



RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

Doc#: 0533643243 Fee: \$36.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 12/02/2005 12:58 PM Pg: 1 of 7

Earth Management Services of Illinois, Inc.
c/o Law Offices of Marshall J. Goldsmith
77 West Wacker Drive, Suite 3200
Chicago, Illinois 60601-1634

(SPACE ABOVE FOR RECORDER'S USE ONLY)

File 1435-58

SPECIAL WARRANTY DEED

That UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid to the undersigned by the Grantee herein named, the receipt and sufficiency of which are hereby acknowledged and confessed, HAS GRANTED, SOLD, AND CONVEYED, and by these presents DOES HEREBY GRANT, SELL, AND CONVEY unto EARTH MANAGEMENT SERVICES OF ILLINOIS, INC., an Illinois corporation, Grantee, all of that certain real estate (the "Property") in Chicago Heights, Cook County, Illinois, more particularly described in **Exhibit A** attached hereto and hereby made a part hereof for all purposes.

EXCEPTING from this conveyance and RESERVING unto Grantor, its successors and assigns (including, without limitation, lessees and licensees of Grantor), forever, the following:

- (a) Five (5) signboards and appurtenances thereto, including, without limitation, wirelines for electrical service to such signboards, now located upon, along, under and across the Property, and PERPETUAL EASEMENTS for the construction, maintenance, operation, repair, replacement, renewal and reconstruction of signboards and appurtenances thereto (whether now or hereafter constructed) upon, along, under and across those portions of the Property which are the current locations of the signboards and within a radius five feet (5') outside the perimeter of the land surface directly below the signboards (the "sign shadows") and any poles or footings if outside the sign shadows ("Signboard Easement Areas"), together with (i) the right of unobstructed access, ingress and egress to and from the Signboard Easement Areas for the purpose of exercising the rights herein reserved; (ii) an easement(s) for roadway purposes for any existing roadway(s) used for access to signboards; and (iii) sight line easements for the unobstructed view from State Street or U.S. Route 30 (Lincoln Avenue) to signboards now or hereafter located on the Signboard Easement Areas.

Box 400-CTCC

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This deed is made SUBJECT TO the following:

(a) All taxes and all assessments, or, if payable in installments, all installments of assessments, levied upon or assessed against the Property which became or may become due and payable in the year 2005 shall be prorated as of the date of delivery of this deed by Grantor to Grantee, said date being the 29th day of November, 2005; and Grantee assumes and agrees to pay, or to reimburse Grantor for, if paid by it, all such taxes and assessments and installments of assessments applicable to the period subsequent to the date of delivery of this deed and assumes all taxes and all assessments and all installments of assessments which may become due and payable after said year; and

(b) All liens, encumbrances, clouds upon, impairments of and defects in the title created or permitted to be created by Grantee on and after the date of delivery of this deed by Grantor to Grantee, and any and all restrictions and limitations imposed by public authority, and any easements, restrictions and/or outstanding rights of record, and exceptions, reservations and conditions contained in prior deeds or open and obvious on the ground, including without limitation, the following:

(i) Rights of the public, the State of Illinois and the Municipality in and to that part of the Property taken or used for Lincoln Highway, also called Route 30;

(ii) Rights of the public, the State of Illinois and the Municipality in and to other parts of the Property, if any, taken or used for road purposes;

(iii) Rights of the adjoining owners in and to the unobstructed flow of the water located on the Property as depicted on survey made by Ruettiger Tonelli & Associates, Inc. dated July 25, 1994 and last revised 1995 as Order Number 493N 976T;

(iv) Rights of the public or quasi public utilities, if any, as disclosed by survey made by Ruettiger Tonelli & Associates, Inc. dated September 19, 1994 as Order Number 494-135T depicting the following: utility poles, guy wires, overhead electric lines, storm manholes, electric manholes, gas valves, inlets, sanitary sewers, and storm sewers that are located along the southern boundary line of the Property, and rights of Northern Illinois Gas as disclosed by letter dated September 15, 1994 by T. J. Conway with respect to gas system main facilities located along the western boundary line of the Property; and

(v) Encroachment of fences on the Property as described as follows: Along the westerly boundary line of the Property which lies approximately 250 feet west of the Third Creek Backwater, and as

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disclosed by survey made by Ruettiger Tonelli & Associates, Inc. dated July 25, 1994 and last revised March 6, 1995 as Order Number 493N 976T.

(c) Licenses and other rights to use the Property ("Use Rights"), regardless of whether visible, open and obvious, recorded or unrecorded or for public streets, rights of way or utilities.

Except as may be otherwise provided in a written assignment or other written agreement between Grantor and Grantee, Grantor reserves all income (including, without limitation, rentals, license fees and royalties) from any license and other rights to use the Property granted by Grantor or Grantor's predecessors in interest. Grantee agrees that if Grantee receives any such income, Grantee will promptly forward the income to Grantor.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any way belonging unto the said Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend all and singular the Property unto Grantee and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under it, but not otherwise, subject, however, as aforesaid.

Executed this 23rd day of November, 2005.

UNION PACIFIC RAILROAD COMPANY,
a Delaware corporation


Attest:


Barbara Holder
Assistant Secretary

By: Lawrence E. Upsh
Title: Assistant Vice President - Law

(Seal)



STATE TAX	STATE OF ILLINOIS	# 0000004239
	DEC.-1.05	REAL ESTATE TRANSFER TAX
REAL ESTATE TRANSFER TAX DEPARTMENT OF REVENUE		0050000
		FP 103024

COUNTY TAX	COOK COUNTY REAL ESTATE TRANSACTION TAX	# 0000002223
	DEC.-1.05	REAL ESTATE TRANSFER TAX
REVENUE STAMP		0025000
		FP 103022

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STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On November 23, 2005, before me, a Notary Public in and for said County and State, personally appeared Lawrence E. Wzorek and Barbara Holder, Assistant Vice President - Law and Assistant Secretary, respectively, of UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



Annette M. Aughe
Notary Public

(SEAL)

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UNION PACIFIC RAILROAD COMPANY Chicago Heights, Cook County, Illinois

EXHIBIT "A"

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 15 AND THE NORTHWEST 1/4 OF SECTION 22, BOTH IN TOWNSHIP 35 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 35 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 00 DEGREES 04 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 330.00 FEET; THENCE SOUTH 89 DEGREES 53 MINUTES 40 SECONDS EAST, AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 77.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 04 MINUTES 40 SECONDS WEST, AND PARALLEL WITH SAID WEST LINE OF THE NORTHWEST 1/4 A DISTANCE OF 1755.01 FEET, TO A POINT ON A LINE PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST 1/4, THE WESTERN TERMINUS OF WHICH LINE IS A POINT 567.00 FEET SOUTH OF SAID NORTH LINE, AS MEASURED ON A LINE PARALLEL WITH AND 67.00 FEET EAST OF THE WEST LINE OF SAID SECTION 22; THENCE SOUTH 89 DEGREES 53 MINUTES 34 SECONDS EAST, AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 140.00 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 40 SECONDS WEST AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 240.00 FEET; THENCE SOUTH 89 DEGREE 53 MINUTES 34 SECONDS EAST, ON A LINE 327 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 883.00 FEET, TO A POINT IN A LINE WHICH IS PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4 AND WHICH INTERSECTS THE NORTH LINE OF SAID NORTHWEST 1/4 AT A POINT 1100.00 FEET EASTWARDLY (AS MEASURED ALONG SAID NORTH LINE) OF THE NORTHWEST CORNER THEREOF; THENCE NORTH 00 DEGREES 04 MINUTES, 40 SECONDS WEST, ALONG SAID LAST DESCRIBED LINE AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 327.00 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE AFOREMENTIONED SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89°55'07"E A DISTANCE OF 1393.33 FEET TO A POINT OF CURVE ON THE SOUTHERLY RIGHT OF WAY LINE OF THE CHICAGO HEIGHTS TERMINAL TRANSFER RAILROAD CO; OF CURVE; THENCE SOUTHEASTWARDLY, ALONG A CURVE CONVEX TO THE NORTHEAST, HAVING A RADIUS OF 1178.11 FEET, AND ARC LENGTH OF 232.53 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 39 DEGREES 42 MINUTES 11 SECONDS EAST, 232.15 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST 1/4, SECTION 22 A DISTANCE OF 177.20 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 06 MINUTES 54 SECONDS EAST, ALONG SAID EAST LINE A DISTANCE OF 1148.77 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 22;

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THENCE NORTH 89 DEGREES 53 MINUTES 37 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTH 1/2, NORTHWEST 1/4 A DISTANCE OF 1354.57 FEET TO A POINT WHICH LIES 33.00 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4, NORTHWEST 1/4 OF SECTION 22; THENCE SOUTH 00 DEGREES 07 MINUTES 38 SECONDS EAST A DISTANCE OF 1325.99 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1/4 OF SECTION 22; THENCE NORTH 89 DEGREES 53 MINUTES 40 SECONDS WEST, ON SAID SOUTH LINE A DISTANCE OF 956.99 FEET, TO A POINT 332.00 FEET EAST OF THE WEST LINE OF THE SAID NORTHWEST 1/4; THENCE NORTH 00 DEGREES 04 MINUTES 40 SECONDS WEST, PARALLEL TO AND 332.00 FEET EAST OF THE WEST LINE OF SAID NORTHWEST 1/4 SECTION 22 A DISTANCE OF 330.00 FEET, TO A POINT 330.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST 1/4; THENCE NORTH 89 DEGREES 53 MINUTES 40 SECONDS WEST, PARALLEL TO AND 330.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST 1/4, SECTION 22 A DISTANCE OF 255.00 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

Contains 104.38 Acres more or less.

OFFICE OF REAL ESTATE
 OMAHA, NEBRASKA
 November 2, 2005
 143558.leg

P.I.N. 32-22-100-015-6001
 32-22-100-015-6002
 32-22-100-016-6001
 32-22-100-016-6002
 32-22-101-002-6001
 32-22-101-002-6002

address: 2025 Jackson,
~~New Lenox~~ IL
 Chicago Heights, (unincorporated)

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PLAT ACT AFFIDAVIT

STATE OF ~~ILLINOIS~~ NEBRASKA }
 COUNTY OF ~~COOK~~ DOUGLAS) SS.

LAWRENCE E. WZOREK

_____ , being duly sworn on oath, states that
 he ~~resides at~~ is the Assistant Vice President-Law of Union Pacific Railroad Company.
 That the attached deed is not in violation of 765 ILCS 205/1 for one of the following reasons:

1. Said Act is not applicable as the grantors own no adjoining property to the premises described in said deed;

- OR -

the conveyance falls in one of the following exemptions as shown by Amended Act which became effective July 17, 1959.

2. The division or subdivision of the land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
3. The divisions of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
4. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
5. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easement of access
6. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
7. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
8. Conveyances made to correct descriptions in prior conveyances.
9. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than two parts and not involving any new streets or easements of access.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

Affiant further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of Cook County, Illinois, to accept the attached deed for recording.

UNION PACIFIC RAILROAD COMPANY

By: Lawrence E. Wzorek

Title: Assistant Vice President-Law

SUBSCRIBED and SWORN to before me

this 23 day of November 2005.

Ann M. Aughe
 Notary Public

