

**PREPARED BY AND MAIL TO:**

Burke, Warren, MacKay & Serritella  
330 North Wabash, 22nd Floor  
Chicago, Illinois 60611  
Attn. Michael J. Martin



**RELEASE AND TERMINATION  
OF  
EASEMENT AND PARTY WALL AGREEMENTS AND RIGHTS**

*4/18/00  
JBY*

*D17768615 JBY*

**THIS RELEASE AND TERMINATION OF EASEMENT AND PARTY WALL AGREEMENTS AND RIGHTS** (this "Release and Termination") is granted and made this 12 day of April, 2000, by American Stores Properties, Inc., a Delaware corporation (the "Owner").

**WHEREAS**, Owner owns all of the Property legally described in the attached Exhibit A (the "Property");

**WHEREAS**, prior owners of the Property entered into the following agreement for the purpose of creating a certain easement on the Property (the "Easement"):

Agreement between 1250 South Wabash Building Corporation and Twentieth Century-Fox Film Corporation, dated January 21, 1939, and recorded February 24, 1939 as Document No. 12275177, affecting Parcel 4 of the Property, as described in Exhibit A of this Release and Termination.

**WHEREAS**, prior owners of the Property entered into the following agreements (the "Party Wall Agreements") for the purpose of creating certain party wall rights on the Property (the "Party Wall Rights"):

1. Agreement dated April 1, 1863 and recorded April 3, 1863 as Document No. 64812 made by Matthew Laflin with William C. Mallory, affecting Parcel 2 of the Property, as described in Exhibit A of this Release and Termination.
2. Agreement made by Horace F. Waite with Charles H. Fargo dated December 31, 1889 and recorded March 20, 1890 as Document No. 1237298, and extended by document recorded as No. 1256354, affecting Parcel 2 of the Property, as described in Exhibit A of this Release and Termination.
3. Agreement made by the Northern Trust Company, as trustee with Film Exchange Building Corporation, recorded April 30, 1930 as Document No.

**BOX 333-CTI**

10642317, affecting Parcel 3 of the Property, as described in Exhibit A of this Release and Termination.

4. Agreement dated April 28, 1930 and recorded April 30, 1930 as Document No. 10648317 by the Northern Trust Company, a corporation of Illinois, trustee under the will of Horance F. Waitx, deceased, with Film Exchange Building Corporation, a corporation of Illinois, affecting Parcel 4 of the Property, as described in Exhibit A of this Release and Termination.
5. Agreement made by Josephine Dexter in her own right and as trustee with Florence C. Hall, dated April 14, 1904 and recorded May 13, 1904 as Document No. 3537685, affecting Parcel 5 of the Property, as described in Exhibit A of this Release and Termination.
6. Agreement recorded May 13, 1904 as Document No. 3537686 affecting Parcel 5 of the Property, as described in Exhibit A of this Release and Termination.

**WHEREAS**, Grantor has not transferred or assigned any of its rights with respect to the Property, the Easement, the Party Wall Agreements or the Party Wall Rights;

**WHEREAS**, the purposes of the Easement, the Party Wall Agreements and the Party Wall Rights are no longer useful, practical or applicable to the current and intended improvements on, and uses of, the Property; and

**WHEREAS**, Owner has acquired the interests of each and all of the parties to the Easement and the Party Wall Agreements, and as such successor in interest to said parties, Owner desires to terminate the Easement, the Party Wall Agreements and all of the Party Wall Rights with respect to the Property and with respect to the Owner.

**NOW THEREFORE**, the Owner hereby forever releases, terminates and extinguishes forever the Easement, the Party Wall Agreements and the Party Wall rights so that the Easement, the Party Wall Agreements and the Party Wall Rights shall be of no further force or effect with respect to the Property or the Owner, its successors and its assigns.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Owner has executed this Release and Termination of Easement and Party Wall Agreements and Rights on the date first above written.

OWNER:

AMERICAN STORES, PROPERTIES, INC., a  
Delaware, corporation

BY: [Signature]  
ITS: WILLIAM H. ARNOLD  
VICE PRESIDENT

Property of Cook County Clerk's Office

**ACKNOWLEDGMENT**

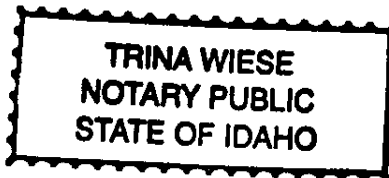
STATE OF IDAHO )  
  ) SS.  
COUNTY OF ADA )

On this 12<sup>th</sup> day of April, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared William H. Arnold, to me known to be the Vice President, of American Stores Properties, Inc., the Delaware corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

**WITNESS MY HAND** and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires January 28, 2004.

Trina Wiese  
NOTARY PUBLIC IN AND FOR THE STATE  
OF IDAHO, RESIDING IN BOISE, IDAHO



## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

#### [PARCEL 1 INTENTIONALLY OMITTED]

#### PARCEL 2:

LOT 4 (EXCEPT THE NORTH 51½ FEET THEREOF) AND THE NORTH 25 FEET OF LOT 5 IN THE ASSESSOR'S DIVISION (EXCEPT THE NORTH 7 FEET) OF THE EAST HALF OF BLOCK 4 IN THE ASSESSOR'S DIVISION OF THE NORTH WEST FRACTIONAL QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, (EXCEPTING FROM SAID PREMISES THAT PART THEREOF CONVEYED TO THE CHICAGO AND SOUTH SIDE RAPID TRANSIT RAILROAD COMPANY) IN COOK COUNTY, ILLINOIS.

Common Address: 1240 South Wabash, Chicago, Illinois

P.I.N.s: 17-22-100-021-0000, 17-22-100-022-0000, 17-22-100-023-0000

#### PARCEL 3:

THE SOUTH 25 FEET OF LOT 5 (EXCEPT THE WEST 25 FEET THEREOF) IN ASSESSOR'S SUBDIVISION (EXCEPT THE NORTH 7 FEET) OF THE EAST ½ OF BLOCK 4 OF ASSESSOR'S DIVISION OF THE NORTHWEST FRACTIONAL ¼ OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Common Address: 1240 South Wabash, Chicago, Illinois

P.I.N.: 17-22-100-024-0000

#### PARCEL 4:

LOTS 6 AND 7 (EXCEPT THE WEST 25 FEET OF EACH OF SAID LOTS) IN ASSESSOR'S DIVISION (EXCEPT THE NORTH 7 FEET) OF THE EAST ½ OF BLOCK 4 IN ASSESSOR'S DIVISION OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

Common Address: 1260 South Wabash, Chicago, Illinois

P.I.N.s: 17-22-100-025-0000, 17-22-100-026-0000, 17-22-100-027-0000.

#### PARCEL 5:

LOT 7 (EXCEPT THE WEST 25 FEET THEREOF) IN ASSESSOR'S DIVISION OF THE EAST ½ OF BLOCK 3 AND THE NORTH 7 FEET OF THE EAST ½ OF BLOCK 4 IN THE ASSESSOR'S DIVISION OF THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Common Address: 1222-26 South Wabash, Chicago, Illinois

P.I.N.: 17-22-100-015-0000