

# UNOFFICIAL COPY

## ASSIGNMENT AND ASSUMPTION OF GROUND LEASE

**120 South Riverside, Chicago, Illinois (Lessee's Interest)**

This Instrument Prepared By:

Michael J. McKeever, Esq.  
Pircher, Nichols & Meeks  
900 North Michigan Avenue  
Suite 1050  
Chicago, Illinois 60611



Doc#: 0628641192 Fee: \$56.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 10/13/2006 02:47 PM Pg: 1 of 17

After Recording Return To:

Jared L. Tardy, Esc.  
Goulston & Storrs  
400 Atlantic Avenue  
Boston, Massachusetts 02110

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

THIS ASSIGNMENT AND ASSUMPTION OF GROUND LEASE (the "Assignment") is made as of this 3<sup>rd</sup> day of October, 2006, by and between TRIZECHAHN REGIONAL POOLING LLC, a Delaware limited liability company ("Assignor"), having an office at 10 S. Riverside Plaza, Suite 1100, Chicago, Illinois 60606, and 10/120 SOUTH RIVERSIDE PROPERTY LLC, a Delaware limited liability company ("Assignee"), having an office at One Federal Street, Boston, Massachusetts 02110.

WITNESSETH:

WHEREAS, Assignor is the Lessee under the "Ground Lease" (as hereafter defined), pursuant to which the lessor leased to the lessee the real property located in Cook County, Illinois, described in Exhibit A to this Assignment. For purposes hereof, the "Ground Lease" means those certain ground leases, as the same may have been amended, more particularly described in Exhibit B to this Assignment.

WHEREAS, Assignor desires to assign its rights under the Ground Lease to Assignee and Assignee is willing to accept such assignment and to assume Assignor's obligations under the Ground Lease.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor and the Assignee agree as follows:

1. All capitalized terms used in this Agreement that are not specifically defined in this Agreement shall have the meanings assigned to them in the Ground Lease.
2. Assignor hereby transfers and assigns to Assignee, its successors and assigns, all

Stamps affixed to Doc # 0628641192

5894522.1

Box 400 J. Castro

# UNOFFICIAL COPY

right, title and interest of Assignor in and to (i) the Ground Lease, (ii) the premises demised thereunder, and (iii) the Appurtenant Interests. The term "Appurtenant Interests" shall mean all easements and other rights appurtenant to, and all the estate and rights of Assignor in and to, the real property described in Exhibit A.

3. Assignee hereby accepts the foregoing assignment and agrees to assume and discharge, in accordance with the terms thereof, all of the obligations of Assignor under the Ground Lease, to the extent the same arise on or after the date hereof.

4. This Assignment shall be binding on and shall inure to the benefit of the respective successors in interest and assigns of Assignor and Assignee.

[Remainder of Page Intentionally Left Blank]

# UNOFFICIAL COPY

This Assignment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same document.

DATED: As of October 3, 2006

**ASSIGNOR:**

TrizecHahn Regional Pooling LLC,  
a Delaware limited liability company

By: \_\_\_\_\_  
Name: Jean Dorans  
Title: Vice President

**ASSIGNEE:**

10/120 SOUTH RIVERSIDE PROPERTY LLC,  
a Delaware limited liability company

By: BCSP IV Illinois Manager LLC,  
a Delaware limited liability company  
its manager

By: BCSP IV U.S. Investments, L.P.,  
Delaware limited partnership,  
its sole member

By: BCSP REIT IV, Inc.,  
a Delaware corporation,  
its general partner

By: William A. Bonn  
Name: WILLIAM A. BONN, ESQ.  
Title: Senior Managing Director

Property of Cook County Clerk

# UNOFFICIAL COPY

This Assignment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same document.

DATED: As of Oct 3rd, 2006

**ASSIGNOR:**

TrizecHahn Regional Pooling LLC,  
a Delaware limited liability company

By: Jean Dorans  
Name: Jean Dorans  
Title: Vice President

**ASSIGNEE:**

10/120 SOUTH RIVERSIDE PROPERTY LLC,  
a Delaware limited liability company

By: BCSP IV Illinois Manager LLC,  
a Delaware limited liability company  
its manager

By: BCSP IV U.S. Investments, L.P.,  
Delaware limited partnership,  
its sole member

By: BCSP REIT IV, Inc.,  
a Delaware corporation,  
its general partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

# UNOFFICIAL COPY

STATE OF ILLINOIS     )  
  )  
COUNTY OF COOK     )

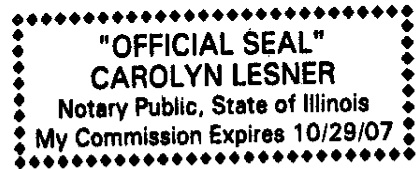
The foregoing instrument was acknowledged before me this 27 day of September, 2006, by Jean Dorans, the Vice President of TrizecHahn Regional Pooling LLC, a Delaware limited liability company, is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed and delivered said instrument as her free and voluntary act, and as the free and voluntary act of said company, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 27 day of September, 2006.

Carolyn Lesner  
Print Name: CAROLYN LESNER

Notary Public

My Commission expires: 10-29-07



STATE OF MASSACHUSETTS     )  
  )  
COUNTY OF \_\_\_\_\_     )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2006, by \_\_\_\_\_, the \_\_\_\_\_ of BCSP KEIT IV, Inc., a Delaware corporation, the general partner of BCSP IV U.S. Investments, L.P., a Delaware limited partnership, the sole member of BCSP IV Illinois Manager LLC, a Delaware limited liability company, the manager of 10/120 South Riverside Property LLC, a Delaware limited liability company, is 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 [s]he signed and delivered said instrument as his or her free and voluntary act, and as the free and voluntary act of said company, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this \_\_\_ day of \_\_\_\_\_, 2006.

Print Name: \_\_\_\_\_

Notary Public

My Commission expires: \_\_\_\_\_

# UNOFFICIAL COPY

STATE OF ILLINOIS     )  
  )  
COUNTY OF COOK     )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2006, by Jean Dorans, the Vice President of TrizecHahn Regional Pooling LLC, a Delaware limited liability company, is 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 she signed and delivered said instrument as her free and voluntary act, and as the free and voluntary act of said company, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this \_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Notary Public

My Commission expires: \_\_\_\_\_

STATE OF MASSACHUSETTS     )  
  )  
COUNTY OF Suffolk     )

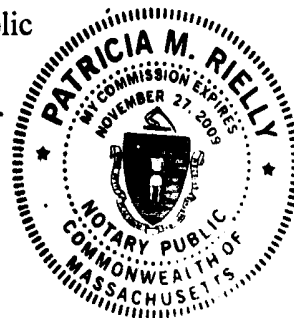
The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of Sept, 2006, by WILLIAM A. BONN, Esq., the Senior Managing Director of BCSP PEIT IV, Inc., a Delaware corporation, the general partner of BCSP IV U.S. Investments, L.P., a Delaware limited partnership, the sole member of BCSP IV Illinois Manager LLC, a Delaware limited liability company, the manager of 10/120 South Riverside Property LLC, a Delaware limited liability company, is 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 [s]he signed and delivered said instrument as his or her free and voluntary act, and as the free and voluntary act of said company, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 26<sup>th</sup> day of September, 2006.

Patricia M. Rielly  
Print Name: Patricia M. Rielly

Notary Public

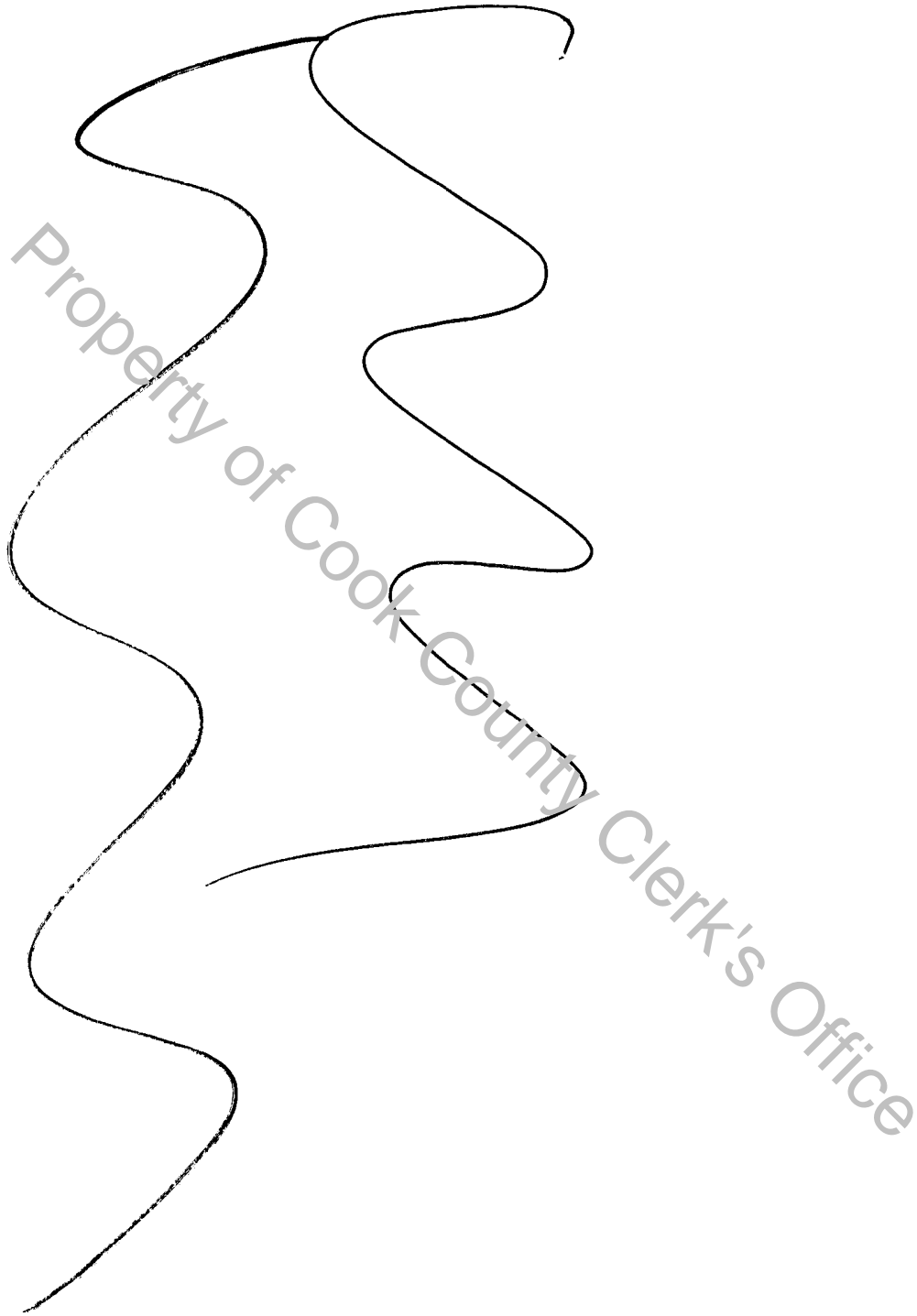
My Commission expires: 11/27/09



# UNOFFICIAL COPY

## EXHIBIT A

### Description of Real Property



# UNOFFICIAL COPY

## Legal Description - Leasehold

Taken from Pcl C of CTIC #1206-3658/401-008352167  
120 South Riverside, Chicago (Cook), IL

### LEGAL DESCRIPTION OF LEASEHOLD ESTATE 'A'

#### PARCEL 1:

A PART OF LOTS 3 AND 4 IN RAILROAD COMPANIES RESUBDIVISION OF BLOCKS 62 TO 76 BOTH INCLUSIVE; BLOCK 78, PARTS OF BLOCKS 61 AND 77 AND CERTAIN VACATED STREETS AND ALLEYS IN SCHOOL SECTION ADDITION TO CHICAGO, A SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RESUBDIVISION RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS ON MARCH 24, 1924 IN BOOK 188 OF PLATS AT PAGE 16, AS DOCUMENT 8339751; SAID PART OF LOTS 3 AND 4 BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4 AND RUNNING THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 4 AND OF SAID LOT 3, A DISTANCE OF 242.50 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH LINE OF LOT 3 WITH THE EAST LINE OF THE WEST 20.00 FEET OF SAID LOT 3; THENCE NORTH ALONG SAID EAST LINE OF THE WEST 20.00 FEET OF LOT 3, A DISTANCE OF 397.635 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 33.00 FEET OF SAID LOT 3; THENCE EAST ALONG THE SOUTH LINE OF THE NORTH 33.00 FEET OF SAID LOTS 3 AND 4, A DISTANCE OF 216.50 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID LOT 4 AND THENCE SOUTHWARDLY ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 398.60 FEET TO THE POINT OF BEGINNING; (EXCEPTING HOWEVER FROM THE PARCEL OF LAND ABOVE DESCRIBED, THE RESPECTIVE PORTIONS THEREOF LYING VERTICALLY BELOW THE FOLLOWING HORIZONTAL PLANES:

- (A) A HORIZONTAL PLANE 20.5 FEET ABOVE CHICAGO CITY DATUM, THE PERIMETER OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL AND RUNNING THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 168.00 FEET; THENCE SOUTHWARDLY TO A POINT ON THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 168.00 FEET FROM THE SOUTHWEST CORNER THEREOF; THENCE WESTERLY, A DISTANCE OF 168.00 FEET ALONG SAID SOUTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER THEREOF; THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL TO THE POINT OF BEGINNING OF SAID HORIZONTAL PLANE, A DISTANCE OF 397.64 FEET, MORE OR LESS; ALSO,

- (B) A HORIZONTAL PLANE 22.5 FEET ABOVE CHICAGO CITY DATUM OVER THE REMAINDER OF SAID PARCEL, WHICH IS NOT VERTICALLY BELOW THE HORIZONTAL PLANE DESCRIBED IN CLAUSE (A) ABOVE.

#### PARCEL 2:

ALL LAND AND SPACES BELOW THE HORIZONTAL PLANES DESCRIBED IN PARCEL 1 ABOVE, WHICH ARE OCCUPIED BY THE COLUMNS, CAISSONS, FOUNDATIONS, GUSSETS AND ALL OTHER SUPPORTING STRUCTURES FOR THE BUILDING AND IMPROVEMENTS CONSTRUCTED IN PARCEL 1, AND BY ALL OTHER IMPROVEMENTS, PLENUMS, MECHANICAL AND ELECTRICAL EQUIPMENT, PIPES, WIRES, CONDUITS, UTILITIES AND OTHER STRUCTURES LOCATED BELOW SAID HORIZONTAL PLANES IN CONNECTION WITH SAID BUILDING AND IMPROVEMENTS, INCLUDING,



# UNOFFICIAL COPY

BUT NOT LIMITED TO, THE SPACE OCCUPIED BY THE IMPROVEMENTS AND STRUCTURES SHOWN ON THE PLAT OF SURVEY PREPARED AND CERTIFIED BY CHICAGO GUARANTEE SURVEY COMPANY DATED JANUARY 3, 1968 (CONSISTING OF FIVE SHEETS IDENTIFIED AS ORDER NOS. 6501003 AA SHEETS 1-5), WHICH WAS RECORDED AS PART OF DOCUMENT 20370303.

## PARCEL 3:

AN EASEMENT APPURTENANT TO PARCELS 1 AND 2 OVER AND ACROSS THE WEST 20.00 FEET OF LOT 3 IN SAID RAILROAD COMPANIES' RESUBDIVISION TO CONSTRUCT, USE, MAINTAIN, REPAIR, REPLACE OR RENEW FROM TIME TO TIME SUCH COLUMNS, GUSSETS, TRUSSES, HORIZONTAL STRUCTURAL MEMBERS, CAISSONS, FOUNDATIONS AND OTHER SUPPORTS AS MAY BE REASONABLY NECESSARY OR APPROPRIATE TO MAINTAIN AND SUPPORT THE PLAZA AND OTHER IMPROVEMENTS CONTEMPLATED BY THE LEASE, INCLUDING, WITHOUT LIMITATION, THE COLUMNS (DESIGNATED "DD") AND THE CAISSONS, FOUNDATIONS AND RELATED STRUCTURES SHOWN ON THE PLAT OF SURVEY REFERRED TO IN PARCEL 2 ABOVE.

## PARCEL 4:

A NONEXCLUSIVE APPURTENANT EASEMENT IN FAVOR OF THE LEASEHOLD INTEREST IN PARCELS 1 AND 2 AS CREATED BY DEED OF EASEMENT RECORDED JANUARY 31, 1990 AS DOCUMENT 90047309 FOR THE USE OF 1,100 PUBLIC PARKING SPACES IN THE GARAGE, AS DEFINED THEREIN, WITH RIGHTS OF INGRESS AND EGRESS AND AN EASEMENT FOR THE PURPOSE OF CONSTRUCTION OF SUCH REPAIRS OR RESTORATION FOR A PERIOD REQUIRED TO COMPLETE SUCH REPAIRS OR RESTORATION ON, OVER AND ACROSS THE FOLLOWING DESCRIBED LEGAL DESCRIPTION:

LOTS 5, 6, 7 AND 8 (EXCEPT FROM SAID LOTS THAT PART FALLING IN ALLEY) IN BLOCK 49 IN SCHOOL SECTION ADDITION TO CHICAGO IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS AMENDED BY FIRST AMENDMENT TO DEED OF EASEMENT RECORDED OCTOBER 9, 1990 AS DOCUMENT 90491486.

## LEGAL DESCRIPTION OF LEASEHOLD ESTATE 'B'

TWO (2) CERTAIN PARCELS OF LAND IN COOK COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS:

### PARCEL 1:

A PART OF LOTS 3 AND 4 IN RAILROAD COMPANIES' RESUBDIVISION OF BLOCKS 62 TO 76, BOTH INCLUSIVE; BLOCK 78, PARTS OF BLOCKS 61 AND 77 AND CERTAIN VACATED STREETS AND ALLEYS IN SCHOOL SECTION ADDITION TO CHICAGO, A SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS ON MARCH 29, 1924, IN BOOK 188 OF PLATS AT PAGE 16 AS DOCUMENT 8339751; SAID PART OF LOTS 3 AND 4 BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4 AND RUNNING THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 4 AND OF SAID LOT 3, A DISTANCE OF 242.50 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH LINE OF LOT 3 WITH THE EAST LINE OF THE WEST 20.00 FEET OF SAID LOT 3; THENCE NORTH ALONG SAID EAST LINE OF THE WEST 20.00 FEET OF LOT 3, A DISTANCE OF 397.635 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 33.00 FEET OF SAID LOT 3; THENCE EAST ALONG THE SOUTH LINE OF THE NORTH 33.00 FEET OF SAID LOTS 3 AND 4, A DISTANCE OF 216.50 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID LOT 4; AND THENCE SOUTHWARDLY ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 398.60 FEET TO THE POINT OF

# UNOFFICIAL COPY

BEGINNING; EXCEPTING, HOWEVER, FROM THE PARCEL OF LAND ABOVE-DESCRIBED THE RESPECTIVE PORTIONS THEREOF LYING VERTICALLY BELOW THE FOLLOWING HORIZONTAL PLANES:

- (A) A HORIZONTAL PLANE 20.5 FEET ABOVE CHICAGO CITY DATUM, THE PERIMETER OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL AND RUNNING THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 168.00 FEET; THENCE SOUTHWARDLY TO A POINT ON THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 168.00 FEET FROM THE SOUTHWEST CORNER THEREOF; THENCE WESTERLY, A DISTANCE OF 168.00 FEET ALONG SAID SOUTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER THEREOF; THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL TO THE POINT OF BEGINNING OF SAID HORIZONTAL PLANE, A DISTANCE OF 397.64 FEET, MORE OR LESS; ALSO,

- (B) A HORIZONTAL PLANE 22.5 FEET ABOVE CHICAGO CITY DATUM OVER THE REMAINDER OF SAID PARCEL, WHICH IS NOT VERTICALLY BELOW THE HORIZONTAL PLANE DESCRIBED IN CLAUSE (A) ABOVE.

## PARCEL 2:

ALL LAND AND SPACES BELOW THE HORIZONTAL PLANES DESCRIBED IN PARCEL 1 ABOVE, WHICH ARE OCCUPIED BY THE COLUMNS, CAISSONS, FOUNDATIONS, GUSSETS AND ALL OTHER SUPPORTING STRUCTURES FOR THE BUILDING AND IMPROVEMENTS CONSTRUCTED IN PARCEL 1, AND BY ALL OTHER IMPROVEMENTS, PLENUMS, MECHANICAL AND ELECTRICAL EQUIPMENT, PIPES, WIRES, CONDUITS, UTILITIES AND OTHER STRUCTURES LOCATED BELOW SAID HORIZONTAL PLANES IN CONNECTION WITH SAID BUILDING AND IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, THE SPACE OCCUPIED BY THE IMPROVEMENTS AND STRUCTURES SHOWN ON THE PLAT OF SURVEY PREPARED AND CERTIFIED BY CHICAGO GUARANTEE SURVEY COMPANY, DATED JANUARY 3, 1968 (CONSISTING OF FIVE SHEETS IDENTIFIED AS ORDER NOS. 6501003 AA SHEETS 1-5), WHICH WAS RECORDED AS PART OF DOCUMENT 20370303.

## PARCEL 3:

AN EASEMENT APPURTENANT TO PARCELS 1 AND 2 OVER AND ACROSS THE WEST 20.00 FEET OF LOT 3 IN SAID RAILROAD COMPANIES' RESUBDIVISION TO CONSTRUCT, USE, MAINTAIN, REPAIR, REPLACE OR RENEW FROM TIME TO TIME SUCH COLUMNS, GUSSETS, TRUSSES, HORIZONTAL STRUCTURAL MEMBERS, CAISSONS, FOUNDATIONS AND OTHER SUPPORTS AS MAY BE REASONABLY NECESSARY OR APPROPRIATE TO MAINTAIN AND SUPPORT THE PLAZA AND OTHER IMPROVEMENTS CONTEMPLATED BY THE LEASE, INCLUDING, WITHOUT LIMITATION, THE COLUMNS (DESIGNATED 'DD') AND THE CAISSONS, FOUNDATIONS AND RELATED STRUCTURES SHOWN ON THE PLAT OF SURVEY REFERRED TO IN PARCEL 2 ABOVE.

## PARCEL 4:

A NONEXCLUSIVE APPURTENANT EASEMENT IN FAVOR OF THE LEASEHOLD INTEREST IN PARCELS 1 AND 2 AS CREATED BY DEED OF EASEMENT RECORDED JANUARY 31, 1990 AS DOCUMENT 90047309 FOR THE USE OF 1,100 PUBLIC PARKING SPACES IN THE GARAGE, AS DEFINED THEREIN, WITH RIGHTS OF INGRESS AND EGRESS AND AN EASEMENT FOR THE PURPOSE OF CONSTRUCTION OF SUCH REPAIRS OR RESTORATION FOR A PERIOD REQUIRED TO COMPLETE SUCH REPAIRS OR RESTORATION ON, OVER AND ACROSS THE FOLLOWING DESCRIBED LEGAL DESCRIPTION:

LOTS 5, 6, 7 AND 8 (EXCEPT FROM SAID LOTS THAT PART FALLING IN ALLEY) IN BLOCK 49

# UNOFFICIAL COPY

IN SCHOOL SECTION ADDITION TO CHICAGO IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS AMENDED BY FIRST AMENDMENT TO DEED OF EASEMENT RECORDED OCTOBER 9, 1990 AS DOCUMENT 90491486.

**ALL THE ABOVE PROPERTY IS ALSO KNOWN AS:**

**LEGAL DESCRIPTION OF LEASEHOLD ESTATE 'A'**

TWO (2) CERTAIN PARCELS OF LAND IN THE COUNTY OF COOK, STATE OF ILLINOIS, TOGETHER WITH THE BUILDINGS AND IMPROVEMENTS THEREON, INCLUDING THE COLUMNS, FOUNDATIONS, CUSSETS AND SUPPORTS THEREOF BOUNDED AND DESCRIBED AS FOLLOWS:

**PARCEL 1:**

A PART OF LOTS 3 AND 4 IN RAILROAD COMPANIES RESUBDIVISION OF BLOCKS 62 TO 76 BOTH INCLUSIVE; BLOCK 78, PARTS OF BLOCKS 61 AND 77 AND CERTAIN VACATED STREETS AND ALLEYS IN SCHOOL SECTION ADDITION TO CHICAGO, A SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RESUBDIVISION RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS ON MARCH 24, 1924 IN BOOK 188 OF PLATS AT PAGE 16, AS DOCUMENT 8339751; SAID PART OF LOTS 3 AND 4 BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4 AND RUNNING THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 4 AND OF SAID LOT 3, A DISTANCE OF 242.50 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH LINE OF LOT 3 WITH THE EAST LINE OF THE WEST 20.00 FEET OF SAID LOT 3; THENCE NORTH ALONG SAID EAST LINE OF THE WEST 20.00 FEET OF LOT 3, A DISTANCE OF 397.635 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 33.00 FEET OF SAID LOT 3; THENCE EAST ALONG THE SOUTH LINE OF THE NORTH 33.00 FEET OF SAID LOTS 3 AND 4, A DISTANCE OF 216.50 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID LOT 4 AND THENCE SOUTHWARDLY ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 398.60 FEET TO THE POINT OF BEGINNING; (EXCEPTING HOWEVER FROM THE PARCEL OF LAND ABOVE DESCRIBED, THE RESPECTIVE PORTIONS THEREOF LYING VERTICALLY BELOW THE FOLLOWING HORIZONTAL PLANES:

- (A) A HORIZONTAL PLANE 20.5 FEET ABOVE CHICAGO CITY DATUM, THE PERIMETER OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL AND RUNNING THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 168.00 FEET; THENCE SOUTHWARDLY TO A POINT ON THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 168.00 FEET FROM THE SOUTHWEST CORNER THEREOF; THENCE WESTERLY, A DISTANCE OF 168.00 FEET ALONG SAID SOUTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER THEREOF; THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL TO THE POINT OF BEGINNING OF SAID HORIZONTAL PLANE, A DISTANCE OF 397.64 FEET, MORE OR LESS; ALSO,

- (B) A HORIZONTAL PLANE 22.5 FEET ABOVE CHICAGO CITY DATUM OVER THE REMAINDER OF SAID PARCEL, WHICH IS NOT VERTICALLY BELOW THE HORIZONTAL PLANE DESCRIBED IN CLAUSE (A) ABOVE.

# UNOFFICIAL COPY

## PARCEL 2:

ALL LAND AND SPACES BELOW THE HORIZONTAL PLANES DESCRIBED IN PARCEL 1 ABOVE, WHICH ARE OCCUPIED BY THE COLUMNS, CAISSONS, FOUNDATIONS, GUSSETS AND ALL OTHER SUPPORTING STRUCTURES, IMPROVEMENTS, PLENUMS, MECHANICAL AND ELECTRICAL EQUIPMENT, PIPES, WIRES, CONDUITS, UTILITIES AND OTHER STRUCTURES AND EQUIPMENT PRESENTLY LOCATED IN THE EXCEPTED SPACE IN CONNECTION WITH THE BUILDING AND IMPROVEMENTS CONSTRUCTED IN PARCEL 1, PURSUANT TO THE LEASE DESCRIBED ABOVE, AND ALL OTHER IMPROVEMENTS, PLENUMS, MECHANICAL AND ELECTRICAL EQUIPMENT, PIPES, WIRES, CONDUITS, UTILITIES AND OTHER STRUCTURES LOCATED BELOW SAID HORIZONTAL PLANES IN CONNECTION WITH SAID BUILDING AND IMPROVEMENTS; AND

## PARCEL 3:

AN EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 AS CREATED BY INSTRUMENT RECORDED AS DOCUMENT 20370303 TO CONSTRUCT, USE, MAINTAIN, REPAIR, REPLACE OR RENEW COLUMNS, CAISSONS, FOUNDATIONS AND OTHER SUPPORTS BELOW THE EASEMENT FOR STREET PURPOSES GRANTED TO THE CITY OF CHICAGO BY DEED RECORDED AS DOCUMENT 5499205 AND THE GRADE ELEVATION, WHICH IS SET FORTH IN THE ORDINANCE PASSED MARCH 24, 1914 AND RECORDED AS DOCUMENT 5507199 PURSUANT TO WHICH SAID DEED WAS GIVEN, OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

THE WEST 20.00 FEET OF LOT 3 (EXCEPT THE NORTH 33.00 FEET THEREOF) IN RAILROAD COMPANIES SUBDIVISION OF BLOCKS 62 TO 76 INCLUSIVE; BLOCK 78, PARTS OF BLOCKS 61 AND 77 AND CERTAIN VACATED STREETS AND ALLEYS IN SCHOOL SECTION ADDITION TO CHICAGO, AFORESAID, IN COOK COUNTY, ILLINOIS.

## PARCEL 4:

A NONEXCLUSIVE APPURTENANT EASEMENT IN FAVOR OF THE LEASEHOLD INTEREST IN PARCELS 1 AND 2 AS CREATED BY DEED OF EASEMENT RECORDED JANUARY 31, 1990 AS DOCUMENT 90047309 FOR THE USE OF 1,100 PUBLIC PARKING SPACES IN THE GARAGE, AS DEFINED THEREIN, WITH RIGHTS OF INGRESS AND EGRESS AND AN EASEMENT FOR THE PURPOSE OF CONSTRUCTION OF SUCH REPAIRS OR RESTORATION FOR A PERIOD REQUIRED TO COMPLETE SUCH REPAIRS OR RESTORATION ON, OVER AND ACROSS THE FOLLOWING DESCRIBED LEGAL DESCRIPTION:

LOTS 5, 6, 7 AND 8 (EXCEPT FROM SAID LOTS THAT PART FALLING IN ALLEY) IN BLOCK 49 IN SCHOOL SECTION ADDITION TO CHICAGO IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS AMENDED BY FIRST AMENDMENT TO DEED OF EASEMENT RECORDED OCTOBER 9, 1990 AS DOCUMENT 90491486.

## LEGAL DESCRIPTION OF LEASEHOLD ESTATE 'B'

TWO (2) CERTAIN PARCELS OF LAND IN COOK COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS:

## PARCEL 1:

A PART OF LOT 3 AND 4 IN RAILROAD COMPANIES' RESUBDIVISION OF BLOCKS 62 TO 76, BOTH INCLUSIVE; BLOCK 78, PARTS OF BLOCKS 61 AND 77 AND CERTAIN VACATED STREETS AND ALLEYS IN SCHOOL SECTION ADDITION TO CHICAGO, A SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS ON MARCH 29, 1924, IN BOOK 188 OF PLATS AT PAGE 16 AS DOCUMENT 8339751; FALLING WITHIN A TRACT OF LAND COMPRISED OF PART OF LOTS 3 AND 4 IN SAID RAILROAD COMPANIES RESUBDIVISION, WHICH IS BOUNDED AND DESCRIBED AS FOLLOWS:



# UNOFFICIAL COPY

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4 AND RUNNING THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 4 AND OF SAID LOT 3, A DISTANCE OF 242.50 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH LINE OF LOT 3 WITH THE EAST LINE OF THE WEST 20.00 FEET OF SAID LOT 3; THENCE NORTH ALONG SAID EAST LINE OF THE WEST 20.00 FEET OF LOT 3, A DISTANCE OF 397.635 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 33.00 FEET OF SAID LOT 3; THENCE EAST ALONG THE SOUTH LINE OF THE NORTH 33.00 FEET OF SAID LOTS 3 AND 4, A DISTANCE OF 216.50 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID LOT 4; AND THENCE SOUTHWARDLY ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 398.60 FEET TO THE POINT OF BEGINNING; EXCEPTING, HOWEVER, FROM THE PARCEL OF LAND ABOVE-DESCRIBED THE RESPECTIVE PORTIONS THEREOF LYING VERTICALLY BELOW THE FOLLOWING HORIZONTAL PLANES:

- (A) A HORIZONTAL PLANE 20.5 FEET ABOVE CHICAGO CITY DATUM, THE PERIMETER OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL AND RUNNING THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 168.00 FEET; THENCE SOUTHWARDLY TO A POINT ON THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 168.00 FEET FROM THE SOUTHWEST CORNER THEREOF; THENCE WESTERLY, A DISTANCE OF 168.00 FEET ALONG SAID SOUTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER THEREOF; THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL TO THE POINT OF BEGINNING OF SAID HORIZONTAL PLANE, A DISTANCE OF 397.64 FEET, MORE OR LESS; ALSO,

- (B) A HORIZONTAL PLANE 22.5 FEET ABOVE CHICAGO CITY DATUM OVER THE REMAINDER OF SAID PARCEL, WHICH IS NOT VERTICALLY BELOW THE HORIZONTAL PLANE DESCRIBED IN CLAUSE (A) ABOVE.

## PARCEL 2:

ALL LAND AND SPACES BELOW THE HORIZONTAL PLANES DESCRIBED IN PARCEL 1 ABOVE, WHICH ARE OCCUPIED BY THE COLUMNS, CAISSONS, FOUNDATIONS, GUSSETS AND ALL OTHER SUPPORTING STRUCTURES FOR THE BUILDING AND IMPROVEMENTS CONSTRUCTED IN PARCEL 1, AND BY ALL OTHER IMPROVEMENTS, PLENUMS, MECHANICAL AND ELECTRICAL EQUIPMENT, PIPES, WIRES, CONDUITS, UTILITIES AND OTHER STRUCTURES LOCATED BELOW SAID HORIZONTAL PLANES IN CONNECTION WITH SAID BUILDING AND IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, THE SPACE OCCUPIED BY THE IMPROVEMENTS AND STRUCTURES SHOWN ON THE PLAT OF SURVEY PREPARED AND CERTIFIED BY CHICAGO GUARANTEE SURVEY COMPANY, DATED JANUARY 3, 1968 (CONSISTING OF FIVE SHEETS IDENTIFIED AS ORDER NOS. 6501003 AA SHEETS 1-5), WHICH WAS RECORDED AS PART OF DOCUMENT 20370303.

## PARCEL 3:

AN EASEMENT APPURTENANT TO PARCELS 1 AND 2 OVER AND ACROSS THE WEST 20.00 FEET OF LOT 3 IN SAID RAILROAD COMPANIES' RESUBDIVISION TO CONSTRUCT, USE, MAINTAIN, REPAIR, REPLACE OR RENEW FROM TIME TO TIME SUCH COLUMNS, GUSSETS, TRUSSES, HORIZONTAL STRUCTURAL MEMBERS, CAISSONS, FOUNDATIONS AND OTHER SUPPORTS AS MAY BE REASONABLY NECESSARY OR APPROPRIATE TO MAINTAIN AND SUPPORT THE PLAZA AND OTHER IMPROVEMENTS CONTEMPLATED BY THE LEASE, INCLUDING, WITHOUT LIMITATION, THE COLUMNS (DESIGNATED 'DD') AND THE CAISSONS, FOUNDATIONS AND RELATED STRUCTURES SHOWN ON THE PLAT OF SURVEY REFERRED TO IN PARCEL 2 ABOVE.

# UNOFFICIAL COPY

PARCEL 4:

A NONEXCLUSIVE APPURTENANT EASEMENT IN FAVOR OF THE LEASEHOLD INTEREST IN PARCELS 1 AND 2 AS CREATED BY DEED OF EASEMENT RECORDED JANUARY 31, 1990 AS DOCUMENT 90047309 FOR THE USE OF 1,100 PUBLIC PARKING SPACES IN THE GARAGE, AS DEFINED THEREIN, WITH RIGHTS OF INGRESS AND EGRESS AND AN EASEMENT FOR THE PURPOSE OF CONSTRUCTION OF SUCH REPAIRS OR RESTORATION FOR A PERIOD REQUIRED TO COMPLETE SUCH REPAIRS OR RESTORATION ON, OVER AND ACROSS THE FOLLOWING DESCRIBED LEGAL DESCRIPTION:

LOTS 5, 6, 7 AND 8 (EXCEPT FROM SAID LOTS THAT PART FALLING IN ALLEY) IN BLOCK 49 IN SCHOOL SECTION ADDITION TO CHICAGO IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS AMENDED BY FIRST AMENDMENT TO DEED OF EASEMENT RECORDED OCTOBER 9, 1990 AS DOCUMENT 90491486.

**LEGAL DESCRIPTION OF LEASEHOLD ESTATES A AND B ARE ALSO KNOWN AS:**

PART OF LOTS 3 AND 4, RAILROAD COMPANIES RESUBDIVISION OF BLOCKS 62 TO 76, INCLUSIVE; BLOCK 78, PARTS OF BLOCKS 61 AND 77 AND CERTAIN VACATED STREETS AND ALLEYS IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4;  
THENCE NORTH 89 DEGREES, 36 MINUTES, 40 SECONDS EAST, A DISTANCE OF 242.50 FEET;  
THENCE NORTH 00 DEGREE, 00 MINUTE, 00 SECONDS EAST, A DISTANCE OF 397.365 FEET;  
THENCE NORTH 89 DEGREES, 35 MINUTES, 40 SECONDS EAST, A DISTANCE OF 216.50 FEET;  
THENCE SOUTH 03 DEGREES, 04 MINUTES, 22 SECONDS EAST, A DISTANCE OF 398.60 FEET TO THE POINT OF BEGINNING.

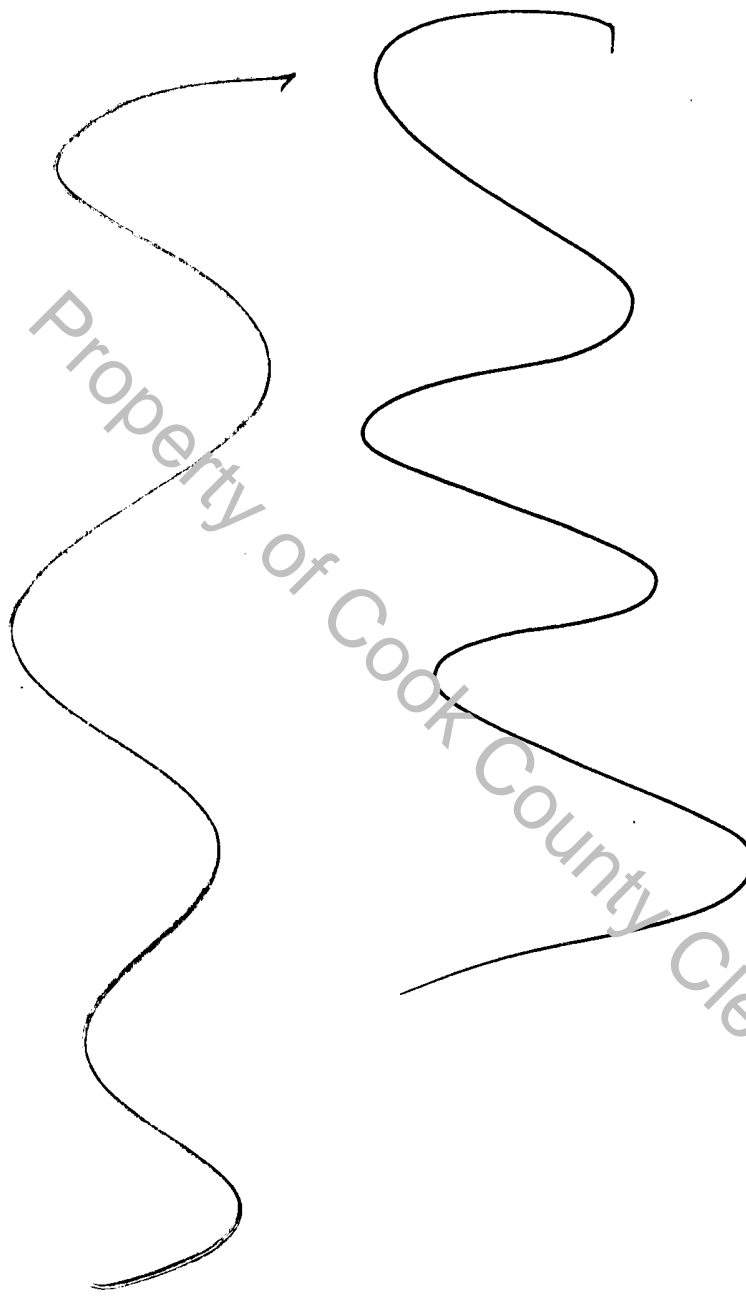
Proprietary  
Cook County Clerk's Office

# UNOFFICIAL COPY

## EXHIBIT B

### GROUND LEASE DOCUMENTS FOR 120 SOUTH RIVERSIDE

*Property of Cook County Clerk's Office*



# UNOFFICIAL COPY

**Description of Leasehold Estate**  
120 South Riverside, Chicago (Cook), IL

**LEASE OF THE LAND DEMISED BY THE FOLLOWING LEASES (THE "LEASES"), TOGETHER WITH OWNERSHIP OF THE BUILDINGS AND IMPROVEMENTS SITUATED THEREON (AS DEFINED IN AND SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS AND LIMITATIONS OF THE LEASES):**

**ORIGINAL LEASE:**

TERMS, CONDITIONS, PROVISIONS AND LIMITATIONS, INCLUDING REVERSION OF IMPROVEMENTS, OF:

A.

LEASE BY CHICAGO UNION STATION COMPANY, THE PENNSYLVANIA RAILROAD COMPANY AND THE PITTSBURGH FORT WAYNE AND CHICAGO RAILWAY COMPANY, AS LESSORS AND TISHMAN-MONROE, INC. AND LASALLE NATIONAL, BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 5, 1963 AND KNOWN AS TRUST NO. 33724, LESSEES, DATED JULY 1, 1965 WHICH LEASE WAS RECORDED OCTOBER 14, 1965 AS DOCUMENT 19618053.

B.

AMENDED AND SUPPLEMENTED BY INSTRUMENT DATED NOVEMBER 21, 1967 AND RECORDED JANUARY 3, 1968 AS DOCUMENT 20370303

C.

FURTHER SUPPLEMENTED BY INSTRUMENTS RECORDED NOVEMBER 30, 1977 AS DOCUMENTS 24217076, 24217077 AND 24217078, AND AS FURTHER SUPPLEMENTED BY THIRD SUPPLEMENT TO LEASE DATED MARCH 21, 1989 AND RECORDED APRIL 19, 1989 AS DOCUMENT 89173333

D.

LESSEE'S INTEREST ASSIGNED BY SOLANO ASSOCIATES TO TRIZECHAHN REGIONAL POOLING LLC PURSUANT TO ASSIGNMENT AND ASSUMPTION OF GROUND LEASE DATED MAY 17, 2001 AND RECORDED ON JUNE 5, 2001 AS DOCUMENT 0010481862.

NOTE:

LANDLORD'S INTEREST ASSIGNED BY AFC COAL PROPERTIES, INC., AS ASSIGNOR, TO TRIZECHAHN 10/120 FEE LLC PURSUANT TO ASSIGNMENT AND ASSUMPTION OF LEASE DATED MAY 31, 2002 AND RECORDED JUNE 6, 2002 AS DOCUMENT 0020634434.

NOTE:

THE ORIGINAL LEASE DEMISES THE LAND AND OTHER PROPERTY FOR A TERM OF YEARS BEGINNING JULY 1, 1965 AND ENDING AS STATED THEREIN, 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.

NOTE AS TO 1989 SETTLEMENT AGREEMENT:

PURSUANT TO SETTLEMENT AGREEMENT DATED AS OF FEBRUARY, 1989 AND A SUPPLEMENTAL AGREEMENT DATED AS OF MARCH 20, 1989, EACH BY AND AMONG LASALLE NATIONAL BANK, AS TRUSTEE FOR CERTAIN ENTITIES NAMED THEREIN, TISHMAN SPEYER GATEWAY PROPERTIES AND CHICAGO UNION STATION COMPANY AND THE PARTIES TO THE MASTER LEASE (AS DEFINED BELOW), LAND AND OTHER PROPERTY DEMISED UNDER THE MASTER LEASE (AS DEFINED HEREIN), WHICH LAND AND OTHER PROPERTY WAS FORMERLY DEMISED PURSUANT TO THE ORIGINAL LEASE, CEASED TO BE SO DEMISED OR OTHERWISE GOVERNED BY THE TERMS OF THE ORIGINAL LEASE. --- [NOTE THAT THIS PREMISE SEEMS TO BE SUPPORTED BY LANGUAGE SET FORTH IN AGREEMENT DATED NOVEMBER 8, 2001, RECORDED NOVEMBER 16, 2001 AS #0011080266 AND FURTHER REFERENCED IN RECITAL #C OF AMENDMENT TO LEASE BETWEEN TO TRIZECHAHN 10/120 FEE LLC AND TRIZECHAHN REGIONAL POOLING LLC DATED MAY 31, 2002, RECORDED JUNE 6, 2002 AS #0020634436].

**MASTER LEASE:**



# UNOFFICIAL COPY

TERMS, CONDITIONS, PROVISIONS AND LIMITATIONS, INCLUDING REVERSION OF IMPROVEMENTS, OF:

A.

MASTER LEASE FROM CHICAGO UNION STATION COMPANY, LESSOR, TO LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1983 AND KNOWN AS TRUST NUMBER 107362, LESSEE, DATED AS OF APRIL 19, 1989, AND RECORDED APRIL 19, 1989 AS DOCUMENT 89173339, WHICH LEASE DEMISES THE LAND FOR A TERM BEGINNING JANUARY 1, 1989 AND ENDING APRIL 30, 2150

B.

LESSEE'S INTEREST ASSIGNED BY THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES TO SOLANO ASSOCIATES PURSUANT TO ASSIGNMENT AND ASSUMPTION OF LEASE DATED DECEMBER 9, 1998 AND RECORDED MARCH 17, 1999 AS DOCUMENT 99258508

C.

LESSEE'S INTEREST FURTHER ASSIGNED BY SOLANO ASSOCIATES TO TRIZECHAHN REGIONAL POOLING LLC PURSUANT TO ASSIGNMENT AND ASSUMPTION OF GROUND LEASE (CUSCO) DATED MAY 17, 2001 AND RECORDED JUNE 5, 2001 AS DOCUMENT 0010481861

NOTE:

LANDLORD'S INTEREST ASSIGNED BY CHICAGO UNION STATION COMPANY TO TRIZECHAHN 10/120 FEE LLC PURSUANT TO ASSIGNMENT AND ASSUMPTION OF MASTER LEASES DATED NOVEMBER 8, 2001 AND RECORDED NOVEMBER 16, 2001 AS DOCUMENT 0011080262

D.

AMENDED BY AMENDMENT TO LEASE BETWEEN TRIZECHAHN 10/120 FEE LLC AND TRIZECHAHN REGIONAL POOLING LLC DATED MAY 31, 2002 AND RECORDED ON JUNE 6, 2002 AS DOCUMENT 0020634436.

Property of Cook County Clerk's Office