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Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
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DESCRIPTION OF ATTACHED INSTRUMENT:

AGREED FINAL JUDGMENT ORDER

CASE NAME: City of Des Plaines v. Mer-Car Corp., an Illinois Corporation, et al.

CASE NO.: 03 L 51220

JURISDICTION: IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PIN NO.: 09-33-305-010

ADDRESS: 3003 Mannheim Road, Des Plaines, Illinois

UNOFFICIAL COPYIN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

CITY OF DES PLAINES, a municipal corporation,)	
)	Case No. 03 L 51220
)	
Plaintiff,)	PARCEL: 305-010
)	
v.)	FULL TAKING
)	
MER-CAR CORP, an Illinois Corporation,)	
FIRST AMERICAN BANK, MARIA PAPPAS,)	CALENDAR : 1
TREASURER AND COUNTY COLLECTOR)	
OF COOK COUNTY; DAVID ORR, COUNTY)	(TIF #6 REDEVELOPMENT
CLERK OF COOK COUNTY; and)	PROJECT)
UNKNOWN OWNERS,)	
)	Full Taking
Defendants.)	

AGREED FINAL JUDGMENT ORDER

THIS MATTER coming to be heard upon the Complaint for Condemnation of the **CITY OF DES PLAINES**, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Illinois, for the ascertainment of just compensation to be paid for the taking by Plaintiff, of property described in the Complaint for Condemnation. The Complaint for Condemnation having been filed on October 7, 2003 and the Plaintiff, appearing by its attorneys, David Wiltse, City Attorney for the City of Des Plaines and Neal & Leroy L.L.C. and the Defendant Mer - Car Corporation ("Mer-Car") owner of the subject property and operator franchisee of the Travelodge Motel which is located on the subject property appearing by its attorney Carl Gigante, Figliulo & Silverman and Maria Pappas Cook County Treasurer and ex officio Cook County Collector and David Orr Cook County Clerk appearing by their attorney, Elizabeth Howlett Assistant State's Attorney and all Defendants herein having been served with

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process in the manner and form provided for by statute and all parties interested in the subject property are before the Court and the Court having jurisdiction of the Plaintiff and all of the Defendants to this suit and of the property legally described herein and the subject matter hereof. The parties through their attorneys herein waive a trial by jury. No evidence being presented to the contrary, the Court does find that the Plaintiff has the authority to exercise the right of eminent domain, that the property sought to be taken herein is subject to the exercise of such right and that such right is not being improperly exercised in this proceeding. The Court further finds that the Just Compensation to be paid by the Plaintiff herein to the owners for the fee simple title and all personal property, fixtures and equipment located in the subject property legally described as follows:

(SEE ATTACHED EXHIBIT "A")

Is the sum of **FIVE MILLION FIVE HUNDRED SEVENTY FIVE THOUSAND DOLLARS AND NO/100 (\$5,575,000.00)**.

IT IS THEREFORE ORDERED AND ADJUDGED by the Court that Judgment is entered for the Plaintiff and compensation for the Defendants in the amount of **FIVE MILLION FIVE HUNDRED SEVENTY FIVE THOUSAND DOLLARS AND NO/100 (\$5,575,000.00)**. The Plaintiff shall deposit on before January 19, 2007, with the Treasurer of Cook County, the sum of **FIVE MILLION FIVE HUNDRED SEVENTY FIVE THOUSAND DOLLARS AND NO/100 (\$5,575,000.00)** for the benefit of the owner or owners or the party or parties interested in the subject property. No interest shall accrue on this award. The parties hereto agree not to appeal this Judgment.

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IT IS FURTHER ORDERED AND ADJUDGED that upon deposit of the just compensation award , Mer-Car shall be allowed to present a motion to withdraw the entire amount of the just compensation award, however **Three Hundred Thousand Dollars (\$300,000.00)** shall be set aside and transferred into an interest bearing account as a possession escrow , at Private Bank, where it shall remain until such time as Mer-Car delivers the premises to the Plaintiff free and clear of all guest and tenants. The possession escrow shall be disbursed only upon the joint direction of the Plaintiff and Mer-Car. All interest earned on said account shall belong to Mer-Car. All cost and fees of the possession escrow shall be the sole responsibility of Mer-Car.

IT IS FURTHER ORDERED that Mer- Car shall be allowed to retain possession of the subject property from the date of the deposit of the just compensation award until February 6, 2007 to vacate all guest and tenants located in said establishment. ("Possession Period"). During the possession period, Plaintiff, its successors and or assigns shall have the right to inspect and do testing, including, but not limited to, environmental testing at the subject property as necessary in furtherance of the Plaintiff's preliminary demolition, site preparation and construction activities. Plaintiff shall give Mer-Car, at least 48 hour notice of any testing, or inspection which it may require under this section. Mer-Car shall be responsible for all utility bills, water and sewer charges and City taxes and assessments during the possession period. Mer-Car acknowledges that the payment of just compensation includes the purchase of all personal property, fixtures and equipment located at the subject property and generally described on the attached Exhibit B. Mer- Car shall maintain and protect the subject property including all personal property, fixtures and equipment during the possession period. No rent shall be due the

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Plaintiff during the Possession Period, however in the event that Mer-Car does not deliver possession of the subject property free and clear of all guest and tenants on or before February 6, 2007, Mer-Car shall pay rent for every day thereafter that it remains in possession of the subject property at the rate of **Five Hundred Dollars (\$500.00)** per day. Said rent shall be deducted from the possession escrow described herein prior to disbursement of the balance of said possession escrow to Mer-Car.

IT IS FURTHER ORDERED AND ADJUDGED that Mer-Car shall, at all times during the possession period, maintain a policy or policies of insurance and indemnity, holding the Plaintiff harmless and protecting the Plaintiff, its agents and employees, successors and or assigns, individually or collectively, against the payment of any and all sums of money for which Mer-Car shall by any pertinent, statute, ordinance or governmental measure imposing liability therefor, become legally liable to pay to any person or persons for: (a) Bodily injury (fatal or nonfatal) to one person not less than 1,000,000 and to more than one person not less than \$2,000,000; (b) Injury to Means of Support: not less than \$100,000 (c) Injury to Property: not less than \$1,000,000. Said policy or policies shall be in the form customarily used in the state of Illinois, issued by reputable and responsible insurers. Said policy shall provide for the payment of all costs and expenses incurred by the insured; shall not be cancelled without notice to the Plaintiff; and shall be kept in full force and effect at all times during the possession period. Such policies shall name the Plaintiff as an additional insured. The premium or premiums shall be paid in advance for the possession period and evidence of payment and premium shall be supplied to the Plaintiff prior to the withdrawal of the Just Compensation Award.

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IT IS FURTHER ORDERED AND ADJUDGED that upon deposit of the just compensation award with the Treasurer of Cook County the Plaintiff herein shall be vested with the fee simple absolute title and shall be entitled to immediate possession of the subject property subject to the terms herein.

IT IS FURTHER ORDERED AND ADJUDGED that this Court shall retain jurisdiction of the above entitled cause for purposes of awarding Plaintiff a Writ of Assistance to put Plaintiff in possession of the subject property and to enforce any of the terms and conditions contained in this Order.

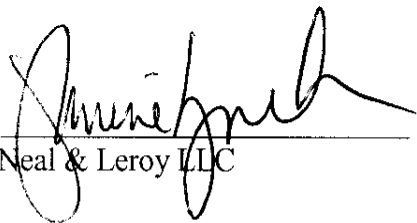
THE COURT FINIS that there is no just reason for delaying the enforcement of said judgment.

Enter: 
JUDGE NO.

AGREED:

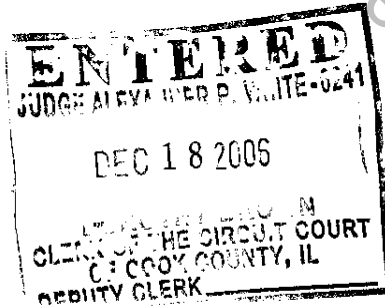
Plaintiff: City of Des Plaines

Defendant: Mer-Car Corporation

By 
Neal & Leroy LLC

By 
Figlio & Silverman, P.C.

David Wilste
Langdon D. Neal/ Francine D. Lynch
Neal & Leroy, L.L.C.
Attorneys for the City of Des Plaines
203 North LaSalle , Suite 2300
Chicago, Illinois 60601
Telephone: (312) 641-7144
Firm No.: 41560



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EXHIBIT A

PIN: 09-33-305-010

COMMON ADDRESS: 3003 Mannheim Road, Des Plaines, Illinois

LEGAL DESCRIPTION: THAT PART OF THE WEST 7.14 CHAINS LYING SOUTH OF THE NORTH 703.6 FEET AND NORTH OF WILLOW CREEK (EXCEPT THE NORTH 408.25 FEET OF THE EAST 180.0 FEET THEREOF) AND (EXCEPT THE NORTH 402.25 FEET OF THE WEST 291.24 FEET THEREOF) AND (EXCEPT THAT PART THEREOF LYING WEST OF A LINE DRAWN PARALLEL WITH AND DISTANT 50 FEET EAST, MEASURED AT RIGHT ANGLES THERETO, FROM THE CENTER LINE OF MANNHEIM ROAD) OF THE SOUTHWEST 1/4 SECTION 33, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

S:\Clients\Des Plaines\TIF#6\PARCELS\305-010\PLD\EXHIBITA.wpd

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EXHIBIT B

INVENTORY OF PERSONAL PROPERTY, EQUIPMENT AND FIXTURES LOCATED AT THE TRAVEL LODGE HOTEL

(subject property consists of 94 Guest Rooms)

1. 84 , 19' color televisions *
2. 94 dressers **
3. 94 beds **
4. 94 chairs **

* 10 rooms have no television

** this is a minimum count there could be more than one item in a room

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