIGHT TO RELOCATE THE WATER AND SANITARY SEWER EASEMENT AREA AND ALL OR SOME OF THE WATER AND SANITARY SEWER UTILITY EQUIPMENT TO A MUTUALLY AGREED UPON LOCATION, PROVIDED THAT SUCH RELOCATION SHALL BE AT GRANTOR'S SOLE COST AND EXPENSE.

13. 50 FOOT BUILDING LINE AS SHOWN ON PLAT OF ORLAND TOWNE CENTER SUBDIVISION RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295427.
14. 80 FOOT BUILDING LINE AS SHOWN ON PLAT OF ORLAND TOWNE CENTER SUBDIVISION RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295427, AND AS SHOWN ON SURVEY MADE BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060.
15. STORM WATER DETENTION EASEMENT AS SHOWN ON THE PLAT OF ORLAND TOWNE CENTER SUBDIVISION RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295427.
16. EASEMENT FOR WATER AND SANITARY SEWER AS SHOWN ON PLAT OF ORLAND TOWNE CENTER SUBDIVISION RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295427.
17. NOTE SHOWN ON PLAT OF ORLAND TOWNE CENTER SUBDIVISION RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295427 AS FOLLOWS:

"AN EXAMINATION HAS BEEN MADE OF THE FLOOD INSURANCE RATE MAP OF THE NATIONAL FLOOD INSURANCE PROGRAM FOR THIS AREA OF COOK COUNTY, ILLINOIS, BEING COMMUNITY PANEL NUMBER 1701720001 EFFECTIVE MARCH 15, 1982. THE NATIONAL FLOOD INSURANCE PROGRAM HAS DETERMINED THAT THE ABOVE DESCRIBED PROPERTY IS DESIGNATED AS ZONE "C" DEFINED AS AREAS OF MINIMAL FLOODING. THIS STATEMENT IS FOR FLOOD INSURANCE PURPOSES ONLY AND DOES NOT NECESSARILY INDICATE ALL AREAS SUBJECT TO FLOODING."

THE FOLLOWING NOTE APPEARED ON THE SURVEY MADE BY TECH 3 CONSULTING GROUP INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060: "AN EXAMINATION HAS BEEN MADE OF THE FLOOD INSURANCE RATE MAP OF THE NATIONAL FLOOD INSURANCE PROGRAM FOR THIS AREA OF "WILL" COUNTY (EMPHASIS ADDED), ILLINOIS BEING MAP NUMBER 17031C0701F, EFFECTIVE DATE NOVEMBER 6, 2000. THE NATIONAL FLOOD INSURANCE PROGRAM HAS DETERMINED THAT THE ABOVE DESCRIBED PROPERTY IS DESIGNATED AS ZONE X DEFINED AS AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN, THIS

UNOFFICIAL COPY

STATEMENT IS FOR FLOOD INSURANCE PURPOSED ONLY AND DOES NOT NECESSARILY INDICATE ALL AREAS SUBJECT TO FLOODING."

(THIS EXCEPTION IS FOR INFORMATIONAL PURPOSES ONLY)

18. NON-EXCLUSIVE PERPETUAL EASEMENT FOR THE BENEFIT OF THE LAND WEST OF AND ADJOINING THE LAND FOR INGRESS AND EGRESS CREATED BY AGREEMENT CONCERNING EASEMENTS AND RESTRICTIONS AFFECTING LAND MADE BY AND BETWEEN ORLAND HILLS PARTNERSHIP AND GAINER BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 23, 1988 AND KNOWN AS TRUST NUMBER P-6129, DATED JUNE 21, 1990 AND RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295432 ON, OVER AND ACROSS THE FOLLOWING DESCRIBED LAND:

THAT PART OF LOT 3 IN ORLAND TOWNE CENTER SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 IN THE SAID ORLAND TOWNE CENTER SUBDIVISION; THENCE SOUTH 89 DEGREES, 47 MINUTES, 07 SECONDS EAST ALONG THE SOUTHERLY LINE OF 159TH STREET FOR A DISTANCE OF 50.00 FEET; THENCE SOUTH 0 DEGREES, 00 MINUTES, 14 SECONDS EAST ALONG THE WEST LINE OF LOT 1 IN SAID ORLAND TOWNE CENTER SUBDIVISION AND SAID LINE EXTENDED FOR A DISTANCE OF 342.28 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 441.77 FEET TO THE WEST LINE OF SAID LOT 3 IN ORLAND TOWNE CENTER SUBDIVISION; THENCE NORTH 0 DEGREES, 04 MINUTES, 40 SECONDS WEST ALONG THE SAID WEST LINE OF LOT 3 FOR A DISTANCE OF 50.00 FEET TO THE SOUTH LINE OF LOT 6 IN SAID ORLAND TOWNE CENTER SUBDIVISION; THENCE NORTH 89 DEGREES, 59 MINUTES, 46 SECONDS EAST ALONG THE SOUTH LINE OF LOTS 6 AND 5 IN SAID ORLAND TOWNE CENTER SUBDIVISION FOR A DISTANCE OF 391.84 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE NORTH 0 DEGREES, 00 MINUTES, 14 SECONDS WEST ALONG THE EAST LINE OF LOTS 5 AND 2 IN SAID ORLAND TOWNE CENTER SUBDIVISION FOR A DISTANCE OF 292.47 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

NOTE: TERMINATION OF TRACT 2 ACCESS EASEMENT RECORDED AS DOCUMENT 93553783.

19. NON-EXCLUSIVE PERPETUAL EASEMENT FOR THE BENEFIT OF THE LAND WEST OF AND ADJOINING THE LAND TO CONNECT TO AND USE THE DETENTION POND AND STORM SEWER LINES TO BE LOCATED ON, UNDER AND ACROSS THE LAND CREATED BY AGREEMENT CONCERNING EASEMENTS AND RESTRICTIONS AFFECTING LAND MADE BY AND BETWEEN ORLAND HILLS PARTNERSHIP AND GAINER BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 23, 1988 AND KNOWN AS TRUST NUMBER P-6129, DATED JUNE 21, 1990 AND RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295432.

NOTE: TERMINATION OF TRACT 2 ACCESS EASEMENT RECORDED AS DOCUMENT 93553783.

20. NON-EXCLUSIVE ACCESS EASEMENTS IN VARYING WIDTHS AS SHOWN ON THE PLAT OF ORLAND TOWNE CENTER SUBDIVISION RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295427.

UNOFFICIAL COPY

21. DEVELOPMENT AGREEMENT DATED MAY 15, 1990 AND RECORDED JUNE 19, 1990 AS DOCUMENT NUMBER 90288892 MADE BY AND BETWEEN WAL-MART STORES, INC., A DELAWARE CORPORATION AND ORLAND HILLS I PARTNERSHIP RELATING TO, AMONG OTHER THINGS CONSTRUCTION OF IMPROVEMENTS IN ACCORDANCE WITH DESIGNS AND PLANS CONTAINED THEREIN, SITEWORK CONSTRUCTION AND AGREEMENTS TO GRANT RECIPROCAL EASEMENTS, WHICH AGREEMENT WAS AMENDED AND RESTATED BY INSTRUMENTS RECORDED DECEMBER 3, 1991 AS DOCUMENT 91634168 AND 91634171 AND 92886375

AND ASSIGNED BY ASSIGNMENT AND ASSUMPTION OF REA'S NOTED ON EXHIBIT 'A' BY AND BETWEEN INTERCAPITAL PORTFOLIO X LIMITED PARTNERSHIP AND AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 21, 1992 KNOWN AS TRUST NUMBER 115807-01 AND O. H. 159TH STREET INC. A DELAWARE CORPORATION, RECORDED SEPTEMBER 9, 1994 AS DOCUMENT 94790700.

22. AGREEMENT CONCERNING EASEMENTS, COVENANTS AND RESTRICTIONS AFFECTING LAND DATED MAY 15, 1990 AND RECORDED JUNE 19, AS DOCUMENT NUMBER 90288893 MADE BY AND BETWEEN WAL-MART STORES, INC., A DELAWARE CORPORATION AND ORLAND HILLS I PARTNERSHIP WHICH, AMONG OTHER THINGS ESTABLISHES BUILDABLE AND COMMON AREAS; ESTABLISHES PERMITTED AND PROHIBITED USES; ESTABLISHES BUILDING DESIGN CRITERIA; CREATED RECIPROCAL EASEMENTS FOR PARKING, ACCESS AND LOADING; CREATES UTILITY AND DRAINAGE EASEMENTS; AND CONTAINS PROVISIONS WITH RESPECT TO THE DEVELOPMENT MAINTENANCE AND SHARING OF EXPENSES FOR THE COMMON AREAS, WHICH AGREEMENT WAS AMENDED AND RESTATED BY THE INSTRUMENT RECORDED DECEMBER 3, 1991 AS DOCUMENT 91634169. FIRST AMENDMENT TO AMENDED AMENDMENT RECORDED AS DOCUMENT 92886374

AND ASSIGNED BY ASSIGNMENT AND ASSUMPTION OF REA'S NOTED ON EXHIBIT 'A' BY AND BETWEEN INTERCAPITAL PORTFOLIO X LIMITED PARTNERSHIP AND AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 21, 1992 KNOWN AS TRUST NUMBER 115807-01 AND O. H. 159TH STREET INC. A DELAWARE CORPORATION, RECORDED SEPTEMBER 9, 1994 AS DOCUMENT 94790700.

23. JOINT DECLARATION OF RESTRICTIONS CONCERNING OUTLOT DATED MAY 15, 1990 AND RECORDED JUNE 19, 1990 AS DOCUMENT NUMBER 90288894 MADE BY AND BETWEEN WAL-MART STORES INC., A DELAWARE CORPORATION AND ORLAND HILLS I PARTNERSHIP, WHICH AMONG OTHER THINGS CREATES AN OUTLOT AND RESTRICTS THE SIZE AND LOCATION OF IMPROVEMENTS ERRECTED ON THE OUTLOT AND RESTRICTS THE SIGNS ON THE OUTLOT.

FIRST AMENDMENT TO AMENDED AND RESTATED JOINT DECLARATION OF RESTRICTIONS CONCERNING OUTLOTS DATED NOVEMBER 18, 1992 AND RECORDED NOVEMBER 25, 1992 AS DOCUMENT 92886377

AND ASSIGNED BY ASSIGNMENT AND ASSUMPTION OF REA'S NOTED ON EXHIBIT 'A' BY AND BETWEEN INTERCAPITAL PORTFOLIO X LIMITED PARTNERSHIP AND AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 21, 1992 KNOWN AS TRUST NUMBER 115807-01 AND O. H. 159TH STREET INC. A DELAWARE CORPORATION, RECORDED SEPTEMBER 9, 1994 AS DOCUMENT 94790700.

WHICH DECLARATION WAS AMENDED AND RESTATED BY INSTRUMENT RECORDED DECEMBER 3, 1991 AS DOCUMENT 91634170.

UNOFFICIAL COPY

24. EASEMENT AGREEMENT RECORDED ON DECEMBER 21, 1990 AS DOCUMENT NUMBER 90619832 MADE BY AND BETWEEN ORLAND HILLS 1 PARTNERSHIP, STEEL CITY NATIONAL BANK OF CHICAGO AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 5, 1984 KNOWN AS TRUST NUMBER 2731, CHRISTIAN HILLS FULL GOSPEL CHURCH INC AND WORTH BANK AND TRUST COMPANY AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 18, 1984 KNOWN AS TRUST NUMBER 3887 GRANTING A NON-EXCLUSIVE, PERPETUAL EASEMENT UNDER AND ACROSS THE EASTERLY 15 FEET OF THE LAND FOR THE PURPOSE OF CONNECTING TO AND USING A SANITARY SEWER LINE AND RELATED SANITARY SEWER APPURTENANCES, FIXTURES AND EQUIP LOCATED FROM TIME TO TIME IN THE SEWER EASEMENT AREA IN SUCH LOCATION DESIGNATED IN PLANS OF TECK 3 ENGINEERING OF CRETE, ILLINOIS KNOWN AS PLAN NUMBER 89084 DATED FOR THE BENEFIT OF STEEL CITY NATIONAL BANK OF CHICAGO AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 5, 1984 KNOWN AS TRUST NUMBER 2731 AND ALSO GRANTING A NON EXCLUSIVE, PERPETUAL EASEMENT UNDER AND ACROSS THE EASTERLY 15 FEET OF THE LAND FOR THE PURPOSE OF CONNECTING TO AND USING A 12 INCH WATER MAIN AND RELATED WATER MAIN APPURTENANCES, FIXTURES AND EQUIPMENT LOCATED FROM TIME TO TIME IN THE TRACT 1 WATER MAIN EASEMENT AREA AS DESIGNATED IN ACCORDANCE WITH THAT PLANS.

25. EASEMENT IN, UPON, UNDER, OVER AND ALONG THE SOUTH 5 FEET OF THE WEST 150 FEET AND THE SOUTH 10 FEET OF THE EAST 314.22 FEET OF LOT 3, AND AS SHOWN ON SURVEY MADE BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060, OF THE LAND TO INSTALL AND MAINTAIN ALL EQUIPMENT FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY WITH TELEPHONE AND ELECTRIC SERVICE, TOGETHER WITH RIGHT OF ACCESS TO SAID EQUIPMENT, AS CREATED BY GRANT TO COMMONWEALTH EDISON COMPANY AND ILLINOIS BELL TELEPHONE COMPANY RECORDED JULY 18, 1991 AS DOCUMENT 91359020.

26. TERMS, PROVISIONS AND CONDITIONS RELATING TO THE EASEMENTS DESCRIBED AS PARCELS 2, 3, 4, 5 AND 6 CONTAINED IN THE INSTRUMENTS CREATING SAID EASEMENTS.

RIGHTS OF THE ADJOINING OWNER OR OWNERS TO THE CONCURRENT USE OF THE EASEMENTS DESCRIBED AS PARCELS 2, 3, 4, 5 AND 6.

WE MAKE NO COMMENT OR ASSURANCE RELATIVE TO THE EXACT SIZE OR LOCATION OF THE EASEMENTS DESCRIBED AS PARCELS 2, 4, 5 AND 6.

27. COVENANTS, CONDITIONS, RESTRICTIONS AND RECIPROCAL RIGHTS AGREEMENT DATED AUGUST 13, 1992 AND RECORDED AUGUST 21, 1992 AS DOCUMENT NUMBER 92623488 BY AND BETWEEN ORLAND HILLS 1 PARTNERSHIP AND TACO BELL CORP. RELATING TO AMONG OTHER THINGS USE AND MAINTENANCE OF RING ROAD AND ENTRANCE MAGAZINES, MAINTENANCE OF DETENTION-RETENTION FACILITIES AND RESTRICTIONS RELATING TO USE OF THE LAND

AND ASSIGNED BY ASSIGNMENT AND ASSUMPTION OF REA'S NOTED ON EXHIBIT 'A' BY AND BETWEEN INTERCAPITAL PORTFOLIO X LIMITED PARTNERSHIP AND AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 21, 1992 KNOWN AS TRUST NUMBER 115807-01 AND O. H. 159TH STREET INC. A DELAWARE CORPORATION, RECORDED SEPTEMBER 9, 1994 AS DOCUMENT 94790700.

UNOFFICIAL COPY

28. EASEMENT IN FAVOR OF THE ILLINOIS BELL TELEPHONE COMPANY AND THE COMMONWEALTH EDISON COMPANY, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED AS DOCUMENT NO. 92628436, AFFECTING THE WEST 10 FEET OF LOT 2 (AND AS SHOWN ON SURVEY MADE BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060) OF THE LAND.
29. TERMS, PROVISIONS, CONDITIONS AND LIMITATIONS SET FORTH IN THE MEMORANDUM OF ORLAND HILLS TAX INCREMENT FINANCING REDEVELOPMENT AGREEMENT DATED NOVEMBER 18, 1992, A COPY OF WHICH WAS RECORDED NOVEMBER 25, 1992 AS DOCUMENT 92886373 BY AND BETWEEN THE VILLAGE OF ORLAND HILLS AND ORLAND HILLS 1 PARTNERSHIP.
30. EASEMENT IN FAVOR OF THE ILLINOIS BELL TELEPHONE COMPANY AND THE COMMONWEALTH EDISON COMPANY, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED AS DOCUMENT NO. 93425982, AFFECTING THE AREA MARKED AS EXHIBIT A (AND AS SHOWN ON SURVEY MADE BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060) OF THE LAND.
31. EASEMENT IN FAVOR OF THE ILLINOIS BELL TELEPHONE COMPANY AND THE COMMONWEALTH EDISON COMPANY, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED AS DOCUMENT NO. 94351263, AFFECTING THE AREA AS SHOWN ON EXHIBIT A (AND AS SHOWN ON SURVEY MADE BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060) OF THE LAND.
32. 10 FOOT EASEMENT IN FAVOR OF PUBLIC UTILITIES, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED AS DOCUMENT NO. 89352404.
33. ENCROACHMENT OF THE ONE-STORY CONCRETE BLOCK COMMERCIAL BUILDING LOCATED MAINLY ON THE LAND ONTO THE EASEMENT SHOWN HEREIN AT THE PREVIOUS EXCEPTION REFERENCING EASEMENT RECORDED/FILED AS DOCUMENT NO. 89352404 AS SHOWN ON PLAT OF SURVEY NUMBER 00039 & 02060 PREPARED BY TECH 3 CONSULTING GROUP, INC., DATED JUNE 13, 2002.
34. RIGHTS, IF ANY, OF PUBLIC AND QUASI-PUBLIC UTILITIES IN THE LAND AS DISCLOSED BY MANHOLES, CATCH BASINS, STORM SEWERS, GAS METERS, ELECTRIC PADS, VALVE VAULTS, AMERITECH BOX, TELEPHONE PEDESTAL, SIAMESE CONNECTION, GAS MAINS, WATER MAINS, SEWER LINES, HYDRANTS, SANITARY SEWER LINES, COMED PADS/BOXES, GAS MAINS, LIGHTS, AND VARIOUS EASEMENTS FOR PUBLIC UTILITIES WITH VARYING WIDTHS AND DIMENSIONS AS

UNOFFICIAL COPY

SHOWN ON SURVEY MADE BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002 AS ORDER NO. 00039 AND 02060.

35. EASEMENT IN FAVOR OF ILLINOIS BELL TELEPHONE COMPANY AND COMMONWEALTH EDISON COMPANY, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED AS DOCUMENT NO. 91350338, AFFECTING THE SOUTHERLY PORTION OF LOT 3, AND AS SHOWN ON SURVEY MADE BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060.
36. EASEMENT IN FAVOR OF PUBLIC UTILITIES, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED AS DOCUMENT NO. 89352404 (SUBJECT TO ABROGATION BY THE VILLAGE OF ORLAND PARK PER DOCUMENT NO. 93466162), AFFECTING LOT 3, AND AS SHOWN ON SURVEY MADE BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060.
37. ENCROACHMENT OF THE ONE-STORY MASONRY BUILDING LOCATED MAINLY ON THE PROPERTY EAST AND ADJOINING ONTO THE LAND BY APPROXIMATELY 0.13 FEET, AS SHOWN ON PLAT OF SURVEY NUMBER 00039 AND 02060 PREPARED BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002.
38. EASEMENT IN FAVOR OF ORLAND TOWNE CENTER, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED AS DOCUMENT NO. 92623486.
39. EASEMENT IN FAVOR OF NORTHERN ILLINOIS GAS COMPANY, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED AS DOCUMENT NO. 92623485, AFFECTING THE SOUTH 10 FEET OF LOT 2 AND AS SHOWN ON SURVEY MADE BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060.
40. 30 FOOT EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS RECORDED/FILED 89352404 AFFECTING THE NORTH HALF OF LOT 2 (AND AS SHOWN ON SURVEY MADE BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060) OF THE LAND, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.
41. 10 FOOT EASEMENT CREATED BY PLAT RECORDED AS DOCUMENT NUMBER 90295427 FOR PUBLIC UTILITIES FOR SANITARY MANHOLE WITH SEWER, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO AS SHOWN ON SURVEY

UNOFFICIAL COPY

MADE BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002 AS ORDER NUMBER 00039 AND 02060.

42. ENCROACHMENT OF THE ONE-STORY CONCRETE BLOCK COMMERCIAL BUILDINGS LOCATED MAINLY ON THE LAND ONTO THE EASEMENT CREATED BY PLAT RECORDED AS DOCUMENT NUMBER 90295427 AND REFERENCED IN THE PRECEDING EXCEPTION AS SHOWN ON PLAT OF SURVEY NUMBER 00039 AND 02060 PREPARED BY TECH 3 CONSULTING GROUP, INC. DATED JUNE 13, 2002.
43. EASEMENT IN FAVOR OF NORTHERN ILLINOIS GAS COMPANY, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO.
44. TERMS, PROVISIONS AND CONDITIONS OF THE UNRECORDED LICENSE AGREEMENT DATED JULY 26, 2002 BY AND BETWEEN O.H. 159TH STREET INC. AND THOMAS DODGE OF ORLAND PARK, INC., FOR THE PURPOSE OF PARKING VEHICLES OVER THE EASTERN PORTION OF THE LAND AS DEPICTED ON THE SITE PLAN ATTACHED THERETO AS EXHIBIT A.
45. NONEXCLUSIVE ACCESS EASEMENT AS SHOWN ON PLAT OF ORLAND TOWNE CENTER SUBDIVISION RECORDED JUNE 21, 1990 AS DOCUMENT NUMBER 90295427.
46. ENCROACHMENT OF THE ONE STORY 25 FOOT HIGH BUILDING ONTO THE NONEXCLUSIVE ACCESS EASEMENT RECORDED AS DOCUMENT NUMBER 90295427.
47. COVENANTS CONDITIONS RESTRICTIONS AND RECIPROCAL RIGHTS AGREEMENT DATED AS OF AUGUST 13, 1992 MADE BY AND BETWEEN ORLAND HILLS I PARTNERSHIP AND BURGER KING AND RECORDED AS DOCUMENT NUMBER 92623490

AND AS THEREAFTER ASSIGNED BY ASSIGNMENT AND ASSUMPTION OF REA'S NOTED ON EXHIBIT 'A' BY AND BETWEEN INTERCAPITAL PORTFOLIO X LIMITED PARTNERSHIP AND AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 21, 1992 KNOWN AS TRUST NUMBER 115807-01 AND O. H. 159TH STREET INC. A DELAWARE CORPORATION, RECORDED SEPTEMBER 9, 1994 AS DOCUMENT 94790700.
48. MEMORANDUM OF LEASE MADE BY ORLAND HILLS 1 PARTNERSHIP TO LOEHMANN'S INC. AND RECORDED DECEMBER 31, 1991 AS DOCUMENT 91690908 AND THEREAFTER SUBLET TO THE BABY'S ROOM BY AN UNRECORDED AGREEMENT DEMISING PART OF THE LAND AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE OR SUFFERED THEREUNDER BY SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH OR UNDER SAID LESSEE.
49. LEASE MADE BY ORLAND HILLS I PARTNERSHIP TO OFFICEMAX, INC. DATED OCTOBER 19, 1992, A MEMORANDUM THEREOF WHICH WAS RECORDED NOVEMBER 25, 1992 AS DOCUMENT NO. 92886376 AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE OR SUFFERED THEREUNDER BY SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH OR UNDER SAID LESSEE.
50. MEMORANDUM OF LEASE IN FAVOR OF CIRCUIT CITY STORES INC. RECORDED MARCH 18, 1993 AS DOCUMENT 93204885 DATED OCTOBER 22, 1992 AND LEASE SUBORDINATION, NON-DISTURBANCE AND ATTORNMENMENT AGREEMENT RECORDED NOVEMBER 25, 1992 AS DOCUMENT 92886384, AND ALL RIGHTS THEREUNDER OF,

UNOFFICIAL COPY

AND ALL ACTS DONE OR SUFFERED THEREUNDER BY SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

51. EXISTING UNRECORDED LEASE IN FAVOR OF SUBWAY REAL ESTATE CORPORATION AS DISCLOSED BY LEASE SUBORDINATION, NONDISTURBANCE AND ATTORNMENT AGREEMENT RECORDED NOVEMBER 25, 1992 AS DOCUMENT 92886385 AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE OR SUFFERED THEREUNDER BY SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH OR UNDER SAID LESSEE.
52. ASSIGNMENT AND ASSUMPTION OF LEASES RECORDED SEPTEMBER 9, 1994 AS DOCUMENT 94790699 BY AND BETWEEN INTERCAPITAL PORTFOLIO X LIMITED PARTNERSHIP AND AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 21, 1992 KNOWN AS TRUST NUMBER 115807-01 AND O. H. 159TH STREET, INC., A DELAWARE CORPORATION.
53. EXISTING UNRECORDED LEASE IN FAVOR OF FABRI-CENTERS OF AMERICA, INC. AS DISCLOSED BY LEASE SUBORDINATION, NONDISTURBANCE AND ATTORNMENT AGREEMENT RECORDED NOVEMBER 25, 1992 AS DOCUMENT 92886389 AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE OR SUFFERED THEREUNDER BY SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH OR UNDER SAID LESSEE.
54. EXISTING UNRECORDED LEASE IN FAVOR OF FASHION BUG #2134, INC. AS DISCLOSED BY LEASE SUBORDINATION, NONDISTURBANCE AND ATTORNMENT AGREEMENT RECORDED NOVEMBER 25, 1992 AS DOCUMENT 92910010 AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE OR SUFFERED THEREUNDER BY SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH OR UNDER SAID LESSEE.
55. RIGHTS OF THE FOLLOWING TENANTS UNDER UNRECORDED LEASES AND ALL PARTIES CLAIMING BY THROUGH OR THEREUNDER: THE BABY'S ROOM; LOEHMANN'S (AS SUBLESSOR OF THE BABY'S ROOM); CHICAGO MOTOR CLUB; CIRCUIT CITY; FABRI-CENTERS OF AMERICA, DBA JOANN FABRICS; FASHION BUG; HEROES ICE CREAM; OFFICEMAX; PETSMART; SUBWAY; TIFFINY HALL, INC; TOWNE CLEANERS; BIKE LINE; ZB ACQUISITION CO. (SUCCESSOR IN INTEREST TO ZANY BRAINY).

20948358