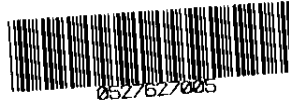


# UNOFFICIAL COPY



Satisfaction or Release of Mechanics Lien

Doc#: 0527627005 Fee: \$27.50  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 10/03/2005 09:47 AM Pg: 1 of 13

**FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHOULD BE FILED WITH THE RECORDER OF DEEDS OR THE REGISTRAR OF TITLES IN WHOSE OFFICE THE CLAIM FOR LIEN WAS FILED.**

Pursuant to and in compliance with the Illinois statute relating to mechanics' liens, and for valuable consideration, receipt whereof is hereby acknowledged, the undersigned, **D.O.T. Rail Service, Incorporated**, does hereby acknowledge satisfaction or release of the claim for lien against **Asphalt Operating Services, L.L.C., Abbott Land & Investment Corp., Gifford, L.L.C., Bluff City, L.L.C., Bluff City Materials, Inc., City of Elgin, Village of Bartlett, Cook County Highway Department, Rail Spur, L.L.C., Southwind Financial Limited, David D. Welch, Illinois Nature Preserves Commission, Gifford 300, LLC, BAL Investment and Advisory, Inc., JP Morgan Chase Bank, N.A., and Benchmark Construction Co., Inc.**, for Sixty Five Thousand Eight Hundred Sixty One and 72/100 (\$65,861.72) Dollars, on the following described property, to wit:

See Legal Descriptions attached hereto as Exhibit A and Exhibit B.

Property Index Numbers: 06-30-200-002-0000 ("Property A") and 06-30-401-001-0000 and 06-30-401-004-0000 ("Property B")

collectively referred to herein as the "Project Property" and commonly known as: North of the intersection of Gifford and Spaulding Road, Cook County, Illinois, which claim for lien was filed in the Office of the Recorder of Deeds of Cook County, Illinois on September 2, 2005 as Document No. 0524503108.

IN WITNESS WHEREOF, the undersigned has signed this instrument this 29<sup>th</sup> day of September, 2005.

**D.O.T. RAIL SERVICE, INCORPORATED**

By: \_\_\_\_\_

Matthew J. Straub

Its: Attorney and Authorized Agent

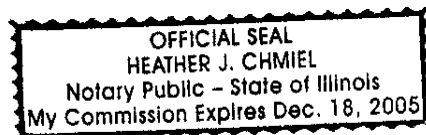
State of Illinois, County of Cook, I, the undersigned, a notary public in and for the county in the state aforesaid, do hereby certify that Matthew J. Straub, attorney for D.O.T. Rail Service, Incorporated in this behalf, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this 29<sup>th</sup> day of September, 2005.

Heather J. Chmiel  
Notary Public

PREPARED BY AND RETURN TO:

Matthew J. Straub  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
Two First National Plaza  
Twenty-Fifth Floor  
20 South Clark Street  
Chicago, Illinois 60603-1891  
(312) 558-1220



# UNOFFICIAL COPY

## EXHIBIT A

THAT PART OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30 AND THE CENTERLINE OF GIFFORD ROAD; THENCE NORTH 01 DEGREES 35 MINUTES 54 SECONDS EAST, A DISTANCE OF 886.52 FEET, ALONG SAID CENTERLINE OF GIFFORD ROAD TO THE POINT OF BEGINNING; THENCE NORTH 62 DEGREES 45 MINUTES 34 SECONDS WEST, A DISTANCE OF 57.15 FEET, ALONG A LINE PARALLEL WITH THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE NORTHWESTERLY ALONG A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 490.00 FEET, AN ARC DISTANCE OF 175.45 FEET AND CHORD BEARING NORTH 52 DEGREES 30 MINUTES 06 SECONDS WEST; THENCE NORTH 42 DEGREES 14 MINUTES 37 SECONDS WEST, A DISTANCE OF 89.94 FEET; THENCE NORTHWESTERLY ALONG A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 460.00 FEET, AN ARC DISTANCE OF 145.07 FEET AND CHORD BEARING NORTH 51 DEGREES 16 MINUTES 41 SECONDS WEST; THENCE NORTH 60 DEGREES 18 MINUTES 45 SECONDS WEST, A DISTANCE OF 677.56 FEET; THENCE NORTHWESTERLY ALONG A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 460.00 FEET, AN ARC DISTANCE OF 87.09 FEET AND CHORD BEARING NORTH 65 DEGREES 44 MINUTES 12 SECONDS WEST; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 2.52 FEET; THENCE SOUTH 87 DEGREES 53 MINUTES 30 SECONDS WEST, A DISTANCE OF 349.92 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 598.29 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 65.00 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 955.97 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE SOUTH 62 DEGREES 45 MINUTES 34 SECONDS EAST, A DISTANCE OF 1155.74 FEET, ALONG SAID SOUTH RIGHT OF WAY LINE TO A POINT OF INTERSECTION WITH SAID CENTERLINE OF GIFFORD ROAD; THENCE SOUTH 01 DEGREES 35 MINUTES 54 SECONDS WEST, A DISTANCE OF 186.35 FEET, ALONG SAID CENTERLINE OF GIFFORD ROAD, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

06 30 200 00 2

Clerk's Office

# UNOFFICIAL COPY

CHICAGO TITLE INSURANCE COMPANY

## LOAN POLICY (1992)

### SCHEDULE B

POLICY NO.: 1401 008264447 D2

NOTWITHSTANDING THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS OF THIS POLICY, ALL ENDORSEMENTS, IF ANY, ATTACHED HERETO ARE VALID DESPITE THE LACK OF SIGNATURE BY EITHER THE PRESIDENT, A VICE PRESIDENT, THE SECRETARY, AN ASSISTANT SECRETARY, OR VALIDATING OFFICER OR AUTHORIZED SIGNATORY OF THE COMPANY.

THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE SUSTAINED BY THE INSURED (AND THE COMPANY WILL NOT PAY COSTS, ATTORNEY'S FEES OR EXPENSES) WHICH ARISE BY REASON OF:

**SPECIAL EXCEPTIONS.**

A 1.

1. TAXES FOR THE YEAR(S) 2004 AND 2005  
2005 TAXES ARE NOT YET DUE OR PAYABLE.

1A. NOTE: 2004 FIRST INSTALLMENT IS DUE BY MARCH 02, 2005  
NOTE: 2004 FINAL INSTALLMENT NOT YET DUE OR PAYABLE

PERM TAX#	PCL	YEAR	1ST INST	STAT
06-30-100-010-0000	1 OF 3	2004	\$16,612.73	PAID
THIS TAX NUMBER PART OF PARCEL IN QUESTION AND OTHER PROPERTY.				
06-30-100-011-0000	2 OF 3	2004	\$3,990.13	PAID
THIS TAX NUMBER PART OF PARCEL IN QUESTION AND OTHER PROPERTY.				
06-30-200-002-0000	3 OF 3	2004	\$2,367.09	PAID
THIS TAX NUMBER PART OF PARCEL IN QUESTION AND OTHER PROPERTY.				

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E 2. RIGHTS OF WAY FOR DRAINAGE TILES, DITCHES, FEEDERS, LATERALS AND UNDERGROUND PIPES, IF ANY.

I 3. PERPETUAL RIGHT, EASEMENT, PERMISSION AND AUTHORITY CREATED BY GRANT FROM CHICAGO GRAVEL COMPANY, A CORPORATION OF ILLINOIS, TO THE COMMONWEALTH EDISON COMPANY, A CORPORATION OF ILLINOIS, DATED DECEMBER 9, 1971 AND RECORDED DECEMBER 30, 1971 AS DOCUMENT 21763369, TO CONSTRUCT, ERECT, OPERATE, USE, MAINTAIN, RELOCATE, RENEW AND REMOVE ELECTRICAL TRANSMISSION LINES INCLUDING STEEL TOWERS WITH THEIR FOUNDATIONS, POLE STRUCTURES, POLES, WIRES, CABLES, CONDUITS, ANCHORS, MANHOLES, UNDERGROUND COUNTERPOISE AND NECESSARY FIXTURES AND APPURTENANCES ATTACHED THERETO IN, ON, UNDER, OVER, THROUGH, ALONG AND ACROSS THE PREMISES DESCRIBED BELOW; AND THE COVENANTS AND CONDITIONS THEREIN CONTAINED.

(AFFECTS THAT PART OF A STRIP OF LAND 56 FEET IN WIDTH LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT OF WAY IN THE WEST 1/2 OF SECTION 29 AND IN SECTION 30, ALL IN TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK

CHICAGO TITLE INSURANCE COMPANY  
**UNOFFICIAL COPY**  
 LOAN POLICY (1992)

SCHEDULE B (CONTINUED)

POLICY NO.: 1401 008264447 02

COUNTY, ILLINOIS, THE CENTER LINE OF SAID STRIP OF LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE PROPERTY CONVEYED TO THE COMMONWEALTH EDISON COMPANY BY WARRANTY DEED DATED MARCH 19, 1956 AND FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS, IN BOOK 55310 ON PAGE 309 AS DOCUMENT 16532596; THENCE EASTERLY ALONG THE NORTHERLY LINE OF THE PROPERTY CONVEYED TO THE COMMONWEALTH EDISON COMPANY, A DISTANCE OF 102.8 FEET TO THE POINT OF BEGINNING OF OF THIS DESCRIPTION; THENCE NORTHWESTERLY ALONG A LINE A DISTANCE OF 366.96 FEET TO A POINT WHICH IS 64 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM THE CENTERLINE OF THE NORTH MAIN TRACK OF THE TWO MAIN TRACKS OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE CONTINUING NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 5 DEGREES 59 MINUTES 00 SECONDS TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE AND 64 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK, A DISTANCE OF 3,763.48 FEET; THENCE CONTINUING WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 3 DEGREES 20 MINUTES 03 SECONDS TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 594.00 FEET TO A POINT WHICH IS 64.00 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 15 DEGREES 07 MINUTES 51 SECONDS TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 473.00 FEET TO A POINT WHICH IS 64 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACT; THENCE CONTINUING SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 13 DEGREES 46 MINUTES 58 SECONDS TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 413.00 FEET TO A POINT WHICH IS 64 FEET SOUTHERLY, PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 10 DEGREES 18 MINUTES 13 SECONDS TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 554.00 FEET TO A POINT WHICH IS 64 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 4 DEGREES 20 MINUTES 43 SECONDS TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 598.55 FEET TO A POINT WHICH IS 45 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 11 DEGREES 29 MINUTES 56 SECONDS TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 501.86 FEET TO A POINT WHICH IS 45 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 14 DEGREES 12 MINUTES 45 SECONDS TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 583.67 FEET TO A POINT WHICH IS 45 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 13 DEGREES 15 MINUTES 22 SECONDS TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 169.37 FEET TO A POINT ON THE CENTER LINE OF STATE ROUTE NO. 25 IN THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS WHICH IS 40.16 FEET (AS MEASURED ALONG THE CENTER LINE OF SAID ROUTE NO. 25) SOUTHERLY OF THE CENTERLINE OF THE SAID NORTH MAIN TRACK.).

(AFFECTS THE LAND AND OTHER PROPERTY)

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CHICAGO TITLE INSURANCE COMPANY

**LOAN POLICY (1992)  
SCHEDULE B (CONTINUED)**

POLICY NO.: 1401 008264447 D2

- K 4. UNRECORDED EASEMENT IN FAVOR OF THE CITY OF ELGIN, THEIR RESPECTIVE SUCCESSORS AND OR 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 CONTAINED THEREIN AS DISCLOSED IN UTILITY LETTER DATED OCTOBER 29, 2001
- (AFFECTS THE LAND AND OTHER PROPERTY)
- L 5. UNRECORDED EASEMENT IN FAVOR OF THE COMMONWEALTH EDISON COMPANY, THEIR RESPECTIVE SUCCESSORS AND OR 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, AN THE PROVISIONS CONTAINED THEREIN AS DISCLOSED BY UTILITY LETTER DATED NOVEMBER 10, 2001
- M 6. UNRECORDED EASEMENTS IN FAVOR OF FOX RIVER WATER RECLAMATION DISTRICT, AND THEIR RESPECTIVE SUCCESSORS AND/OR 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 CONTAINED THEREIN AS DISCLOSED IN UTILITY LETTER DATED JANUARY 16, 2002
- (AFFECTS THE LAND AND OTHER PROPERTY)
- P 7. AGREEMENT TO ANNEX DATED JULY 18, 2003 AND RECORDED AUGUST 1, 2003 AS DOCUMENT NO. 0321319184 BY AND BETWEEN DAVID D. WELCH, SOUTHWIND FINANCIAL, LTD., AND BLUFF CITY, LLC.
- (AFFECTS THE LAND AND OTHER PROPERTY)
- Q 8. THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT 0401510091, AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.
- R 9. DECLARATION OF RESTRICTIVE COVENANT DATED MARCH 10, 2004 AND RECORDED APRIL 13, 2004 AS DOCUMENT NUMBER 0410427075 MADE BY AND BETWEEN BLUFF CITY, LLC, SOUTHWIND FINANCIAL, LTD., BLUFF CITY MATERIALS, INC., AND GIFFORD 300, LLC (COLLECTIVELY, THE RELEASOR) AND VULCAN CONSTRUCTION MATERIALS, L.P., AGREEING THAT NO PORTION OF THE NON-LEASE AREAS (EXCLUDING THAT PORTION OF THE 125 ACRE PARCEL WHICH IS LOCATED SOUTH OF A LINE DRAWN FROM KENYON ROAD AND EXTENDING EASTWARD INTO THE 125 ACRE PARCEL) SHALL BE USED AS A MEDICAL FACILITY OR SCHOOL, AND THE TERMS AND CONDITIONS CONTAINED THEREIN.

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## CHICAGO TITLE INSURANCE COMPANY

### LOAN POLICY (1992)

### SCHEDULE B (CONTINUED)

POLICY NO.: 1401 008264447 D2

(AFFECTS THE LAND AND OTHER PROPERTY)

- 5 10. LEASE MADE BY BLUFF CITY, LLC, SOUTHWIND FINANCIAL, LTD., AND GIFFORD 300, LLC, (COLLECTIVELY LANDLORD) TO VULCAN CONSTRUCTION MATERIALS L.P., (TENANT) DATED DECEMBER 24, 2003, A MEMORANDUM OF WHICH WAS RECORDED APRIL 13, 2004 AS DOCUMENT NO. 0410427076, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING DECEMBER 24, 2003 AND ENDING DECEMBER 31, 2008, 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.

(AFFECTS THE LAND AND OTHER PROPERTY)

NOTE: OPTION TO EXTEND THE TERM OF THE LEASE AT THE EXPIRATION OF THE ORIGINAL TERM FOR NINE (9) SUCCESSIVE PERIODS OF FIVE (5) YEARS EACH.

NON-DISTURBANCE AND ATTORNMENT AGREEMENT RECORDED SEPTEMBER 8, 2004 AS DOCUMENT 0425234110

(AFFECTS THE LAND AND OTHER PROPERTY)

- 7 11. TERMS, CONDITIONS, PROVISIONS AND LIMITATIONS CONTAINED IN THE MEMORANDUM OF ROYALTY AGREEMENT DATED MARCH 12, 2004 AND RECORDED APRIL 13, 2004 AS DOCUMENT NUMBER 0410427077.

(AFFECTS THE LAND AND OTHER PROPERTY)

- U 12. THIS COMMITMENT, AND POLICY WHEN ISSUED, SHALL NOT BE CONSTRUED TO INSURE THAT MINERALS WILL BE FOUND IN PLACE OR UNDERLYING THE LAND.
- W 13. POSSIBLE RAILROAD RIGHTS OF WAY, INCLUDING SPUR AND SWITCH TRACKS, IF ANY.
- AH 14. TERMS, PROVISIONS AND CONDITIONS OF THE MEMORANDUM OF DEVELOPMENT AGREEMENT DATED JUNE 29, 2004 AND RECORDED JANUARY 6, 2005 AS DOCUMENT 0500632213 MADE BY AND BETWEEN THE CITY OF ELGIN, AN ILLINOIS MUNICIPAL CP, SOUTHWIND FINANCIAL, INC., AN ILLINOIS CORPORATION, BLUFF CITY, LLC., AN ILLINOIS LIMITED LIABILITY COMPANY, BLUFF CITY MATERIALS, INC., AN ILLINOIS CORPORATION, AND GIFFORD 300, LLC., AN ILLINOIS LIMITED LIABILITY COMPANY
- AQ 15. 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.
- AU 16. (A) TERMS, PROVISIONS, AND CONDITIONS RELATING TO THE EASEMENT DESCRIBED AS PARCEL PROPOSED PARCEL 2 CONTAINED IN THE INSTRUMENT CREATING SAID EASEMENT.
- (B) RIGHTS OF THE ADJOINING OWNER OR OWNERS TO THE CONCURRENT USE OF SAID

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CHICAGO TITLE INSURANCE COMPANY

**LOAN POLICY (1992)****SCHEDULE B (CONTINUED)**

POLICY NO. : 1401 008264447 D2

## EASEMENT.

- AW 17. ATTENTION IS DIRECTED TO THE FACT THAT THE IMPROVEMENTS ON THE LAND HAVE NOT BEEN COMPLETED. THEREFORE, THIS COMMITMENT/POLICY IS SUBJECT TO SUCH FURTHER EXCEPTIONS, IF ANY, AS MAY DISCLOSED UPON THE COMPLETION OF THE IMPROVEMENTS, AT WHICH TIME A DETERMINATION WILL BE MADE AS TO WHETHER THE COMPANY'S COMPREHENSIVE ENDORSEMENT 1 MAY ISSUE.
- AZ 18. MINERAL RESERVATION AND RESERVATION OF EASEMENT CREATED BY THE DEED RECORDED - AS DOCUMENT - MADE BY AND BETWEEN - AND - WHEREIN GRANTORS RESERVE 100% INTEREST IN AND TO ALL MINERAL ESTATE, MINERALS AND GEOTHERMAL RESOURCES OF EVERY DESCRIPTION; A PERPETUAL RIGHT AND EASEMENT TO MINE AND REMOVE AFOREMENTIONED MINERALS AND GEOTHERMAL RESOURCES; RESERVES AN EXCLUSIVE SUBTERRANEAN EASEMENT COMMENCING AT 200 VERTICAL FEET BELOW THE SURFACE OF THE EASEMENT BEING CONVEYED HEREIN AND CONTINUING TO 2000 VERTICAL FEET BELOW THE SURFACE; THE RIGHT TO USE ANY EXISTING OR FUTURE PUBLIC OR PRIVATE UTILITY EASEMENTS TO PROVIDE ELECTRICITY, GAS, WATER, SEWER (STORM AND SANITARY), TELECOMMUNICATIONS AND ANY OTHER UTILITIES; ANY AND ALL OTHER EASEMENTS BELOW THE EASEMENT BEING CONVEYED HEREIN WHICH MAY BE REQUIRED FOR THE OPERATION, MAINTENANCE AND REPAIR OF SUBSURFACE EASEMENT AREAS, AND THE TERMS AND CONDITIONS SET FORTH THEREIN.
- BC 19. SECURITY INTEREST OF BAL INVESTMENT & ADVISORY, INC., SECURED PARTY, IN CERTAIN DESCRIBED CHATTELS ON THE LAND, AS DISCLOSED BY FINANCING STATEMENT NAMING ASPHALT OPERATING SERVICES, LLC AS DEBTOR AND RECORDED AS DOCUMENT NO. .
- BD 20. TERMS, PROVISIONS, CONDITIONS AND LIMITATIONS SET FORTH IN THE SUBORDINATION, NON-DISTURBANCE AND ATTORNEY AGREEMENT RECORDED - AS DOCUMENT - MADE BY AND BETWEEN BAL INVESTMENT & ADVISORY, INC., ASPHALT OPERATING SERVICES, LLC, RAIL SPUR, LLC AND JPMORGAN CHASE BANK, N.A.

# UNOFFICIAL COPY

## EXHIBIT B

THAT PART OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30 AND THE CENTERLINE OF GIFFORD ROAD; THENCE NORTH 01 DEGREES 35 MINUTES 54 SECONDS EAST, A DISTANCE OF 886.52 FEET, ALONG SAID CENTERLINE OF GIFFORD ROAD TO THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 35 MINUTES 54 SECONDS EAST, A DISTANCE OF 186.35 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE SOUTH 62 DEGREES 45 MINUTES 34 SECONDS EAST, A DISTANCE OF 1360.41 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE SOUTH 00 DEGREES 06 MINUTES 39 SECONDS WEST, A DISTANCE OF 64.84 FEET ALONG SAID EAST LINE; THENCE NORTH 68 DEGREES 21 MINUTES 17 SECONDS WEST, A DISTANCE OF 57.45 FEET; THENCE NORTHWESTERLY ALONG A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 985.00 FEET, AN ARC DISTANCE OF 96.19 FEET AND CHORD BEARING NORTH 65 DEGREES 33 MINUTES 25 SECONDS WEST; THENCE NORTH 62 DEGREES 45 MINUTES 34 SECONDS WEST, A DISTANCE OF 167.45 FEET ALONG A LINE PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHWESTERLY ALONG A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 590.00 FEET, AN ARC DISTANCE OF 58.95 FEET AND CHORD BEARING NORTH 59 DEGREES 53 MINUTES 49 SECONDS WEST; THENCE NORTH 57 DEGREES 02 MINUTES 04 SECONDS WEST, A DISTANCE OF 110.85 FEET; THENCE NORTH 62 DEGREES 45 MINUTES 34 SECONDS WEST, A DISTANCE OF 317.54 FEET ALONG A LINE PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHWESTERLY ALONG A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 460.00 FEET, AN ARC DISTANCE OF 189.71 FEET AND CHORD BEARING NORTH 74 DEGREES 34 MINUTES 27 SECONDS WEST; THENCE NORTH 86 DEGREES 23 MINUTES 20 SECONDS WEST, A DISTANCE OF 85.70 FEET; THENCE NORTHWESTERLY ALONG A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 490.00 FEET, AN ARC DISTANCE OF 202.08 FEET AND CHORD BEARING NORTH 74 DEGREES 34 MINUTES 27 SECONDS WEST; THENCE NORTH 62 DEGREES 45 MINUTES 34 SECONDS WEST, A DISTANCE OF 42.68 FEET ALONG A LINE PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

06 30 401 001  
004

Clerk's Office



# UNOFFICIAL COPY

CHICAGO TITLE INSURANCE COMPANY

## LOAN POLICY (1992) SCHEDULE B

POLICY NO. : 1401 008264447 D2

NOTWITHSTANDING THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS OF THIS POLICY, ALL ENDORSEMENTS, IF ANY, ATTACHED HERETO ARE VALID DESPITE THE LACK OF SIGNATURE BY EITHER THE PRESIDENT, A VICE PRESIDENT, THE SECRETARY, AN ASSISTANT SECRETARY, OR VALIDATING OFFICER OR AUTHORIZED SIGNATORY OF THE COMPANY.

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06-30-100-011-0000	2 OF 3	2004	\$2,990.13	PAID
THIS TAX NUMBER PART OF PARCEL IN QUESTION AND OTHER PROPERTY.				
06-30-200-002-0000	3 OF 3	2004	\$2,567.09	PAID
THIS TAX NUMBER PART OF PARCEL IN QUESTION AND OTHER PROPERTY.				

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E 2. RIGHTS OF WAY FOR DRAINAGE TILES, DITCHES, FEEDERS, LATERALS AND UNDERGROUND PIPES, IF ANY.

I 3. PERPETUAL RIGHT, EASEMENT, PERMISSION AND AUTHORITY CREATED BY GRANT FROM CHICAGO GRAVEL COMPANY, A CORPORATION OF ILLINOIS, TO THE COMMONWEALTH EDISON COMPANY, A CORPORATION OF ILLINOIS, DATED DECEMBER 9, 1971 AND RECORDED DECEMBER 30, 1971 AS DOCUMENT 21763369, TO CONSTRUCT, ERECT, OPERATE, USE, MAINTAIN, RELOCATE, RENEW AND REMOVE ELECTRICAL TRANSMISSION LINES INCLUDING STEEL TOWERS WITH THEIR FOUNDATIONS, POLE STRUCTURES, POLES, WIRES, CABLES, CONDUITS, ANCHORS, MANHOLES, UNDERGROUND COUNTERPOISE AND NECESSARY FIXTURES AND APPURTENANCES ATTACHED THERETO IN, ON, UNDER, OVER, THROUGH, ALONG AND ACROSS THE PREMISES DESCRIBED BELOW; AND THE COVENANTS AND CONDITIONS THEREIN CONTAINED.

(AFFECTS THAT PART OF A STRIP OF LAND 56 FEET IN WIDTH LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT OF WAY IN THE WEST 1/2 OF SECTION 29 AND IN SECTION 30, ALL IN TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK

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CHICAGO TITLE INSURANCE COMPANY

**LOAN POLICY (1992)  
SCHEDULE B (CONTINUED)**

POLICY NO.: 1401 008264447 D2

COUNTY, ILLINOIS, THE CENTER LINE OF SAID STRIP OF LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE PROPERTY CONVEYED TO THE COMMONWEALTH EDISON COMPANY BY WARRANTY DEED DATED MARCH 19, 1956 AND FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS, IN BOOK 55310 ON PAGE 309 AS DOCUMENT 16532596; THENCE EASTERLY ALONG THE NORTHERLY LINE OF THE PROPERTY CONVEYED TO THE COMMONWEALTH EDISON COMPANY, A DISTANCE OF 102.8 FEET TO THE POINT OF BEGINNING OF OF THIS DESCRIPTION; THENCE NORTHWESTERLY ALONG A LINE A DISTANCE OF 366.96 FEET TO A POINT WHICH IS 64 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM THE CENTERLINE OF THE NORTH MAIN TRACK OF THE TWO MAIN TRACKS OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE CONTINUING NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 5 DEGREES 59 MINUTES 00 SECONDS TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE AND 64 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK, A DISTANCE OF 3,763.48 FEET; THENCE CONTINUING WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 3 DEGREES 20 MINUTES 03 SECONDS TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 594.00 FEET TO A POINT WHICH IS 64.00 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 15 DEGREES 07 MINUTES 51 SECONDS TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 473.00 FEET TO A POINT WHICH IS 64 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 13 DEGREES 46 MINUTES 58 SECONDS TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 413.00 FEET TO A POINT WHICH IS 64 FEET SOUTHERLY, PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 10 DEGREES 18 MINUTES 13 SECONDS TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 554.00 FEET TO A POINT WHICH IS 64 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 1 DEGREES 20 MINUTES 43 SECONDS TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 598.55 FEET TO A POINT WHICH IS 45 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 11 DEGREES 29 MINUTES 56 SECONDS TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 501.80 FEET TO A POINT WHICH IS 45 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 14 DEGREES 12 MINUTES 45 SECONDS TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 583.67 FEET TO A POINT WHICH IS 45 FEET SOUTHERLY PERPENDICULARLY DISTANT FROM SAID NORTH MAIN TRACK; THENCE CONTINUING WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 13 DEGREES 15 MINUTES 22 SECONDS TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 169.37 FEET TO A POINT ON THE CENTER LINE OF STATE ROUTE NO. 25 IN THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS WHICH IS 40.16 FEET (AS MEASURED ALONG THE CENTER LINE OF SAID ROUTE NO. 25) SOUTHERLY OF THE CENTERLINE OF THE SAID NORTH MAIN TRACK.).

(AFFECTS THE LAND AND OTHER PROPERTY)

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CHICAGO TITLE INSURANCE COMPANY

## LOAN POLICY (1992) SCHEDULE B (CONTINUED)

POLICY NO.: 1401 008264447 D2

- County Clerk's Office*
- K** 4. UNRECORDED EASEMENT IN FAVOR OF THE CITY OF ELGIN, THEIR RESPECTIVE SUCCESSORS AND OR 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 CONTAINED THEREIN AS DISCLOSED IN UTILITY LETTER DATED OCTOBER 29, 2001
- (AFFECTS THE LAND AND OTHER PROPERTY)
- L** 5. UNRECORDED EASEMENT IN FAVOR OF THE COMMONWEALTH EDISON COMPANY, THEIR RESPECTIVE SUCCESSORS AND OR 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, AN THE PROVISIONS CONTAINED THEREIN AS DISCLOSED BY UTILITY LETTER DATED NOVEMBER 10, 2001
- M** 6. UNRECORDED EASEMENTS IN FAVOR OF FOX RIVER WATER RECLAMATION DISTRICT, AND THEIR RESPECTIVE SUCCESSORS AND/OR 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 CONTAINED THEREIN AS DISCLOSED IN UTILITY LETTER DATED JANUARY 16, 2002
- (AFFECTS THE LAND AND OTHER PROPERTY)
- P** 7. AGREEMENT TO ANNEX DATED JULY 18, 2003 AND RECORDED AUGUST 1, 2003 AS DOCUMENT NO. 0321319184 BY AND BETWEEN DAVID D. WELCH, SOUTHWIND FINANCIAL, LTD., AND BLUFF CITY, LLC.
- (AFFECTS THE LAND AND OTHER PROPERTY)
- Q** 8. THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT 0401510091, AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.
- R** 9. DECLARATION OF RESTRICTIVE COVENANT DATED MARCH 10, 2004 AND RECORDED APRIL 13, 2004 AS DOCUMENT NUMBER 0410427075 MADE BY AND BETWEEN BLUFF CITY, LLC, SOUTHWIND FINANCIAL, LTD., BLUFF CITY MATERIALS, INC., AND GIFFORD 300, LLC (COLLECTIVELY, THE RELEASOR) AND VULCAN CONSTRUCTION MATERIALS, L.P., AGREEING THAT NO PORTION OF THE NON-LEASE AREAS (EXCLUDING THAT PORTION OF THE 125 ACRE PARCEL WHICH IS LOCATED SOUTH OF A LINE DRAWN FROM KENYON ROAD AND EXTENDING EASTWARD INTO THE 125 ACRE PARCEL) SHALL BE USED AS A MEDICAL FACILITY OR SCHOOL, AND THE TERMS AND CONDITIONS CONTAINED THEREIN.

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**LOAN POLICY (1992)****SCHEDULE B (CONTINUED)**

POLICY NO. : 1401 008264447 D2

(AFFECTS THE LAND AND OTHER PROPERTY)

- S 10. LEASE MADE BY BLUFF CITY, LLC, SOUTHWIND FINANCIAL, LTD., AND GIFFORD 300, LLC, (COLLECTIVELY LANDLORD) TO VULCAN CONSTRUCTION MATERIALS L.P., (TENANT) DATED DECEMBER 24, 2003, A MEMORANDUM OF WHICH WAS RECORDED APRIL 13, 2004 AS DOCUMENT NO. 0410427076, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING DECEMBER 24, 2003 AND ENDING DECEMBER 31, 2008, 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.

(AFFECTS THE LAND AND OTHER PROPERTY)

NOTE: OPTION TO EXTEND THE TERM OF THE LEASE AT THE EXPIRATION OF THE ORIGINAL TERM FOR NINE (9) SUCCESSIVE PERIODS OF FIVE (5) YEARS EACH.

NON-DISTURBANCE AND ATTORNMENT AGREEMENT RECORDED SEPTEMBER 8, 2004 AS DOCUMENT 0425234110

(AFFECTS THE LAND AND OTHER PROPERTY)

- T 11. TERMS, CONDITIONS, PROVISIONS AND LIMITATIONS CONTAINED IN THE MEMORANDUM OF ROYALTY AGREEMENT DATED MARCH 12, 2004 AND RECORDED APRIL 13, 2004 AS DOCUMENT NUMBER 0410427077.

(AFFECTS THE LAND AND OTHER PROPERTY)

- U 12. THIS COMMITMENT, AND POLICY WHEN ISSUED, SHALL NOT BE CONSTRUED TO INSURE THAT MINERALS WILL BE FOUND IN PLACE OR UNDERLYING THE LAND.

- W 13. POSSIBLE RAILROAD RIGHTS OF WAY, INCLUDING SPUR AND SWITCH TRACKS, IF ANY.

- AH 14. TERMS, PROVISIONS AND CONDITIONS OF THE MEMORANDUM OF DEVELOPMENT AGREEMENT DATED JUNE 29, 2004 AND RECORDED JANUARY 6, 2005 AS DOCUMENT 0500035213 MADE BY AND BETWEEN THE CITY OF ELGIN, AN ILLINOIS MUNICIPAL CP, SOUTHWIND FINANCIAL, INC., AN ILLINOIS CORPORATION, BLUFF CITY, LLC., AN ILLINOIS LIMITED LIABILITY COMPANY, BLUFF CITY MATERIALS, INC., AN ILLINOIS CORPORATION, AND GIFFORD 300, LLC., AN ILLINOIS LIMITED LIABILITY COMPANY

- AQ 15. 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.

- AU 16. (A) TERMS, PROVISIONS, AND CONDITIONS RELATING TO THE EASEMENT DESCRIBED AS PARCEL PROPOSED PARCEL 2 CONTAINED IN THE INSTRUMENT CREATING SAID EASEMENT.

(B) RIGHTS OF THE ADJOINING OWNER OR OWNERS TO THE CONCURRENT USE OF SAID

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CHICAGO TITLE INSURANCE COMPANY

**LOAN POLICY (1992)****SCHEDULE B (CONTINUED)**

POLICY NO.: 1401 008264447 D2

**EASEMENT.**

- AW 17. ATTENTION IS DIRECTED TO THE FACT THAT THE IMPROVEMENTS ON THE LAND HAVE NOT BEEN COMPLETED. THEREFORE, THIS COMMITMENT/POLICY IS SUBJECT TO SUCH FURTHER EXCEPTIONS, IF ANY, AS MAY DISCLOSED UPON THE COMPLETION OF THE IMPROVEMENTS, AT WHICH TIME A DETERMINATION WILL BE MADE AS TO WHETHER THE COMPANY'S COMPREHENSIVE ENDORSEMENT 1 MAY ISSUE.
- AZ 18. MINERAL PRESERVATION AND RESERVATION OF EASEMENT CREATED BY THE DEED RECORDED - AS DOCUMENT - MADE BY AND BETWEEN - AND - WHEREIN GRANTORS RESERVE 100% INTEREST IN AND TO ALL MINERAL ESTATE, MINERALS AND GEOTHERMAL RESOURCES OF EVERY DESCRIPTION; A PERPETUAL RIGHT AND EASEMENT TO MINE AND REMOVE AFOREMENTIONED MINERALS AND GEOTHERMAL RESOURCES; RESERVES AN EXCLUSIVE SUBTERRANEAN EASEMENT COMMENCING AT 200 VERTICAL FEET BELOW THE SURFACE OF THE EASEMENT BEING CONVEYED HEREIN AND CONTINUING TO 2000 VERTICAL FEET BELOW THE SURFACE; THE RIGHT TO USE ANY EXISTING OR FUTURE PUBLIC OR PRIVATE UTILITY EASEMENTS TO PROVIDE ELECTRICITY, GAS, WATER, SEWER (STORM AND SANITARY), TELECOMMUNICATIONS AND ANY OTHER UTILITIES; ANY AND ALL OTHER EASEMENTS BELOW THE EASEMENT BEING CONVEYED HEREIN WHICH MAY BE REQUIRED FOR THE OPERATION, MAINTENANCE AND REPAIR OF SUBSURFACE EASEMENT AREAS, AND THE TERMS AND CONDITIONS SET FORTH THEREIN.
- BC 19. SECURITY INTEREST OF BAL INVESTMENT & ADVISORY, INC., SECURED PARTY, IN CERTAIN DESCRIBED CHATTELS ON THE LAND AS DISCLOSED BY FINANCING STATEMENT NAMING ASPHALT OPERATING SERVICES, LLC AS DEBTOR AND RECORDED AS DOCUMENT NO. .
- BD 20. TERMS, PROVISIONS, CONDITIONS AND LIMITATIONS SET FORTH IN THE SUBORDINATION, NON-DISTURBANCE AND ATTORMENT AGREEMENT RECORDED - AS DOCUMENT - MADE BY AND BETWEEN BAL INVESTMENT & ADVISORY, INC., ASPHALT OPERATING SERVICES, LLC, RAIL SPUR, LLC AND JPMORGAN CHASE BANK, N.A.