

# UNOFFICIAL COPY



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Doc#: 0729733036 Fee: \$48.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 10/24/2007 07:54 AM Pg: 1 of 13

836899 D2 D6 1 of 5

Property of Cook County Clerk's Office

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## DOCUMENT COVER SHEET

SPECIAL WARRANTY DEED

Box 400-CTCC

13013

**UNOFFICIAL COPY****SPECIAL WARRANTY DEED**

**THIS INDENTURE**, made as of the 19 day of October, 2007 from KDC-CERMAK INVESTMENTS, LP, a Delaware limited partnership, party of the first part, in favor of IAC 955 WEST CERMAK LLC, a Delaware limited liability company, having an address of c/o International Airport Centers L.L.C., 1849 Green Bay Road, Highland Park, Illinois 60035, party of the second part, WITNESSETH, that the party of the first part, for and in consideration of the sum of Ten and No/100 Dollars in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, by these presents does GRANT, BARGAIN, SELL, REMISE, RELEASE AND CONVEY unto the party of the second part, and to its successors and assigns, FOREVER, the following described real estate, situated in the County of Cook and State of Illinois known and described as follows, to wit:

See Exhibit "A" attached hereto and made a part hereof.

Together with all of the party of the first part's right, title and interest in the improvements, hereditaments, easements, rights (of record or not), privileges, rights-of-way, and appurtenances thereunto belonging, or in anyway appertaining including, without limitation, mineral oil, gas and other hydrocarbon substances and all development, air and water rights relating thereto, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, either in law or equity, of, in and to the above described premises, with the improvements, hereditaments, easements and appurtenances and all of Seller's right, title and interest in and to the use of all strips, roads, rights-of-way and alleys adjoining, abutting, adjacent, contiguous to or servicing the land and improvements (collectively, the "Property"), subject to the matters described on Exhibit B attached hereto: TO HAVE AND TO HOLD the Property, unto the party of the second part, its successors and assigns FOREVER.

And the party of the first part, for itself and its successors, does covenant, promise and agree, to and with the party of the second part, its successors and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as provided on Exhibit B, and that it will WARRANT AND DEFEND against all persons lawfully claiming or to claim the same, by through or under it, subject to the matters described on Exhibit B, and not otherwise.

Permanent Real Estate Index Number(s): part of 17-29-200-037-0000;  
17-29-200-038-0000; and  
17-29-203-008-0000

Address of real estate: 955 West Cermak, Chicago, Illinois 60608

STATE TAX	<b>STATE OF ILLINOIS</b>	# 000008566	<b>REAL ESTATE TRANSFER TAX</b>
	OCT.22.07		26200.00
	REAL ESTATE TRANSFER TAX DEPARTMENT OF REVENUE		FP 103024

EXEMPT UNDER PROVISIONS OF PARAGRAPH  
  L  , SEC. 200.1-2 (B-6) OR PARAGRAPH  
  L  , SEC. 200.1-4 (B) OF THE CHICAGO  
TRANSACTION TAX ORDINANCE.

10/19/2007 DATE Irish Mow as Agent  
BUYER, SELLER OR REPRESENTATIVE  
Weldman, Harold  
Allen & Duxon,

# UNOFFICIAL COPY

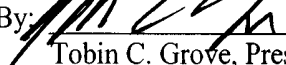
**IN WITNESS WHEREOF**, said party of the first part has executed this Special Warranty Deed as of the date first above written.

KDC-CERMAK INVESTMENTS, LP,  
a Delaware limited partnership

By: KDC-Cermak Investments GP, LLC, a  
Delaware limited liability company, its general  
partner

By: Koll Development Company I, L.P., a  
Delaware limited partnership, its presiding  
member

By: SWV, LLC, a Delaware limited  
liability company, its general partner

By:   
Tobin C. Grove, President

Property of Cook County Clerk's Office

Mail to:

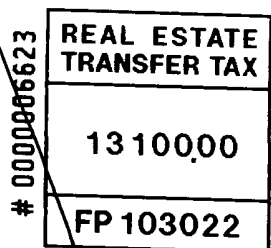
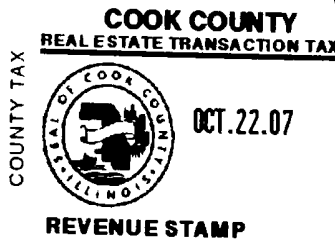
Wildman Harrold Allen & Dixon LLP  
225 West Wacker Drive, Suite 2800  
Chicago, Illinois 60606  
Attn: Thomas P. Duffy

Send subsequent tax bills to:

IAC 955 West Cermak LLC  
c/o International Airport Centers L.L.C.  
1849 Green Bay Road  
Highland Park, Illinois 60035

This instrument was prepared by:

Danna L. Buchanon  
Sidley Austin LLP  
1 South Dearborn Street  
Chicago, Illinois 60603



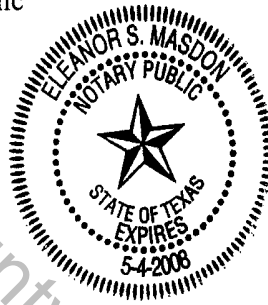
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STATE OF ~~ILLINOIS~~ TEXAS )  
 ) SS.  
COUNTY OF Dallas )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that the above named Tobin C. Grove, the president of SWV, LLC, which is the general partner of Koll Development Company I, L.P., which is the presiding member of KDC-Cermak Investments GP, LLC, which is the general partner of KDC-Cermak Investments, LP, 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 own free and voluntary act and as the free and voluntary act of said limited liability company for the uses and purposes therein set forth.

Given under my hand and Notary Seal, this 19 day of October, 2007.

Eleanor S. Masdon  
Notary Public



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## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1:

LOTS 49 THROUGH 53, BOTH INCLUSIVE, AND THOSE PARTS OF LOTS 45 THROUGH 48, BOTH INCLUSIVE IN GREEN'S SOUTH BRANCH ADDITION TO CHICAGO, BEING A SUBDIVISION IN THE NORTH FRACTIONAL PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO LOTS 1 THROUGH 8, BOTH INCLUSIVE IN BLOCK 3 AND THAT PORTION OF BLOCK 4 IN MCCORD'S SUBDIVISION OF THE WEST 2.56 ACRES OF THE EAST 16.72 ACRES OF THE FRACTIONAL NORTHEAST 1/4 OF SAID SECTION 29, TOGETHER WITH THAT PART OF VACATED SOUTH LUMBER STREET, AND ALSO TOGETHER WITH A PORTION OF JOY'S CANAL (NOW FILLED), ALL TAKEN AS ONE TRACT, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID BLOCK 4 IN MCCORD'S SUBDIVISION, SAID NORTHWESTERLY CORNER BEING A POINT ON THE EAST LINE OF GREEN'S SOUTH BRANCH ADDITION TO CHICAGO AND THE WEST LINE OF MCCORD'S SUBDIVISION AFORESAID AND RUNNING;

THENCE NORTH 69 DEGREES 21 MINUTES 23 SECONDS EAST (THE BASIS OF BEARINGS BEING ASSUMED) ALONG THE NORTHERLY LINE OF SAID BLOCK 4, SAID NORTHERLY LINE BEING HERE ALSO THE SOUTHERLY LINE OF SOUTH LUMBER STREET, A DISTANCE OF 92.54 FEET TO THE NORTHEAST CORNER OF BLOCK 4 IN SAID MCCORD'S SUBDIVISION;

THENCE SOUTH 01 DEGREE 35 MINUTES 56 SECONDS EAST ALONG THE EAST LINE OF SAID BLOCK 4, A DISTANCE OF 237.74 FEET TO THE NORTHERLY LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AS IMPROVED;

THENCE SOUTH 68 DEGREES 37 MINUTES 14 SECONDS WEST ALONG SAID NORTHERLY LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER, AS IMPROVED A DISTANCE OF 216.00 FEET TO AN ANGLE POINT IN SAID NORTHERLY LINE;

THENCE SOUTH 74 DEGREES 32 MINUTES 48 SECONDS WEST ALONG SAID NORTHERLY LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER, AS IMPROVED, A DISTANCE OF 142.58 FEET TO AN ANGLE POINT IN SAID NORTHERLY LINE;

THENCE SOUTH 82 DEGREES 12 MINUTES 29 SECONDS WEST ALONG SAID NORTHERLY LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER, AS IMPROVED, A DISTANCE: OF 132.85 FEET TO A POINT;

THENCE NORTH 01 DEGREE 38 MINUTES 56 SECONDS WEST, ALONG A STRAIGHT LINE, A DISTANCE OF 767.48 FEET TO A POINT;

THENCE NORTH 88 DEGREES, 21 MINUTES 04 SECONDS EAST, A DISTANCE OF 386.43 FEET TO THE EAST LINE OF GREEN'S SOUTH BRANCH ADDITION TO CHICAGO AND THE WEST LINE OF MCCORD'S SUBDIVISION AFORESAID;

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THENCE SOUTH 01 DEGREE 40 MINUTES 09 SECONDS EAST ALONG SAID EAST LINE OF GREEN'S SOUTH BRANCH ADDITION TO CHICAGO AND THE WEST LINE OF MCCORD'S SUBDIVISION, A DISTANCE OF 39.80 FEET TO A POINT ON THE SOUTH LINE OF WEST 23RD STREET, SAID POINT BEING ALSO THE NORTHWEST CORNER OF LOT 4 IN BLOCK 3 AFORESAID;

THENCE NORTH 88 DEGREES 24 MINUTES 10 SECONDS EAST ALONG SAID SOUTH LINE OF WEST 23RD STREET, THE SOUTH LINE OF WEST 23RD STREET BEING ALSO THE NORTH LINE OF LOTS 1 THROUGH 4, BOTH INCLUSIVE, IN BLOCK 3 IN SAID MCCORD'S SUBDIVISION, A DISTANCE OF 87.97 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 01 DEGREE, 35 MINUTES 56 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1, THE EAST LINE OF LOT 1 BEING ALSO THE EAST LINE OF BLOCK 3 IN SAID MCCORD'S SUBDIVISION, A DISTANCE OF 122.22 FEET TO THE NORTH LINE OF THE 20 FOOT WIDE EAST WEST ALLEY IN SAID BLOCK 3;

THENCE SOUTH 88 DEGREES 24 MINUTES 10 SECONDS WEST ALONG SAID NORTH LINE OF THE 20 FOOT WIDE EAST WEST ALLEY IN BLOCK 3, THE NORTH LINE OF THE 20 FOOT WIDE ALLEY BEING HERE THE SOUTH LINE OF LOTS 1 THROUGH 4, BOTH INCLUSIVE, IN SAID BLOCK 3, A DISTANCE OF 87.82 FEET TO THE WEST LINE OF MCCORD'S SUBDIVISION AFORESAID;

THENCE SOUTH 01 DEGREE, 40 MINUTES 09 SECONDS EAST ALONG SAID WEST LINE OF MCCORD'S SUBDIVISION, THE WEST LINE OF MCCORD'S SUBDIVISION BEING ALSO A PORTION OF THE EAST LINE OF LOTS 51 AND 52 IN GREENE'S SOUTH BRANCH ADDITION TO CHICAGO AFOREMENTIONED, A DISTANCE OF 20.00 FEET TO THE SOUTH LINE OF SAID 20.00 FOOT WIDE EAST WEST ALLEY IN BLOCK 2;

THENCE NORTH 88 DEGREES 24 MINUTES 10 SECONDS EAST ALONG SAID SOUTH LINE OF THE 20.00 FOOT WIDE EAST WEST ALLEY IN BLOCK 3 IN MCCORD'S SUBDIVISION, THE SOUTH LINE OF THE 20.00 FOOT WIDE EAST WEST ALLEY BEING HERE THE NORTH LINE OF LOTS 5 THROUGH 8, BOTH INCLUSIVE, IN BLOCK 3 IN SAID MCCORD'S SUBDIVISION, A DISTANCE OF 87.79 FEET TO THE NORTHEAST CORNER OF SAID LOT 8;

THENCE SOUTH 01 DEGREE, 35 MINUTES 56 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 8, SAID EAST LINE OF LOT 8 BEING ALSO THE EAST LINE OF BLOCK 3 IN MCCORD'S SUBDIVISION AFORESAID, A DISTANCE OF 156.66 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 8, THE SOUTHEAST CORNER OF LOT 8 BEING ON THE NORTHERLY LINE OF SOUTH LUMBER STREET;

THENCE SOUTH 69 DEGREES 21 MINUTES, 23 SECONDS WEST ALONG SAID NORTHERLY LINE OF SOUTH LUMBER STREET, THE NORTHERLY LINE OF SOUTH LUMBER STREET BEING ALSO THE SOUTHERLY LINE OF LOTS 5 THROUGH 8 BOTH INCLUSIVE IN BLOCK 3 AFORESAID, A DISTANCE OF 92.63 FEET TO THE EAST LINE OF GREENE'S SOUTH BRANCH ADDITION TO CHICAGO AND THE WEST LINE OF MCCORD'S SUBDIVISION AFOREMENTIONED;

THENCE SOUTH 01 DEGREE 40 MINUTES 09 SECONDS EAST ALONG SAID EAST LINE OF GREENE'S SOUTH BRANCH ADDITION TO CHICAGO AND THE WEST LINE OF MCCORD'S SUBDIVISION, A DISTANCE OF 69.79 FEET TO THE POINT OF BEGINNING, EXCEPTING ANY PORTION OF THE LAND, IF ANY, LYING WITHIN THE SOUTH BRANCH OF THE CHICAGO



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RIVER, AS CONVEYED TO THE SANITARY DISTRICT OF CHICAGO BY DEED RECORDED APRIL 21, 1903 IN BOOK 7791, PAGES 84, 85 AND 86, IN COOK COUNTY, ILLINOIS.

ALSO

ALL THAT PART OF SOUTH LUMBER STREET, NOW VACATED BY ORDINANCE RECORDED MARCH 7, 2007 AS DOCUMENT 0706606029, LYING SOUTH AND SOUTHERLY OF THE SOUTHERLY LINE OF LOTS 5 TO 8, BOTH INCLUSIVE, IN BLOCK 3 LYING NORTH AND NORTHERLY OF THE NORTHERLY LINE OF BLOCK 4, LYING EAST AND EASTERLY OF THE EAST LINE OF SOUTH LUMBER STREET, AS VACATED, IN ACCORDANCE WITH AN ORDINANCE APPROVED BY THE CHICAGO CITY COUNCIL, SEP 19, 1870 REPORT OF COMMITTEE ON STREETS AND ALLEYS ON AN ORDINANCE VACATING LUMBER STREET FROM JOY'S CANAL TO GREENE'S SOUTH BRANCH ADDITION WEST DIVISION TO CHICAGO, CITED AS DOCUMENT 1869/70 1363 A 09/19, SAID EAST LINE OF VACATED SOUTH LUMBER STREET BEING DESCRIBED AS A LINE DRAWN FROM THE SOUTHWESTERLY CORNER OF LOT 5 IN BLOCK 3 TO THE NORTHWESTERLY CORNER OF BLOCK 4 AND LYING WEST AND WESTERLY OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 8 IN BLOCK 3 TO THE NORTHEAST CORNER OF BLOCK 4 ALL IN THE SUBDIVISION OF THE WEST 2.56 ACRES OF THE EAST 16.72 ACRES IN THE NORTHEAST FRACTIONAL 1/4 OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO

ALL THAT PART OF THE EAST-WEST 20 FOOT PUBLIC ALLEY, NOW VACATED BY ORDINANCE RECORDED MARCH 7, 2007 AS DOCUMENT 0706606029, LYING SOUTH OF THE SOUTH LINE OF LOTS 1 TO 4, BOTH INCLUSIVE, LYING NORTH OF THE NORTH LINE OF LOTS 5 TO 8, BOTH INCLUSIVE, LYING WEST OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 1 TO THE NORTHEAST CORNER OF LOT 8 AND LYING EAST OF A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 4 TO THE NORTHWEST CORNER OF LOT 5 ALL IN BLOCK 3 IN SUBDIVISION OF THE WEST 2.56 ACRES OF THE EAST 16.72 ACRES IN THE NORTHEAST FRACTIONAL 1/4 OF SECTION 29 AFORESAID.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT AGREEMENT CREATING PEDESTRIAN UTILITY AREA, MAINTENANCE AND REPAIR OF ACCESS AREA, ACCESS AREA AND SIGN EASEMENT, ALLOCATION OF COSTS AND REAL ESTATE TAXES, AND STORM DRAINAGE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY AND BETWEEN CERMAK-MORGAN LLC, AN ILLINOIS LIMITED LIABILITY COMPANY AND KDC-CERMAK INVESTMENT, LP, A DELAWARE LIMITED PARTNERSHIP DATED JUNE 15, 2006 AND RECORDED JULY 21, 2006 AS DOCUMENT NUMBER 0620212087 FOR THE PURPOSE OF INGRESS AND EGRESS, PEDESTRIAN UTILITY AREA, ACCESS AREA AND STORM DRAINAGE EASEMENT, OVER THE FOLLOWING DESCRIBED LAND:

THOSE PARTS OF LOTS 59 THROUGH 70, INCLUSIVE, TOGETHER WITH A PORTION OF JOY'S CANAL (NOW FILLED) IN GREENE'S SOUTH BRANCH ADDITION TO CHICAGO, BEING A SUBDIVISION IN THE NORTH FRACTIONAL PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCING AT A POINT IN THE NORTH LINE OF SAID LOT 59, IN GREENE'S SOUTH BRANCH ADDITION TO CHICAGO, THE NORTH LINE OF SAID LOT 59 BEING HERE THE SOUTH LINE OF WEST CERMAK ROAD, SAID POINT BEING DISTANCE 12.00 FEET WEST OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S (FORMER CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY) SPUR TRACK CENTERLINE AS LOCATED AND CONSTRUCTED IN JULY, 1998, SAID POINT BEING ALSO 200.00 FEET, MORE OR LESS, WEST OF THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE CENTERLINE OF SOUTH PEORIA STREET WITH SAID SOUTH LINE OF WEST CERMAK ROAD AS MEASURED ALONG SAID SOUTH LINE, SAID POINT OF COMMENCEMENT BEING ALSO 616.23 FEET EAST OF THE NORTHWEST CORNER OF LOT 60 IN GREENE'S SOUTH BRANCH ADDITION TO CHICAGO AFORESAID, AND RUNNING;

THENCE SOUTH 88 DEGREES 24 MINUTES 07 SECONDS WEST (THE BASIS OF BEARINGS BEING ASSUMED) ALONG SAID SOUTH LINE OF WEST CERMAK ROAD, A DISTANCE OF 258.78 FEET TO A POINT OF CURVE, SAID POINT OF CURVE BEING ALSO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND;

THENCE SOUTHWESTWARDLY ALONG SAID CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.27 FEET TO A POINT OF TANGENCY, SAID POINT OF TANGENCY BEING A POINT ON A LINE PERPENDICULAR TO SAID SOUTH LINE OF WEST CERMAK ROAD;

THENCE SOUTH 01 DEGREE 35 MINUTES 32 SECONDS EAST ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 156.65 FEET TO A POINT ON A LINE 181.65 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF WEST CERMAK ROAD;

THENCE SOUTH 88 DEGREES 24 MINUTES 07 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 30.00 FEET;

THENCE SOUTH 11 DEGREES 08 MINUTES 14 SECONDS WEST, A DISTANCE OF 112.15 FEET TO A POINT, SAID POINT BEING 291.04 FEET SOUTH OF SAID SOUTH LINE OF WEST CERMAK ROAD AND IN A LINE 30.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF JOY'S CANAL (NOW FILLED) AFORESAID;

THENCE SOUTH 01 DEGREE 38 MINUTES 56 SECONDS EAST ALONG SAID LINE 30.00 EAST OF AND PARALLEL WITH THE WEST LINE OF JOY'S CANAL (NOW FILLED), A DISTANCE OF 756.56 FEET TO A POINT ON A LINE PERPENDICULAR TO THE LAST DESCRIBED LINE;

THENCE SOUTH 88 DEGREES 21 MINUTES 04 SECONDS WEST ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 40.00 FEET TO A POINT ON A LINE 10.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID JOY'S CANAL (NOW FILLED);

THENCE NORTH 01 DEGREE 38 MINUTES 56 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 760.79 FEET TO A POINT, SAID POINT BEING 286.85 FEET SOUTH OF SAID SOUTH LINE OF WEST CERMAK ROAD, MEASURED PERPENDICULARLY;

THENCE NORTH 08 DEGREES 17 MINUTES 29 SECONDS EAST, A DISTANCE OF 190.55 FEET TO A POINT, SAID POINT BEING THE SOUTHERLY TERMINUS OF A LINE PERPENDICULAR TO AND 99.13 FEET SOUTH FROM SAID SOUTH LINE OF WEST CERMAK ROAD;

THENCE NORTH 01 DEGREES 35 MINUTES 53 SECONDS WEST ALONG THE LAST



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DESCRIBED PERPENDICULAR LINE, A DISTANCE OF 94.13 FEET TO A POINT, SAID POINT BEING IN A LINE 5.00 SOUTH FROM AND PERPENDICULAR TO THE SOUTH LINE OF WEST CERMAK ROAD;

THENCE NORTHWESTERLY ALONG THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 25.00 FEET, WITH A CHORD LENGTH OF 15.81 FEET AND A CHORD BEARING OF NORTH 73 DEGREES 09 MINUTES 47 SECONDS WEST, AN ARC DISTANCE OF 16.09 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 88 DEGREES 24 MINUTES 07 SECONDS EAST ALONG SAID SOUTH LINE OF WEST CERMAK ROAD, A DISTANCE OF 102.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

## PARCEL 3:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1, AS CREATED IN EASEMENT AGREEMENT DATED JUNE 15, 2006 AND RECORDED JULY 21, 2006 AS DOCUMENT NUMBER 0620212087 FOR THE PURPOSE OF A SIGN TO BE ERECTED OVER THE FOLLOWING DESCRIBED LAND:

THAT PART OF LOT 60 IN GREENE'S SOUTH BRANCH ADDITION TO CHICAGO, BEING A SUBDIVISION IN THE NORTH FRACTIONAL PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF WEST CERMAK ROAD WITH THE EAST LINE OF SOUTH MORGAN STREET, SAID POINT BEING ALSO THE NORTHWEST CORNER OF LOT 60 IN GREENE'S SOUTH BRANCH ADDITION TO CHICAGO AFORESAID, AND RUNNING:

THENCE NORTH 88 DEGREES 24 MINUTES 07 SECONDS EAST (BASIS OF BEARINGS ASSUMED), ALONG SAID SOUTH LINE OF WEST CERMAK ROAD A DISTANCE OF 245.55 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND;

THENCE SOUTH 01 DEGREES 35 MINUTES 53 SECONDS EAST, A DISTANCE OF 16.00 FEET TO A POINT, SAID POINT BEING IN A LINE PARALLEL WITH AND 16.00 FEET SOUTH OF THE SOUTH LINE OF WEST CERMAK ROAD;

THENCE NORTH 88 DEGREES 24 MINUTES 07 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 25.00 FEET TO A POINT, SAID POINT BEING IN A LINE PARALLEL WITH AND 16.00 FEET SOUTH OF THE SOUTH LINE OF WEST CERMAK ROAD;

THENCE NORTH 01 DEGREES 35 MINUTES 53 SECONDS WEST, A DISTANCE OF 11.00 FEET TO A POINT, SAID POINT BEING 5.00 FEET SOUTH FROM THE SOUTH LINE OF WEST CERMAK ROAD, MEASURED PERPENDICULARLY;

THENCE NORTHWESTERLY ALONG THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS 25.00 FEET, WITH A CHORD LENGTH OF 15.81 FEET AND A CHORD BEARING OF NORTH 73 DEGREES 09 MINUTES 47 SECONDS WEST, AN ARC DISTANCE OF 16.09 FEET TO A POINT OF NON-TANGENCY;

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THENCE SOUTH 88 DEGREES 24 MINUTES 07 SECONDS WEST ALONG SAID SOUTH LINE OF WEST CERMAK ROAD, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Address: 955 West Cermak, Chicago, Illinois 60608

PIN's: part of 17-29-200-037-0000

17-29-200-038-0000

17-29-203-008-0000

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## EXHIBIT B

### PERMITTED EXCEPTIONS

1. TAXES FOR THE: YEAR(S) 2006 AND 2007
2. (A) TERMS, PROVISIONS, AND CONDITIONS RELATING TO THE EASEMENT DESCRIBED AS PARCELS 2 AND 3 CONTAINED IN THE INSTRUMENT CREATING SAID EASEMENT.  
  
(B) RIGHTS OF THE ADJOINING OWNER OR OWNERS TO THE CONCURRENT USE OF SAID EASEMENT.
3. RIGHTS, IF ANY, OF THE UNITED STATES OF AMERICA, THE STATE OF ILLINOIS, THE MUNICIPALITY AND THE PUBLIC IN AND TO THAT PART OF THE LAND LYING WITHIN THE BED OF THE SOUTH BRANCH OF THE CHICAGO RIVER; AND THE RIGHTS OF OTHER OWNERS OF LAND BORDERING ON THE RIVER IN RESPECT TO THE WATER OF SAID RIVER.
4. UNRECORDED LEASE MADE BY KDC-CERMAK INVESTMENTS, LP TO HEALTH CARE SERVICE CORPORATION, A MUTUAL LEGAL RESERVE COMPANY DATED APRIL 17, 2006, 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, AS DISCLOSED BY SUBORDINATION AGREEMENT RECORDED JULY 21, 2006 AS DOCUMENT 0620212091.
5. TERMS AND PROVISIONS OF AN OPTION TO PURCHASE THE LAND IN FAVOR OF HEALTH CARE SERVICE CORPORATION, A MUTUAL LEGAL RESERVE COMPANY, AS CONTAINED IN THE UNRECORDED LEASE NOTED ABOVE.
6. PROVISION CONTAINED IN QUITCLAIM DEED RECORDED APRIL 1, 1999 AS DOCUMENT 99316099 MADE BY THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY TO HARRIS BANK BARRINGTON, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 1, 1999 AND KNOWN AS TRUST NUMBER 11-5529 PROVIDING THAT THE BENEFICIARY OF GRANTEE SHALL CONSTRUCT ON THE PREMISES A RAIL SERVED WAREHOUSE CONTAINING A MINIMUM OF 200,000 SQ FEET OF FLOOR SPACE AND INCLUDING A FULLY OPERATIONAL RAIL SPUR SERVING SAME TOGETHER WITH RIGHT OF FIRST REFUSAL AS SET FORTH THEREIN.
7. TERMS, PROVISIONS AND CONDITIONS OF THE MEMORANDUM OF TAX SHARING AGREEMENT EXECUTED BY AND BETWEEN THE CERMAK-MORGAN LLC AND MDC CHICAGO, LLC, RECORDED DECEMBER 17, 2004 AS DOCUMENT 0435239084.  
  
ASSIGNMENT AND ASSUMPTION OF TAX SHARING AGREEMENT EXECUTED BY AND BETWEEN MDC CHICAGO, LLC AND JERRY S. DEAN AND 929 WEST CERMAK TRUST, A DELAWARE STATUTORY TRUST, RECORDED JANUARY 30, 2006 AS DOCUMENT 0603043307.

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AMENDMENT OF ACCESS AGREEMENT AND PARTIAL RELEASE OF AGREEMENTS  
RECORDED AUGUST 14, 2006 AS DOCUMENT 0622612073.

(AFFECTS THE LAND AND OTHER PROPERTY)

8. EASEMENTS AND THE TERMS AND PROVISIONS THEREOF, CONTAINED IN THE ACCESS EASEMENT AGREEMENT RECORDED/FILED DECEMBER 17, 2004 AS DOCUMENT NO. 0435239085 EXECUTED BY AND BETWEEN THE CERMAK-MORGAN LLC AND MDC CHICAGO, LLC.

AMENDMENT OF ACCESS AGREEMENT AND PARTIAL RELEASE OF AGREEMENTS  
RECORDED AUGUST 14, 2006 AS DOCUMENT 0622612073.

(AFFECTS THE LAND AND OTHER PROPERTY)

9. EASEMENT IN FAVOR OF THE CERMAK-MORGAN LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, ITS SUCCESSOR AND ASSIGNS, FOR THE PURPOSE OF STORM DRAINAGE AND STORM DRAINAGE FACILITIES, AS GRANTED IN THE EASEMENT AGREEMENT RECORDED JULY 21, 2006 AS DOCUMENT 0620212087, AND THE TERMS AND PROVISIONS THEREOF.
10. TERMS, CONDITIONS AND LIMITATIONS CONTAINED IN THE NO FURTHER REMEDIATION LETTER ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AND RECORDED JULY 11, 2001 AS DOCUMENT 0010611089 AND REVISED BY THE NO FURTHER REMEDIATION LETTER RECORDED JULY 30, 2007 AS DOCUMENT 0721139254. (AFFECTS THE LAND AND OTHER PROPERTY)
11. TERMS, PROVISIONS AND CONDITIONS OF THE EASEMENT AGREEMENT RECORDED APRIL 8, 2005 AS DOCUMENT 0509818128 MADE BY AND BETWEEN THE CERMAK-MORGAN LLC, AN ILLINOIS LIMITED LIABILITY COMPANY AND MDC CHICAGO, LLC, A KANSAS LIMITED LIABILITY COMPANY.

AMENDMENT OF ACCESS AGREEMENT AND PARTIAL RELEASE OF AGREEMENTS  
RECORDED AUGUST 14, 2006 AS DOCUMENT 0622612073.

(AFFECTS THE LAND AND OTHER PROPERTY)

12. TERMS, PROVISIONS AND CONDITIONS CONTAINED IN THE MEMORANDUM OF TAX SHARING AGREEMENT EXECUTED BY AND BETWEEN THE CERMAK-MORGAN LLC AND KDC-CERMAK INVESTMENTS, LP, RECORDED JULY 21, 2006 AS DOCUMENT 0620212088. (AFFECTS THE LAND AND OTHER PROPERTY)
13. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE RESTRICTIVE COVENANT EXECUTED BY KDC-CERMAK INVESTMENTS, LP, IN FAVOR OF THE CITY OF CHICAGO AND RECORDED MARCH 7, 2007 AS DOCUMENT 0706606030, RELATING TO THE USE OF THE LAND AND WHICH CONTAINS A PROVISION FOR REVERTER OF TITLE TO THE CITY OF CHICAGO. (FOR FURTHER PARTICULARS, SEE RECORD.) (AFFECTS THE ALLEY AND THAT PORTION OF LUMBER STREET VACATED BY ORDINANCE RECORDED AS DOCUMENT 0706606029).

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14. TERMS, PROVISIONS AND CONDITIONS OF PLANNED DEVELOPMENT NO. 1014 UNDER CITY ZONING ORDINANCE 74052 DATED MARCH 29, 2006 FOR RECLASSIFICATION OF AREA.
  
15. TERMS, PROVISIONS AND CONDITIONS OF THAT ORDINANCE ACCT. NO. 304473-1, PERMIT NO. 1052338, GRANTING TO KDC-CERMAK INVESTMENTS, LP, TO CONSTRUCT, INSTALL, MAINTAIN, AND USE A PORTION OF THE PUBLIC RIGHT OF WAY FOR OCCUPATION OF SPACE ADJACENT TO ITS PREMISES KNOWN AS 955 W. CERMAK ROAD. THE GRANTEE SHALL PAY TO THE CITY OF CHICAGO FOR PRIVILEGE #1052328 THE SUM OF \$5,137.00 PER ANNUM IN ADVANCE; SAID PRIVILEGE IS SUBJECT TO AMENDMENT OR REPEAL AT ANY TIME AND THE PRIVILEGE IS NOT ASSIGNABLE EXCEPT WITH THE APPROVAL OF THE DIRECTOR OF BUSINESS AFFAIRS.

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