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Cook County Recorder 34.50

This document was prepared by and after recording return to:

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FIRST AMENDMENT TO EASEMENT AGREEMENT

THIS FIRST AMENDMENT TO EASEMENT AGREEMENT ("Amendment") is made and entered into as of this 10th day of September, 2002 by and between **DMP LIMITED PARTNERSHIP**, an Illinois limited partnership ("Grantor") and **THE PEOPLE OF THE STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION** ("Grantee").

RECITALS:

- A. Grantor is the owner of fee simple title to that certain parcel of land located in the City of Melrose Park, Illinois and legally described on Exhibit A attached hereto and made a part hereof (the "Property").
- B. Grantee currently has an easement pursuant to that certain Easement Agreement (the "Easement Agreement") dated September 2, 1999 and recorded with the Cook County Recorder's Office as Document No. 00622064 on August 15, 2000 for the purpose of installing, operating, maintaining and repairing traffic signal detector loops and related equipment (referred to herein collectively as the "Equipment") across a portion of the Property (the "Existing Easement Premises") which portion is legally described on Exhibit B attached hereto and made a part hereof.
- C. As Grantor and Grantee have determined that a portion of the Existing Easement Premises contains unrelated utilities which interfere with Grantee installing the Equipment within said area, Grantor and Grantee wish to expand the Existing Easement Premises to include additional property to install the Equipment.

NOW, THEREFORE, in consideration of the mutual covenants herein set forth and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor and Grantee hereby covenant and agree as follows:

1. **Recitals Incorporated by Reference.** The provisions of the aforesaid recital paragraphs are, by this reference, herein incorporated as if they had been set forth in the text of this Amendment.

2. **Additional Easement Premises.** Grantor hereby grants, gives and conveys to Grantee, and its successors and assigns, an easement upon, over, under and across a portion of the Property (the "Additional Easement Premises") which portion is legally described on Exhibit C attached hereto and made a part hereof for the purpose of installing, operating, maintaining and repairing the Equipment. All of the terms and conditions set forth in Easement Agreement with respect to the Existing Easement Premises shall apply to the Additional Easement Premises.

3. **Amendments.** No amendment of or supplement to this Amendment shall be valid or effective unless made in writing and executed by the parties hereto.

4. **Counterparts.** This Amendment may be executed by each of the parties hereto in separate counterparts and have the same force and effect as if all of the parties had executed it as a single document.

[Signature page follows]

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IN WITNESS WHEREOF, Grantor and Grantee have executed this Amendment as of the 10th day of September, 2002.

GRANTOR:

DMP LIMITED PARTNERSHIP, an Illinois limited partnership

By: **Richmond Asset Management**
Its: Authorized Agent

By: 
Name: Robert J. Richmond
Its: President

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THIS DOCUMENT PREPARED BY:
JOHN CONTE
ILLINOIS DEPARTMENT OF TRANSPORTATION
201 W. CENTER CT., SCHAMBURG, IL 60196-1096

MAIL TO, TAXES and GRANTEE:
ILLINOIS DEPARTMENT OF TRANSPORTATION
201 W. CENTER CT., SCHAMBURG, IL 60196-1096
ATTN: J. BURRUS

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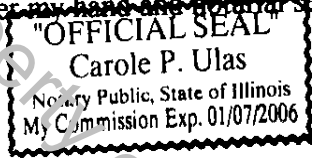
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Carole P. Ulas, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Robert J. Richmond, who is the President of Richmond Asset Management, the authorized agent for DMP Limited Partnership, an Illinois limited partnership, personally known to me to be the person whose name is subscribed to the foregoing instrument as such President appeared before me this day in person and acknowledged that he signed and delivered said instrument as his own free and voluntary act and as the free and voluntary act of said Company, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 6th day of September, 2002.



Carole P. Ulas
Notary Public

My Commission Expires:

1/07/2006

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EXHIBIT B

EXISTING EASEMENT PREMISES

THAT PART OF LOT 2 IN METROPOLITAN INDUSTRIAL DISTRICT MELROSE PARK, A SUBDIVISION OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 8, 1971 AS DOCUMENT 21444564, AS CORRECTED BY CERTIFICATE DATED APRIL 27, 1971 RECORDED JUNE 15, 1971 AS DOCUMENT 21512369, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 72 DEGREES 44 MINUTES 21 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 2 (ALSO BEING THE SOUTH RIGHT OF WAY LINE OF LAKE STREET), A DISTANCE OF 16.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 72 DEGREES 44 MINUTES 21 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 30.00 FEET TO A POINT; THENCE SOUTH 17 DEGREES 15 MINUTES 39 SECONDS WEST A DISTANCE OF 15.00 FEET TO A POINT; THENCE NORTH 72 DEGREES 44 MINUTES 21 SECONDS WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF LOT 2, A DISTANCE OF 30.00 FEET TO A POINT; THENCE NORTH 17 DEGREES 15 MINUTES 39 SECONDS EAST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

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EXHIBIT C

ADDITIONAL EASEMENT PREMISES

THAT PART OF LOTS 1 AND 2 IN METROPOLITAN INDUSTRIAL DISTRICT MELROSE PARK, A SUBDIVISION OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 8, 1971 AS DOCUMENT 21444564, AS CORRECTED BY CERTIFICATE DATED APRIL 27, 1971 RECORDED JUNE 15, 1971 AS DOCUMENT 21512369, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 72 DEGREES 44 MINUTES 21 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 2 (ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF LAKE STREET), A DISTANCE OF 16.51 FEET TO A POINT; THENCE SOUTH 17 DEGREES 15 MINUTES 39 SECONDS WEST A DISTANCE OF 15.00 FEET TO A POINT; THENCE NORTH 72 DEGREES 44 MINUTES 21 SECONDS WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF LOTS 1 AND 2, A DISTANCE OF 63.00 FEET TO A POINT; THENCE NORTH 17 DEGREES 15 MINUTES 39 SECONDS EAST, A DISTANCE OF 15.00 FEET TO A POINT IN THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 72 DEGREES 44 MINUTES 21 EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 46.49 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.