



Doc#: 0404844099  
Eugene "Gene" Moore Fee: \$36.50  
Cook County Recorder of Deeds  
Date: 02/17/2004 03:27 PM Pg: 1 of 7

**SPECIAL WARRANTY DEED IN TRUST**

04-00264

**MB Financial Bank, N.A.**  
**1200 North Ashland Avenue**  
**Chicago, IL 60622**

THIS INDENTURE WITNESSETH, that the Grantor, **Duke Realty Limited Partnership**, an Indiana limited partnership of the County of DuPage and the State of Illinois, for and in consideration of the sum of Ten Dollars (\$10.00), in hand paid, and of other good and valuable considerations, receipt of which is hereby duly acknowledged, Remises, Releases, Aliens and Conveys unto **MB**

**Financial Bank, N.A.**, a National Banking Association, whose address is 1200 North Ashland Avenue, Chicago, Illinois, as Trustee under the provisions of a certain Trust Agreement, dated the 2<sup>nd</sup> day of February, 2004 and known as Trust Number 3366, the following described real estate in the County of Cook and State of Illinois, to wit:

See Exhibit A attached hereto and made a part hereof.

And the Grantor, for itself, and its successors, does covenant, promise and agree, to and with the Grantee, its successors and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and that the said premises, against all persons lawfully claiming or to claim the same, by, through or under it, it **WILL WARRANT AND DEFEND**, subject to the Permitted Exceptions attached hereto and made a part hereof as Exhibit B:

The warranty of title by Grantor is limited to a warranty against the acts of Grantor and those claiming by, through or under Grantor, and not otherwise.

TO HAVE AND TO HOLD the said real estate with the appurtenances upon the trusts and for the uses and purposes herein and in said Trust Agreement set forth.

Full power and authority is hereby granted to said Trustee to improve, manage, protect and subdivide said real estate or any part thereof, to dedicate parks, streets, highways or alleys and to vacate any subdivision or part thereof, and to resubdivide said real estate as often as desired, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey said real estate or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said Trustee, to donate, to dedicate, to mortgage, pledge or otherwise encumber said real estate, or any part thereof, to lease said real estate, or any part thereof, from time to time, in possession or reversion, by leases to commence in praesenti or in futuro, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the term of 198 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter, to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals, to partition or to exchange said real estate, or

Lawyers Unit #03308 Case# 04-00264

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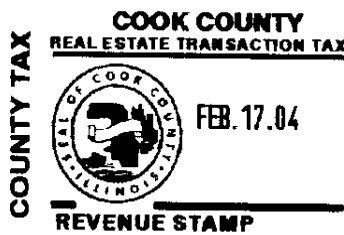
any part thereof, for other real or personal property, to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to said real estate or any part thereof, and to deal with said real estate and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said Trustee, or any successor in trust, in relations to said real estate, or to whom said real estate or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said Trustee, or any successor in trust, be obliged to see the application of any purchase money, rent or money borrowed or advanced on said real estate, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the authority, necessity or expediency of any act of said Trustee, or be obliged or privileged to inquire into any of the terms of said Trust Agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said Trustee, or any successor in trust, in relation to said real estate shall be conclusive evidence in favor of every person (including the Registrar of Titles of said county) relying upon or claiming under any such conveyance lease or other instrument, (a) That at the time of delivery thereof the trust created by this Indenture and by said Trust agreement was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions, and limitations contained in this Indenture and in said Trust Agreement or in all amendments thereof, if any, and binding upon all beneficiaries thereunder, (c) that said Trustee, or any successor in trust, was duly authorized and empowered to execute and deliver every such deed, trust deed, lease mortgage or other instrument and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate rights, powers, authorities, duties and obligations of its, his or their predecessor in trust.

And Grantor hereby expressly waives and releases any and all right or benefit under and by virtue of any and all statutes of the State of Illinois, providing for the exemption of homesteads from sale on execution or otherwise.



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# 0000722957

<b>REAL ESTATE TRANSFER TAX</b>
0147500
FP326670



# 0000061829

<b>REAL ESTATE TRANSFER TAX</b>
0295000
FP326669

**Mail To:**

MB FINANCIAL BANK, N.A.  
1200 N ASHLAND AVENUE  
CHICAGO, IL 60622  
ATTN: RICHARD S. WITEK

*Mail tax bill to:*

*The Lelyn Group, Inc.  
707 Skokie Boulevard  
Suite 600  
Northbrook, IL 60062*

**Address of Property:**

Vacant land near Edens Spur and Lake Cook Road,  
Deerfield, Illinois

Tax Parcel No.: 04-05-200-011

This instrument was prepared by:

James B. Burroughs, Esq.  
Duke Realty Corporation  
600 East 96<sup>th</sup> Street, Suite 100  
Indianapolis, IN 46240

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## EXHIBIT A

### PARCEL 1

LOT 1 IN STATE FARM RESUBDIVISION OF PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED JULY 10, 1991 AS DOCUMENT NUMBER 91340699, IN COOK COUNTY, ILLINOIS;

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PORTION OF LOT 1 TAKEN AND ACQUIRED BY THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY IN CONDEMNATION PROCEEDINGS IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS IN CASE NUMBER 97 L 50208

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89 DEGREES 53 MINUTES 55 SECONDS EAST ON A BEARING BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM NAD 83 EAST ZONE, ALONG THE SOUTH LINE OF SAID LOT 1; A DISTANCE OF 432.27 FEET TO AN EAST LINE OF SAID LOT 1; THENCE NORTH 00 DEGREES 45 MINUTES 17 SECONDS EAST ALONG SAID EAST LINE, 2.12 FEET; THENCE SOUTH 89 DEGREES 54 MINUTES 30 SECONDS EAST ALONG A SOUTH LINE OF SAID LOT 1, A DISTANCE OF 98.73 FEET TO THE EAST LINE OF SAID LOT 1; THENCE NORTH 00 DEGREES 24 MINUTES 45 SECONDS EAST ALONG SAID EAST LINE, 15.68 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 08 SECONDS WEST, 531.02 FEET TO THE WEST LINE OF SAID LOT 1; THENCE SOUTH 00 DEGREES 24 MINUTES 35 SECONDS WEST ALONG SAID WEST LINE, 17.19 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

### PARCEL 2

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, AND ACCESS AND FOR CONSTRUCTION INSTALLATION, USE, MAINTENANCE, REPAIR AND REPLACEMENT OF THE FRONTAGE ROAD, AS CREATED BY DECLARATION AND GRANT OF EASEMENT DATED AUGUST 1, 1981 AND RECORDED SEPTEMBER 2, 1981 AS DOCUMENT NUMBER 25987860, BY LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED OCTOBER 30, 1972 AND KNOWN AS TRUST NUMBER 4491, OVER AND ACROSS THE LAND DESCRIBED THEREIN.

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## EXHIBIT B

### PERMITTED EXCEPTIONS

1. General real estate taxes not yet due and payable.
2. Annual maintenance assessments of Northfield under Law Docket No. 70MR123.
3. Grant of Easement to North Shore Sanitary District dated September 2, 1977 and recorded September 19, 1977 as Document Number 24111252 and as shown on the plat of subdivision of Lake Cook Road Industrial Park recorded as Document Number 26147952, and also as shown on the plat of subdivision of Deerfield Business Center recorded as Document Number 26627813, and also as shown on the plat of subdivision of State Farm Resubdivision recorded as Document Number 91340699.
4. Grant of Easement dated February 6, 1973 and recorded February 21, 1973 as Document Number 22227432.
5. Declaration and Grant of Easement dated August 1, 1981 and recorded September 2, 1981 as Document Number 25987860, also as shown on the plat of subdivision of Lake Cook Road Industrial Park recorded as Document Number 26147952, and as shown on the plat of subdivision of Deerfield Business Center recorded as Document Number 26627813, and as shown on the plat of subdivision of State Farm Resubdivision recorded as Document Number 91340699.
6. Easement for public utilities over the South 20 feet of the North 40 feet of the land, as shown on the plat of subdivision of Lake Cook Road Industrial Park recorded as Document Number 26147952, and also as shown on the plat of subdivision of Deerfield Business Center recorded as Document Number 26627813, and also as shown on the plat of subdivision of State Farm Resubdivision recorded as Document Number 91340699.
7. A 10 foot easement for public utilities over a 10 foot wide strip across and through the Easterly portions of the land, as shown on the plat of subdivision of Lake Cook Road Industrial Park recorded as Document Number 26147952, and also as shown on the plat of subdivision of Deerfield Business Center recorded as Document Number 26627813, and also as shown on the plat of subdivision of State Farm Resubdivision recorded as Document Number 91340699.
8. Easement granted to the Illinois Bell Telephone Company and the Commonwealth Edison Company and their respective successors and assigns as shown on the plat of subdivision of Lake Cook Road Industrial Park recorded as Document Number 26147952, and also shown on the plat of subdivision of Deerfield Business Center recorded as Document Number 26627813, and also as shown on the plat of subdivision of State Farm Resubdivision recorded as Document Number 91340699.
9. Easement reserved and granted to the Northern Illinois Gas Company, its successors and assigns, in all platted easement areas, streets, alleys and other public ways and places as shown on the plats, as shown on the plat of subdivision of Lake Cook Road Industrial Park recorded as Document Number 26147952, and also as shown on the plat of subdivision of Deerfield Business Center recorded as Document Number 26627813, and also as shown on the plat of subdivision of State Farm Resubdivision recorded as Document Number 91340699.



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10. Easement reserved for and granted to the Village of Deerfield and to those public utility companies operating under franchise from said Village of Deerfield including but not limited to the Illinois Bell Telephone Company, Commonwealth Edison Company, Omnicom of Illinois and North Shore Gas Company and their respective successors and assigns, as shown on the plat of subdivision of Deerfield Business Center recorded as Document Number 26627813, and also as shown on the plat of subdivision of State Farm Resubdivision recorded as Document Number 91340699.

11. Building lines of 100 feet and 50 feet respectively, as shown on the plat of subdivision of Lake Cook Road Industrial Park recorded as Document Number 26147952, and also as shown on the plat of subdivision of Deerfield Business Center recorded as Document Number 26627813, and also as shown on the plat of subdivision of State Farm Resubdivision recorded as Document Number 91340699: over the following described portions of the land: The South 100 feet of the most Northerly North 220 feet of Lot 1; the south 50 feet of Lot 1.

12. Building line of 50 feet along the Easterly line as shown on the plat of subdivision of State Farm Resubdivision recorded as Document Number 91340699; and building line of 50 feet over the East 50 feet of the South 200 feet of the East 118.74 feet of the underlying land, as shown on the plat of subdivision of Lake Cook Road Industrial Park recorded as Document Number 26147952 and on the plat of subdivision of Deerfield Business Center recorded as Document Number 26627813.

13. Building line of 50 feet along the Westerly line as shown on the plat of subdivision of State Farm Resubdivision recorded as Document Number 91340699.

14. Permanent easement taken and acquired by The State of Illinois Toll Highway Authority in Condemnation proceedings in the Circuit Court of Cook County, Illinois in Case Number 97 L 50208 as set forth in Final Judgment Order on Settlement entered therein on July 10, 1997 and recorded July 15, 1997 as Document Number 97507620.

15. Notice of Requirements for Storm Water Detention by the Metropolitan Water Reclamation District of Greater Chicago recorded March 11, 1992 as Document Number 92158964.

16. Right, title and interest of the Commonwealth Edison Company to maintain an underground cable which provides electric service to the Ameritech tower in the Southeastern portion of the land, as disclosed by utility letter (unrecorded) dated June 11, 1991.

17. Access Easement Agreement dated February 15, 2002 and recorded March 7, 2002 as Document Number 0020261185, by and between Duke Realty Limited Partnership, grantor, and State Farm Mutual Automobile Insurance Company, for ingress and egress to provide access for motor vehicle and pedestrian traffic.

18. Rights of adjoining owner or owners to the concurrent use of the easement described and referred to herein as Parcel 2.

19. Environmental Protection Agency No Further Remediation Letter dated January 8, 2002 and recorded January 22, 2002 as Document Number 0020088180.

20. Illinois Environmental Protection Agency No Further Remediation Letter dated June 20, 2003 and recorded July 17, 2003 as Document Number 0319810021.

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