

UNOFFICIAL COPY

08000222

278/0019 50 001 Page 1 of 7
1998-11-05 15:06:11
Cook County Recorder 18.50



THIS INSTRUMENT WAS PREPARED BY AND
AFTER RECORDING SHOULD BE RETURNED TO:

John S. Mrowiec
Jeffrey B. Charkow
Stein, Ray & Conway
222 West Adams, Suite 1800
Chicago, Illinois 60606
(312) 641-3700

ORIGINAL CONTRACTOR'S CLAIM FOR MECHANICS LIEN

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The claimant, Leopardo Companies, Inc. ("Leopardo"), an Illinois corporation, with an office at 115 North Brandon Drive, Glendale Heights, Illinois 60139, hereby files its Original Contractor's Claim for Mechanics Lien on the Real Estate (as hereinafter described) and against the interest(s) of Equitable Life Assurance Society of the United States ("Owner") and against the interest of any person claiming an interest in the Real Estate (as hereinafter described), by, through or under the Owner;

Leopardo states as follows:

1. Since prior to July 10, 1998, Owner has held interests as ground leasehold lessee and, possibly otherwise, in the Real Estate commonly known as 10 South Riverside Plaza, Chicago, Illinois 60606, which ground leasehold estates are legally described as follows ("Real Estate"):

PIN NUMBERS: 17-16-104-005-6001; 17-16-104-005-6002
ADDRESS: 10 SOUTH RIVERSIDE PLAZA, CHICAGO, ILLINOIS

UNOFFICIAL COPY

-2-

10 SOUTH RIVERSIDE PLAZA, CHICAGO, ILLINOIS

ADDRESS:

17-16-104-005-6001; 17-16-104-005-6002

PN NUMBERS:

PARCEL 1:

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

BEASHELD ESTATE - 'A':

A PART OF LOTS 1 AND 2 IN RAILROAD COMPANIES' RESUBDIVISION OF BLOCKS 62 TO 76, INCLUSIVE, 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 34 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAN 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 PARTS OF LOT 1 AND 2 BEING BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE SOUTHWARDLY ALONG THE EASTERLY LINE OF SAID LOT 1 A DISTANCE OF 199.495 FEET TO AN ANGLE POINT IN SAID EASTERLY LOT LINE; THENCE CONTINUING SOUTHWARDLY ALONG SAID EASTERLY LINE A DISTANCE OF 199.23 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF THE SOUTH 33 FEET OF SAID LOT 1 AND OF SAID LOT 2 A DISTANCE OF 218.865 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 20 FEET OF SAID LOT 2; THENCE NORTH ALONG SAID EAST LINE OF THE WEST 20 FEET OF SAID LOT 2 A DISTANCE OF 398.19 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF SAID LOT 2 AND THENCE EAST ALONG THE NORTH LINE OF SAID LOT 2 AND OF SAID LOT 1 A DISTANCE OF 239 FEET TO THE POINT OF BEGINNING (EXCEPTING FROM THE PARCEL OF LAND ABOVE DESCRIBED, THE RESPECTIVE PORTIONS THEREOF LYING VERTICALLY BELOW THE FOLLOWING HORIZONTAL PLANES: (A) A HORIZONTAL PLANE 18.5 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 TO THE INTERSECTION OF SAID NORTH LINE AND A LINE (THE LITTLING PLANE LINE) 166 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID PARCEL; THENCE SOUTHWARDLY ALONG THE LITTLING PLANE LINE TO THE INTERSECTION OF SAID LINE AND THE SOUTH LINE OF SAID PARCEL; THENCE WESTERLY

UNOFFICIAL COPY

-3-

10 SOUTH RIVERSIDE PLAZA, CHICAGO, ILLINOIS

ADDRESS:

17-16-104-005-6001; 17-16-104-005-6002

FIN NUMBERS:

A NON-EXCLUSIVE APURTENANT EASEMENT IN FAVOR OF THE LEASEHOLD INTEREST IN PARCELS 1 AND 2 AS CREATED BY DEED OF EASEMENT DATED JANUARY 16, 1990 AND RECORDED JANUARY 31, 1990 AS DOCUMENT 90047309 MADE BY LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 17, 1983 AND KNOWN AS TRUST NUMBER 107292 TO GATEWAY IV JOINT VENTURE, AN ILLINOIS GENERAL PARTNERSHIP, AND KNOWN AS TRUST NUMBER 107361, LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1983 AND KNOWN AS TRUST NUMBER 107361, LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1983 AND KNOWN AS TRUST NUMBER 107363 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 THE PERIOD REQUIRED TO COMPLETE SUCH REPAIRS OR RESTORATION OR, OVER, AND ACROSS THE FOLLOWING DESCRIBED LEGAL DESCRIPTION: LOTS 5, 6, 7 AND 8 (EXCEPT FROM SAID LOTS THAT FALLING IN ALLEY) IN BLOCK 49 IN SCHOOL SECTION ADDITION TO CHICAGO IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE

PARCEL 4:

CHICAGO, AFORESAID, IN COOK COUNTY, ILLINOIS, AND 61 AND 77 AND CERTAIN VACATED STREETS AND ALLEYS IN SCHOOL SECTION ADDITION TO COMPANIES' RESUBDIVISION AFORESAID OF BLOCKS 62 TO 76 INCLUSIVE, 78, PARTS OF LAND: THE WEST 20 FEET OF LOT 2 (EXCEPT THE SOUTH 33 FEET THEREOF) IN RAILROAD PURSUANT TO WHICH SAID DEED WAS GIVEN OVER AND ACROSS THE FOLLOWING DESCRIBED IN THE ORDINANCE PASSED MARCH 23, 1914 AND RECORDED AS DOCUMENT NUMBER 5507199 1914 AS DOCUMENT NUMBER 545205 AND THE GRADE ELEVATION OF WHICH IS SET FORTH STREET PURPOSES GRANTED TO THE CITY OF CHICAGO BY DEED RECORDED SEPTEMBER 23, 1966 AS TRUST NUMBER 31511, DATED JUNE 21, 1966 AND RECORDED JULY 12, 1966 AS DOCUMENT 19881999, TO CONSTRUCT, USE, MAINTAIN, REPAIR, REPLACE AND RENEW, FOUNDATIONS AND OTHER SUPPORTS BELOW THE EASEMENT FOR COLUMNS, CAISSONS, RETAINMENTS AND OTHER SUPPORTS BELOW THE EASEMENT FOR PARCELS 1 AND 2 AS CREATED BY DEED OF EASEMENT DATED JANUARY 16, 1990 AND RECORDED JANUARY 31, 1990 AS DOCUMENT 90047309 MADE BY LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 17, 1983 AND KNOWN AS TRUST NUMBER 107292 TO GATEWAY IV JOINT VENTURE, AN ILLINOIS GENERAL PARTNERSHIP, AND KNOWN AS TRUST NUMBER 107361, LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1983 AND KNOWN AS TRUST NUMBER 107361, LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1983 AND KNOWN AS TRUST NUMBER 107363 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 THE PERIOD REQUIRED TO COMPLETE SUCH REPAIRS OR RESTORATION OR, OVER, AND ACROSS THE FOLLOWING DESCRIBED LEGAL DESCRIPTION: LOTS 5, 6, 7 AND 8 (EXCEPT FROM SAID LOTS THAT FALLING IN ALLEY) IN BLOCK 49 IN SCHOOL SECTION ADDITION TO CHICAGO IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE

PARCEL 3:

ALL LAND AND SPACES BELOW THE HORIZONTAL PLANS 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, PURSUANT TO THE LEASE DESCRIBED ABOVE, AND BY ALL OTHER IMPROVEMENTS, PLUMBING, MECHANICAL AND ELECTRICAL EQUIPMENT, PIPES, WIRES, CONDUITS, UTILITIES AND OTHER STRUCTURES LOCATED BELOW SAID HORIZONTAL PLANS IN CONNECTION WITH SAID BUILDING AND IMPROVEMENTS; AND

PARCEL 2:

ALONG THE SOUTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER THEREOF; THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL TO THE NORTHWEST CORNER OF SAID PARCEL, WHICH IS THE POINT OF BEGINNING OF SAID HORIZONTAL PLANE; AND (B) A HORIZONTAL PLANE 21.0 FEET ABOVE CHICAGO CITY DATUM OVER THE PORTION OF SAID PARCEL WHICH IS NOT VERTICALLY BELOW THE HORIZONTAL PLANE DESCRIBED IN CLAUSE (A) (ABOVE); AND

08000222

UNOFFICIAL COPY

10 SOUTH RIVERSIDE PLAZA, CHICAGO, ILLINOIS

ADDRESS:

17-16-104-005-6001; 17-16-104-005-6002

PIN NUMBERS:

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 ON PARCEL 1, AND BY ALL OTHER IMPROVEMENTS, PLUMBING, MECHANICAL AND ELECTRICAL EQUIPMENT, PIPES, WIRES, CONDUITS, UTILITIES AND OTHER STRUCTURES LOCATED BELOW SAID

PARCEL 2:

(A) (ABOVE); AND

PARCEL WHICH IS NOT VERTICALLY BELOW THE HORIZONTAL PLANE DESCRIBED IN CLAUSE HORIZONTAL PLANE 21.0 FEET ABOVE CHICAGO CITY DATA OVER THE PORTION OF SAID PARCEL; WHICH IS THE POINT OF BEGINNING OF SAID HORIZONTAL PLANE; AND (B) A NORTHWESTLY ALONG THE WEST LINE OF SAID PARCEL TO THE NORTHWEST CORNER OF SAID ALONG THE SOUTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER THEREOF; THENCE INTERSECTION OF SAID LINE AND THE SOUTH LINE OF SAID PARCEL; THENCE WESTERLY SAID PARCEL; THENCE SOUTHWARDLY ALONG THE LIMITING PLANE LINE TO THE (THE LIMITING PLANE LINE) 168 FEET EAST OF AND PARALLEL TO THE WEST LINE OF NORTH LINE OF SAID PARCEL TO THE INTERSECTION OF SAID NORTH LINE AND A LINE AT THE NORTHWEST CORNER OF SAID PARCEL AND (RUNNING THENCE EASTERLY ALONG THE CHICAGO CITY DATA, THE PERIMETER OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING THE FOLLOWING HORIZONTAL PLANES: (A) A HORIZONTAL PLANE 18.5 FEET ABOVE LAND ABOVE DESCRIBED, THE RESPECTIVE PORTIONS THEREOF LYING VERTICALLY BELOW DISTANCE OF 239 FEET TO THE POINT OF BEGINNING (EXCEPTING FROM THE PARCEL OF AND THENCE EAST ALONG THE NORTH LINE OF SAID LOT 2 AND OF SAID LOT 1 A DISTANCE OF 398.19 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID LOT 2; 218.865 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 20 FEET OF SAID LINE OF THE SOUTH 33 FEET OF SAID LOT 1 AND OF SAID LOT 2 A DISTANCE OF THE NORTH LINE OF SAID SOUTH 33 FEET OF SAID LOT 1; THENCE WEST ALONG THE NORTH ALONG SAID EASTERN LINE A DISTANCE OF 199.23 FEET TO ITS INTERSECTION WITH TO AN ANGLE POINT IN SAID EASTERLY LOT LINE; THENCE CONTINUING SOUTHWARDLY SOUTHWARDLY ALONG THE EASTERLY LINE OF SAID LOT 1 A DISTANCE OF 199.495 FEET FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE SAID PARCEL AND COMPANIES, RESUBDIVISION WHICH IS BOUNDED AND DESCRIBED AS 8339751, FALLING WITHIN A TRACT OF LAND COMPRISED OF PARTS OF LOTS 1 AND 2 IN ILLINOIS ON MARCH 29, 1924 IN BOOK 188 OF PLATS AT PAGE 16 AS DOCUMENT NUMBER OF SAID RESUBDIVISION RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, 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 THAT PART OF LOT 2 IN RAILROAD COMPANIES, RESUBDIVISION OF BLOCKS 62 TO 76

PARCEL 1:

FOLLOWS:

TWO CERTAIN PARCELS OF LAND IN COOK COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS

LEASHELD ESTATE "B":

1990 AS DOCUMENT NUMBER 90491486.

THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, AS AMENDED BY FIRST AMENDMENT TO DEED OF EASEMENT DATED FEBRUARY 9, 1990 AND RECORDED OCTOBER 9,

UNOFFICIAL COPY

-5-

10 SOUTH RIVERSIDE PLAZA, CHICAGO, ILLINOIS

ADDRESS:

17-16-104-005-6001; 17-16-104-005-6002

PLN NUMBERS:

A NONEXCLUSIVE APPOINTMENT EASEMENT IN FAVOR OF THE LEASEHOLD INTEREST IN PARCELS 1 AND 2 AS CREATED BY DEED OF EASEMENT DATED JANUARY 16, 1990 AND RECORDED JANUARY 31, 1990 AS DOCUMENT 90047309 MADE BY LASALLE NATIONAL BANK AS TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 17, 1983 AND KNOWN AS TRUST NUMBER 107292 TO GATEWAY IV JOINT VENTURE, AN ILLINOIS GENERAL PARTNERSHIP, AND KNOWN AS TRUST NUMBER 107361, LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1983 AND KNOWN AS TRUST NUMBER 107362, AND LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1983 AND KNOWN AS TRUST NUMBER 107363 FOR THE USE OF 1,100 PUBLIC PARKING SPACES IN THE GARAGE, AS DEFINED THEREIN, WITH RIGHTS OF ACCESS AND EGRESS AND AN EASEMENT FOR THE PURPOSE OF CONSTRUCTION OF SUCH REPAIRS OR RESTORATION FOR THE PERIOD REQUIRED TO COMPLETE SUCH REPAIRS OR RESTORATION, OVER, AND ACROSS THE FOLLOWING DESCRIBED LEGAL DESCRIPTION: LOTS 5, 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, IN COOK COUNTY, ILLINOIS, AS AMENDED BY FIRST AMENDMENT TO DEED OF EASEMENT DATED FEBRUARY 9, 1990 AND RECORDED OCTOBER 9, 1990 AS DOCUMENT NUMBER 90491486.

PARCEL 4:

AN EASEMENT APPOINTMENT TO PARCELS 1 AND 2 IN, OVER AND ACROSS THE WEST 20 FEET OF SAID LOT 2 IN SAID BALFOUR COMPANIES' RESUBDIVISION TO CONSTRUCT, USE, MAINTAIN, REPAIR, REPLACE OR RENEW FROM TIME TO TIME SUCH COLORS, 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 CONTAINED BY THE LEASE, INCLUDING, WITHOUT LIMITATION, THE COLUMNS (DESIGNATED "CD") AND THE CAISSONS, FOUNDATIONS AND RELATED STRUCTURES SHOWN ON THE PLAT OF SURVEY REFERRED TO IN PARCEL 2 ABOVE; AND

PARCEL 3:

HORIZONTAL PLANES IN CONNECTION WITH SAID BUILDING AND IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO THE SPACE OCCUPIED BY THE IMPROVEMENT AND STRUCTURES SHOWN ON THE PLAT OF SURVEY PREPARED AND CERTIFIED BY CHICAGO GUARANTEE SURVEY COMPANY, DATED JULY 8, 1966 (CONSISTING OF THREE SHEETS IDENTIFIED AS ORDER NOS. 631100K AND 631100L AND 631100M, RESPECTIVELY), WHICH WAS RECORDED AS PART OF DOCUMENT 19881999; AND

2. On July 10, 1998, Leopardo entered into a written contract with USN Communications ("USN") under which Leopardo agreed to perform construction services as general contractor for improvements to the Real Estate in exchange for payment of the original amount of Seven Hundred Twenty Seven Thousand Five Hundred and Fourteen Dollars (\$727,514) subject to increase for additional or changed work (the "July 10, 1998 Contract").

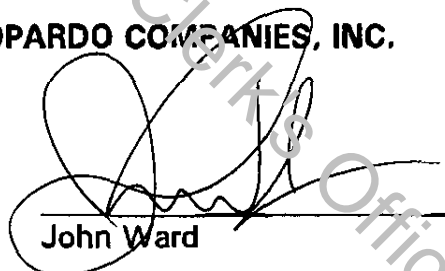
3. At the special instance and request of USN, Leopardo furnished extra and additional materials and extra and additional labor for the improvement of the Real Estate to the extent and value of Forty Two Thousand Seven Hundred Fourteen Dollars (\$42,714).

4. Compass Management and Leasing, Inc. ("Compass") was the agent of Owner. The July 10, 1998 Contract was entered into by USN and the work was performed by Leopardo with the knowledge and consent of Compass. The July 10, 1998 Contract was entered into by USN and the work was performed by Leopardo with the knowledge and consent of Compass or Owner. Alternatively, Owner or Compass specifically authorized USN or USN's agents to enter into contracts for improvement of the Real Estate. Alternatively, Owner or Compass knowingly permitted USN or USN's agents to enter into contracts for the improvement of the Real Estate.

5. As of the date hereof, there is due, unpaid and owing to Leopardo, the principal sum of Six Hundred Seventy Nine Thousand Five Hundred and Twelve Dollars (\$679,512) under the July 10, 1998 Contract, for which, with interest, Leopardo claims a lien against the Real Estate.

LEOPARDO COMPANIES, INC.

By:


John Ward

THIS INSTRUMENT WAS PREPARED BY AND
AFTER RECORDING SHOULD BE RETURNED TO:

John S. Mrowiec
Jeffrey B. Charkow
Stein, Ray & Conway
222 West Adams, Suite 1800
Chicago, Illinois 60606
(312) 641-3700

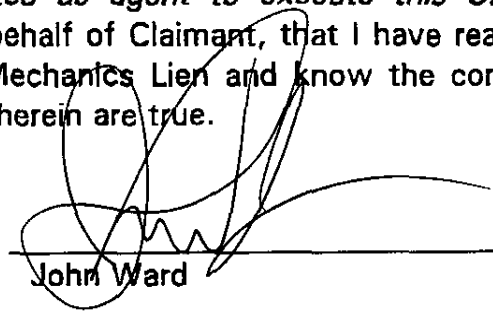
PIN NUMBERS: 17-16-104-005-6001; 17-16-104-005-6002

ADDRESS: 10 SOUTH RIVERSIDE PLAZA, CHICAGO, ILLINOIS

UNOFFICIAL COPY

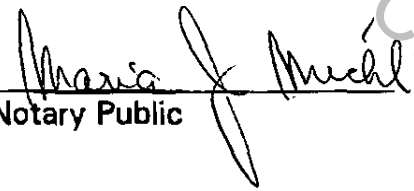
STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, John Ward, being first duly sworn on oath, depose and state that I am Chief Financial Officer of Claimant, am authorized as agent to execute this Original Contractor's Claim For Mechanics Lien on behalf of Claimant, that I have read the foregoing Original Contractor's Claim For Mechanics Lien and know the contents thereof, and that the statements contained therein are true.



John Ward

SUBSCRIBED AND SWORN TO
before me this 5 th day
of November, 1998.



Notary Public



THIS INSTRUMENT WAS PREPARED BY AND
AFTER RECORDING SHOULD BE RETURNED TO:

John S. Mrowiec
Jeffrey B. Charkow
Stein, Ray & Conway
222 West Adams, Suite 1800
Chicago, Illinois 60606
(312) 641-3700

PIN NUMBERS: 17-16-104-005-6001; 17-16-104-005-6002

ADDRESS: 10 SOUTH RIVERSIDE PLAZA, CHICAGO, ILLINOIS