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TRUSTEE'S DEED

04087165

Form 2459 Rev. 5-77

Individual

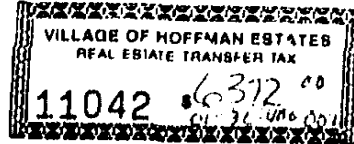
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THIS INDENTURE, made this **DEC 28 1994** day of **December**, 1994, between **AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO**, a corporation duly organized and existing as a national banking association under the laws of the United States of America, and duly authorized to accept and execute trusts within the State of Illinois, not personally but as Trustee under the provisions of a deed or deeds in trust duly recorded and delivered to said national banking association in pursuance of a certain Trust Agreement, dated the day of **June 6**, 1989, and known as Trust Number **108506-00** party of the first part, and **Opus North Corporation**, an Illinois corporation

party of the second part.

WITNESSETH, that said party of the first part, in consideration of the sum of **Ten and 00/100 (\$10.00)** Dollars, and other good and valuable considerations in hand paid, does hereby convey and quit claim unto said parties of the second part, the following described real estate, situated in **Cook** County, Illinois, to-wit:

See **EXHIBIT A** attached hereto and made a part hereof.



P.L.N. 01-32-400-602

DEPT-01 RECORDING \$31.50
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COOK COUNTY RECORDER

together with the tenements and appurtenances thereto belonging.

TO HAVE AND TO HOLD the same unto said party of the second part, and to the proper use, benefit and behoof, forever, of said party of the second part.

Notwithstanding the foregoing the conveyance is subject to and Grantor reserves the rights set forth on **Exhibit B** attached hereto and made a part hereof.

This deed is executed by the party of the first part as Trustee, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in it by the terms of said Deed or Deeds in Trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling. This deed is made subject to the liens of all trust deeds and/or mortgages upon said real estate, if any, recorded or registered in said county.

IN WITNESS WHEREOF, said party of the first part has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by one of its Vice Presidents or its Assistant Vice Presidents and attested by its Assistant Secretary, the day and year first above written.

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO as Trustee, as aforesaid, and not personally.



By Gregory S. Kasprzyk Second Vice President
Attest Anita M. Lutkus Assistant Secretary

STATE OF ILLINOIS, } SS
COUNTY OF COOK

THIS INSTRUMENT PREPARED BY

Anita Lutkus
AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO
33 N. LA SALLE
CHICAGO, ILLINOIS

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that the above named **Gregory S. Kasprzyk** Vice President and Assistant Secretary of the AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, A National Banking Association, Grantor personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such **Gregory S. Kasprzyk**, Vice President and Assistant Secretary respectively, appeared before me this day **in person and acknowledged** that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said National Banking Association for the uses and purposes therein set forth; and the said Assistant Secretary then and there acknowledged that said Assistant Secretary, as custodian of the seal of said National Banking Association, caused the corporate seal of said National Banking Association to be hereunto affixed and that said Assistant Secretary's own free and voluntary act and as the free and voluntary act of said National Banking Association for the uses and purposes therein set forth.

L.M. BOVIENSKI
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 06/27/96

DEC 28 1994

L.M. Bovienski
Given under my hand and Notary Public, State of Illinois

Date

Notary Public

DELIVERY INSTRUCTIONS
NAME
STREET
CITY
OR
RECORDER'S OFFICE BOX NUMBER

FOR INFORMATION ONLY
INSERT STREET ADDRESS OF ABOVE DESCRIBED PROPERTY HERE
Lots 4A2B and 4A2C
Sears Business Park
Hoffman Estates, Illinois

This space for affixing stickers and other markings

Document Number

31/10

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Property of Cook County Clerk's Office

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EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LOT 4A2B AND LOT 4A2C IN PRAIRIE STONE RESUBDIVISION OF LOT 4A2 IN RESUBDIVISION OF LOTS 4A AND 4D, IN THE RESUBDIVISION OF LOT 4 IN SEARS BUSINESS PARK, OF LOT 4 IN SEARS BUSINESS PARK AMENDED PLAT OF SUBDIVISION, IN SECTIONS 31 AND 32, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN AND IN SECTION 4, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 22, 1994 AS DOCUMENT NO. 04067804, IN COOK COUNTY, ILLINOIS.

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EXHIBIT "B"

PERMITTED EXCEPTIONS

1. General Real Estate Taxes on the land for the year 1994 and subsequent years.
2. Terms, powers, provisions, restrictions and easements contained in Sears Business Park Declaration of Protective Covenants dated March 7, 1991 and recorded March 8, 1991 as Document 91105432 executed by American National Bank and Trust Company of Chicago as Trustee under Trust Number 108506-00, as amended by First Supplementary Declaration to Sears Business Park Declaration of Protective Covenants, dated July 23, 1991 and recorded July 26, 1991 as Document 91383966, as amended by Second Supplementary Declaration to Sears Business Park Declaration of Protective Covenants, dated October 23, 1991 and recorded October 23, 1991 as Document 91554407, and as amended by Third Supplementary Declaration to Sears Business Park Declaration of Protective Covenants dated November 3, 1994 and recorded November 4, 1994 as Document 94944869.
3. Economic Development Agreement dated February 26, 1990 by and between Sears, Roebuck and Co. and the Village of Hoffman Estates providing certain rights, terms, conditions and obligations related to the ownership and development of the subject property, as amended, as evidenced by a Memorandum of Economic Development Agreement dated April 18, 1991 and recorded April 19, 1991 as Document Number 91181055.
4. That certain Lease Agreement dated November 22, 1994 with The Rexroth Corporation.
5. Village of Hoffman Estates Ordinance 2201-1990 dated June 19, 1990 and recorded July 3, 1990 as Document Number 90319870 establishing an Enterprise Zone.
6. Notice of requirements for storm water detention dated July 6, 1990 and recorded November 30, 1990 as Document 90583269, executed by Sears, Roebuck and Co., and by American National Bank and Trust Company of Chicago as Trustee under Trust Number 108506-00.
7. Annexation and Development Agreement dated July 31, 1990 by and between American National Bank and Trust Company of Chicago as Trustee under Trust Number 108506-00, Sears, Roebuck and Co., and the Village of Hoffman Estates, providing for certain rights, conditions and obligations related to the ownership and development of the subject property, as amended, as evidenced by a Memorandum of Annexation and Development Agreement recorded April 16, 1991 as Document Number 91173868.

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8. Twenty (20) foot public utility easement along the Northwesterly line of Lot 4A2 as shown on Plat recorded as Document 94838172 and as shown on Plat recorded August 6, 1991 as Document 91396712 and on Plat recorded August 5, 1991 as Document No. 91394943.
9. Notice of requirement for storm water detention dated February 16, 1979 and recorded August 23, 1979 as Document No. 25114936, executed by Nederlander Realty Co., of Illinois, a co-venturer of Ned-Prop, an Illinois Joint Venture, and LaSalle National Bank Trust Number 54757.
10. Settlement Agreement by and among the Village of Barrington Hills and South Barrington, Nedlander Realty Company of Illinois, Ned-Prop, Pioneer Bank and Trust Co. Trust Number 13552 and LaSalle National Bank Trusts 54757 and 103427, which agreement is dated March 7, 1985 and recorded April 12, 1985 as Document 27500488, containing, among other things, covenants, conditions and restrictions related to use of adjoining property as an outdoor music theater.
11. Restriction contained in deed from LaSalle National Trust, N.A., under Trust Number 54757 to American National Bank and Trust Company of Chicago under Trust Number 108506-00 (dated July 12, 1990 and recorded July 13, 1990 as Document Number 90336984) that neither the property nor improvements created on the land may be used as an "outdoor music theater" for a period of 15 years unless the "outdoor music theater" is operated by Ned-Prop or Poplar Creek Music Theater, Inc. or any successors, assigns, tenants, licensees or operators of either Ned-Prop or Poplar Creek Music Theater, Inc.
12. ~~Wetland areas as disclosed by survey prepared by Edward J. Molloy, Inc., file number 32-42-9, dated December 8, 1994 and last revised December 27, 1994.~~
13. Reservation for public utilities as shown on Plat of Resubdivision of Lots 4A and 4D recorded September 27, 1994 as Document 94838172.
14. Declaration of Covenants, Conditions and Restrictions dated as of October 3, 1994 and recorded October 4, 1994 as Document 94856961 made by American National Bank and Trust Company of Chicago as Trustee under Trust Agreement dated June 6, 1989 and known as Trust Number 108506-00 relating to use.
15. Grant of Underground Telephone and Electric Utility Easements made as of May 19, 1993, by American National Bank and Trust Company of Chicago, as Trustee under Trust Agreement dated June 6, 1989 and known as Trust No. 108506-00 to Illinois Bell Telephone Company and Commonwealth Edison Company for underground telephone lines and underground electric lines recorded October 13, 1993 as Document No. 93819631 and as shown on Plat recorded September 27, 1994 as Document No. 94838172.
16. ~~Drainage tiles, if any.~~

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17. Easements reflected on the *Prairie Stone* Re-subdivision of Lot 4A2 recorded on December 22, 1994, as document number 04067804.
18. Grantor shall have the right to re-purchase the subject property from Grantee pursuant to the terms of the Real Estate Sale Contract between Grantee and the beneficiary of Grantor, if Grantee does not commence construction of its improvements within twenty-four months of the closing date. Such re-purchase shall be upon the terms and conditions contained in said Real Estate Sale Contract.
19. Grantor reserves the right to create easements in favor of Northern Illinois Gas, Ameritech and Commonwealth Edison Company to give such utility companies' the right to put utility lines within the 88 foot setback area along *Prairie Stone Parkway* and the 60 foot setback area along *Trillium Boulevard*; provided that such easements are not inconsistent with Grantee's approved site plan.
20. Grantee's use of the property shall be consistent with the permitted uses set forth on Exhibit C attached hereto and made a part hereof.

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EXHIBIT C

PERMITTED USES OF THE PROPERTY

A. Offices in which goods, wares or merchandise or merchandise are not commercially created, displayed, stored, exchanged or sold, such as:

1. Business offices of a public utility, transportation, advertising, real estate insurance, commercial or industrial establishment.

2. Finance agency offices.

3. Medical, optical and dental office, legal, engineering, architectural and similar professional offices, accounting, auditing and bookkeeping service offices.

4. Offices of miscellaneous business services such as stenographic services, business and management consulting services, consumer credit reporting agencies.

5. Offices of non-profit organizations, such as professional organizations, civic, social and fraternal associations, political organizations and religious organizations.

6. Laboratories, offices and other facilities for research and development, excluding animal research, for full investigation of the merits of a product, including commercial viability. No product shall be produced on the premises primarily for sale either directly or indirectly, except such products which, by their character, require production within a research and development environment.

B. Light manufacturing, production, processing, assembly, fabricating, cleaning, servicing and repairing of materials, goods or products.

C. Light wholesale and distribution facilities.

D. Research and development facilities.

Any other uses whatsoever shall require the prior written consent of Seller or its beneficiary.

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