



Doc#: 0803841004 Fee: \$130.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 02/07/2008 09:39 AM Pg: 1 of 54

**SPECIAL WARRANTY DEED**  
(Expansion Parcel)

Prepared by:

Patrick C. Turner  
MAURIDES & FOLEY, L.L.C.  
2 North LaSalle Street  
Suite 1800  
Chicago, Illinois 60602

# 07-01714

PREMISE FILE

THIS SPECIAL WARRANTY DEED, made this 10th day of January 2008 between GRANTOR, GIFFORD 300, LLC, an Illinois limited liability company, party of the first part, and GRANTEE, ACME REFINING COMPANY, an Illinois corporation, 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 (\$10.00) DOLLARS and other good and valuable consideration in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, by these presents does REMISE, RELEASE, ALIEN AND CONVEY unto the said party of the second part, and to its heirs and assigns, FOREVER, the following described real estate (the "Property") situated in the County of Cook and State of Illinois:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of the party of the first part, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances, unto the party of the second part, and its successors 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 heirs and assigns, that it has not done or suffered to be done, anything whereby the Property hereby granted is, or may be, in any manner encumbered or charged, except as herein recited, and that the said premises, against all persons lawfully claiming or to claim the same through or under it, the party of the first part WILL WARRANT AND DEFEND,


SUBJECT TO: General real estate taxes not yet due and payable; the title exceptions set forth in Exhibit B attached hereto and made a part hereof; and the Deed

# UNOFFICIAL COPY

Property of Cook County Clerk's Office

STATE TAX

**STATE OF ILLINOIS**



FEB.-6.08


REAL ESTATE TRANSFER TAX  
DEPARTMENT OF REVENUE

# 000025593

REAL ESTATE TRANSFER TAX
0124650
FP 103037

COUNTY TAX

**COOK COUNTY**  
REAL ESTATE TRANSACTION TAX



FEB.-6.08

REAL ESTATE TRANSFER TAX  
REVENUE STAMP

# 000037860

REAL ESTATE TRANSFER TAX
0062325
FP 103042

# UNOFFICIAL COPY

Covenants, restrictions and easements, as applicable, set forth in Exhibit C attached hereto and made a part hereof.

Address of Property: 5.503 Acres East of Gifford Road, North of the Metra tracks, West of the Commonwealth Edison right of way and South of Bluff City Boulevard in Elgin, IL

Permanent Real Estate Index Number: 06-30-201-007-0000 & 06-30-201-006-0000

In Witness Whereof, said party of the first part has caused its corporate seal to be hereunder affixed, and has caused its name to be signed to these presents by its Manager, the day and year first written above.

GIFFORD 300, LLC

By: *[Signature]*  
Manager

STATE OF ILLINOIS, COUNTY OF COOK ss.

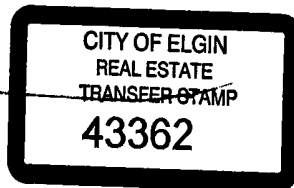
I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY, that *[Signature]*, personally known to me to be the Manager of GRANTOR and personally known to me to be the same person whose name is subscribed to the forgoing instrument, appeared before me this day in person and severally acknowledged that he signed and delivered said instrument, as his free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 10<sup>th</sup> day of January 2008.  
*[Signature]*  
Notary Public

Mail To:  
Mr. Joseph Palmisano  
Palmisano & Lovstrand  
19 South LaSalle, Suite 900  
Chicago, Illinois 60603



Name and Address of Taxpayer:  
Acme Refining Company  
3357 S. Justine  
Chicago, Illinois 60608  
Attention: Roger Gusloff



# UNOFFICIAL COPY

## EXHIBIT A LEGAL DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD AND THE WEST LINE OF THE COMMONWEALTH EDISON RIGHT OF WAY, PER DOCUMENT NUMBER 9899344 AND 9929391; THENCE NORTH 62 DEGREES 45 MINUTES 34 SECONDS WEST, ALONG SAID NORTHERLY RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD, A DISTANCE OF 2069.93 FEET, TO THE CENTER LINE OF GIFFORD ROAD; THENCE NORTH 00 DEGREES 45 MINUTES 57 SECONDS EAST, ALONG SAID CENTER LINE OF GIFFORD ROAD, A DISTANCE OF 382.02 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 03 SECONDS EAST, PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 33.00 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 45 MINUTES 57 SECONDS EAST, A DISTANCE OF 588.60 FEET ALONG THE APPARENT EAST RIGHT OF WAY LINE OF GIFFORD ROAD; THENCE SOUTH 89 DEGREES 14 MINUTES 03 SECONDS EAST, A DISTANCE OF 712.48 FEET TO A LINE 66.00 FEET WEST OF AND PARALLEL TO THE WEST LINE OF PROPERTY CONVEYED TO WASTE MANAGEMENT OF ILLINOIS, INC. BY DEED DOCUMENT 0600443210 RECORDED JANUARY 4, 2006; THENCE SOUTH 0 DEGREES 45 MINUTES 57 SECONDS WEST, A DISTANCE OF 728.88 FEET ALONG SAID PARALLEL LINE; THENCE NORTH 87 DEGREES 20 MINUTES 16 SECONDS WEST, A DISTANCE OF 36.57 FEET; THENCE NORTH 49 DEGREES 39 MINUTES 46 SECONDS WEST, A DISTANCE OF 114.26 FEET; THENCE NORTH 84 DEGREES 31 MINUTES 54 SECONDS WEST, A DISTANCE OF 570.85 FEET; THENCE NORTH 43 DEGREES 24 MINUTES 12 SECONDS WEST, A DISTANCE OF 27.17 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD AND THE WEST LINE OF THE COMMONWEALTH EDISON RIGHT OF WAY, PER DOCUMENT NUMBER 9899344 AND 9929391; THENCE NORTH 62 DEGREES 45 MINUTES 34 SECONDS WEST, ALONG SAID NORTHERLY RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD, A DISTANCE OF 2069.93 FEET, TO THE CENTER LINE OF GIFFORD ROAD; THENCE NORTH 00 DEGREES 45 MINUTES 57 SECONDS EAST, ALONG SAID CENTER LINE OF GIFFORD ROAD, A DISTANCE OF 374.91 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 03 SECONDS EAST, PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 133.00 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 45 MINUTES 57 SECONDS EAST, A DISTANCE OF 517.00 FEET ALONG A LINE PARALLEL TO THE CENTERLINE OF GIFFORD ROAD; THENCE SOUTH 84 DEGREES 21 MINUTES 47 SECONDS EAST, A DISTANCE OF 401.00 FEET; THENCE SOUTH 41 DEGREES 51 MINUTES 40 SECONDS EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 01 DEGREE 25 MINUTES 36 SECONDS EAST, A DISTANCE OF 505.46 FEET; THENCE NORTH 84 DEGREES 21 MINUTES 47 SECONDS WEST, A DISTANCE OF 434.00 FEET, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 239,751 SQ. FT. OR 5.503 ACRES MORE OR LESS.

# UNOFFICIAL COPY

## **EXHIBIT B** **PERMITTED EXCEPTIONS**

1. Development Agreement dated June 25, 2003 by and between the City of Elgin, Bluff City Materials, Inc., Copart, Inc. and Gifford 300, LLC, as amended.
2. Intergovernmental Agreement dated July 29, 2003 by and between the City of Elgin, Village of Bartlett and Bluff City Materials, Inc., as amended.
3. Bluff Spring Fen Protection Plan Memorandum of Agreement dated June 30, 2003 by and between Bluff City Materials, Inc. and the Illinois Nature Preserves Commission, as amended.
4. Those additional permitted exceptions as set forth in that certain Title Commitment No. 2007-01716-PT prepared by Premier Title Insurance Company with an effective date of July 9, 2007, a copy of which is attached hereto as Schedule B-1 and made a part hereof.

# UNOFFICIAL COPY

**SCHEDULE B-1**  
**ADDITIONAL PERMITTED EXCEPTIONS**  
**(To be annexed)**

Property of Cook County Clerk's Office



# UNOFFICIAL COPY

Premier Title  
 1350 W. Northwest Highway  
 Arlington Heights, IL 60004  
 A Policy Issuing Agent for  
 Chicago Title Insurance Company

B-1

Commitment Number: 2007-01716-PT

## SCHEDULE B EXCEPTIONS

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

Extended coverage  
approved 1/10/08 ll

1. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.
2. ANY ENCROACHMENTS, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
3. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.
4. ANY LIEN, OR RIGHT TO A LIEN FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
5. TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
6. TAXES FOR THE YEAR(S) 2006 AND 2007

TAXES FOR THE YEAR 2007 ARE NOT YET DUE OR PAYABLE.

FIRST INSTALLMENT OF 2006 TAXES IN THE AMOUNT OF \$21,820.82 IS PAID.  
 FINAL INSTALLMENT OF 2006 TAXES IN THE AMOUNT OF \$32,071.37 IS PAID.

PERMANENT INDEX NUMBER: 06-30-201-006-0000

(AFFECTS THE LAND AND OTHER PROPERTY)

NOTE FOR INFORMATION: APPEARS NEW PERMANENT INDEX NUMBER WHICH IS PURPORTED TO BE ASSESSED FOR TAX YEAR 2007 WILL BE 06-30-201-007-0000. (AFFECTS THE LAND AND OTHER PROPERTY)

7. TAXES FOR THE YEAR(S) 2006 AND 2007

TAXES FOR THE YEAR 2007 ARE NOT YET DUE OR PAYABLE.

FIRST INSTALLMENT OF 2006 TAXES IN THE AMOUNT OF \$8,419.92 IS PAID.  
 FINAL INSTALLMENT OF 2006 TAXES IN THE AMOUNT OF \$8,586.70 IS PAID.

PERMANENT INDEX NUMBER: 06-30-201-001-0000

NOTE: THIS EXCEPTION RAISED FOR INFORMATION AS IT AFFECTS EASEMENT PARCEL 3 ONLY.  
 WILL NOT APPEAR ON POLICIES WHEN ISSUED AND SHOULD NOT BE BROUGHT FORWARD.  
 PMM/PT

**UNOFFICIAL COPY****SCHEDULE B**  
(Continued)

Commitment Number: 2007-01716-PT

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4/10/08*MORTGAGE DATED July 30, 2002 AND RECORDED October 3, 2002 AS DOCUMENT 0021085628  
MADE BY GIFFORD 300, LLC TO OLD SECOND NATIONAL BANK TO SECURE A NOTE FOR  
\$4,000,000.00. *paid rel*

(CONVEYS THE LAND AND OTHER PROPERTY)

NOTE FOR INFORMATION: PARTIAL RELEASE RECORDED AS DOCUMENT 0512939097.

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4/10/08*MORTGAGE DATED MAY 26, 2005 AND RECORDED JUNE 24, 2005 AS DOCUMENT 0517514075  
MADE BY GIFFORD 300, LLC TO OLD SECOND NATIONAL BANK TO SECURE A NOTE FOR  
\$1,000,000.00. *paid rel*

(CONVEYS THE LAND AND OTHER PROPERTY)

NOTE FOR INFORMATION: PARTIAL RELEASE RECORDED AS DOCUMENT 0512939097.

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4/10/08*MORTGAGE DATED February 1, 2007 AND RECORDED February 21, 2007 AS DOCUMENT  
0705211016 MADE BY GIFFORD 300, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY TO OLD  
SECOND BANK TO SECURE A NOTE FOR \$1,431,000.00. *paid rel*

(CONVEYS THE LAND AND OTHER PROPERTY)

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1/10/08*TERMS AND PROVISIONS OF FARM LEASE WITH KENYON BROTHERS COMPANY DATED MARCH  
1, 2001, AS DISCLOSED BY SPECIAL WARRANTY DEED RECORDED AUGUST 13, 2001 AS  
DOCUMENT 0010742671. *affidavit*

(AFFECTS THE LAND AND OTHER PROPERTY)

NOTE: RECEIVED COPY OF AFFIDAVIT FROM SELLER THAT LEASE EXPIRED WITH NO EXTENSION  
AND KENYON NO LONGER IN POSSESSION. OK TO WAIVE WITH ORIGINAL AFFIDAVIT AT  
CLOSING. PMM/PT

12. LEASE MADE BY BLUFF CITY LLC, SOUTHWIND FINANCIAL LTD AND GIFFORD 300, LLC TO  
VULCAN CONSTRUCTION MATERIALS L.P. A MEMORANDUM OF WHICH WAS DATED MARCH 12,  
2004 AND RECORDED April 13, 2004 AS DOCUMENT NUMBER 0410427076 DEMONSTRATING THE LAND  
FOR A TERM OF YEARS BEGINNING December 24, 2004 AND ENDING December 31, 2008 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.

(AFFECTS THE LAND AND OTHER PROPERTY)

NOTE: BUYER TAKING SUBJECT TO. PMM/PT



**UNOFFICIAL COPY****SCHEDULE B**  
(Continued)

Commitment Number: 2007-01716-PT

13. RIGHT AND OPTION OF FIRST REFUSAL TO PURCHASE THE LAND IN FAVOR OF VULCAN CONSTRUCTION MATERIALS L.P. AS CONTAINED IN LEASE AND EVIDENCED BY MEMORANDUM RECORDED April 13, 2004 AS DOCUMENT 0410427076.

(AFFECTS THE LAND AND OTHER PROPERTY)

PER ESTOPPEL CERTIFICATE DATED January 10, 2008 AND SIGNED BY VULCAN CONSTRUCTION MATERIALS LP, ACME REFINING SCRAP IRON & METAL COMPANY, INC. AND GIFFORD 300, LLC, PROVIDED PARAGRAPHS 1 AND 2 OF SAID ESTOPPEL ARE CORRECT, THE RIGHT OF FIRST REFUSAL CONTAINED IN PARAGRAPH 25 OF THE LEASE DOES NOT APPLY TO THE PROPERTY BEING ACQUIRED BY ACME, HOWEVER, PROPERTY REMAINS SUBJECT TO CERTAIN EASEMENTS, RIGHTS, TERMS AND PROVISIONS AS CONTAINED IN SAID ESTOPPEL CERTIFICATE.

14. TERMS AND CONDITIONS AND PROVISIONS CONTAINED IN MEMORANDUM OF ROYALTY AGREEMENT RECORDED April 13, 2004 AS DOCUMENT 0410427077 BETWEEN BLUFF CITY LLC, SOJTHWIND FINANCIAL LTD, GIFFORD LLC AND VULCAN CONSTRUCTION MATERIALS L.P..

(AFFECTS THE LAND AND OTHER PROPERTY)

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4/10/08  
SUBORDINATION NON-DISTURBANCE AND ATTORNTMENT AGREEMENT MADE BETWEEN GIFFORD 300 LLC, VULCAN CONSTRUCTION MATERIALS L.P., OLD SECOND NATIONAL BANK RECORDED April 13, 2004 AS DOCUMENT 0410427078.

(AFFECTS THE LAND AND OTHER PROPERTY)

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4/10/08  
LIEN IN FAVOR OF THE CITY/VILLAGE OF ELGIN TO WHICH THE LAND WILL BECOME SUBJECT IN THE EVENT THAT A DEED OF CONVEYANCE THEREOF OR AN ASSIGNMENT OF THE BENEFICIAL INTEREST THEREIN IS RECORDED WITHOUT HAVING AFFIXED THERETO THE DEED STAMP REQUIRED BY ORDINANCE.

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4/10/08  
NOTE FOR INFORMATION: THE CITY/VILLAGE OF ELIGN REQUIRES THAT CERTAIN TERMS AND CONDITIONS BE MET PRIOR TO THE ISSUANCE OF ITS APPROVAL OF A TRANSFER OF REAL PROPERTY. PLEASE CONTACT SAID MUNICIPAL CORPORATION FOR FURTHER INFORMATION:

18. TERMS, PROVISIONS, CONDITIONS AND LIMITATIONS OF AN ORDINANCE ALLOCATING THE COST OF CERTAIN WATER SYSTEM IMPROVEMENTS TO BENEFITED PROPERTIES, A COPY OF WHICH WAS RECORDED November 13, 1986 AS DOCUMENT 86537592.

**UNOFFICIAL COPY****SCHEDULE B**  
(Continued)

Commitment Number: 2007-01716-PT

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1/10/08*

EASEMENT IN, UPON, UNDER, OVER AND ALONG THE FOLLOWING DESCRIBED PARCEL OF LAND TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY WITH ELECTRICAL SERVICE, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED AUGUST 26, 1971 AS DOCUMENT 21598982, DESCRIBED AS FOLLOWS: A STRIP OF LAND 10 FEET IN WIDTH, SAID STRIP OF LAND BEING A PART OF THE GRANTOR'S LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 30; THE CENTER LINE OF SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 30 AND THE WEST LINE OF THAT PUBLIC ROAD KNOWN AS GIFFORD ROAD; THENCE SOUTH ALONG THE WEST LINE OF SAID GIFFORD ROAD TO INTERSECTION WITH THE SOUTH LINE (EXTENDED WESTERLY) OF LOT 2 IN THE ASSESSOR'S DIVISION OF LOT 2 OF SECTION 30, AFORESAID; THENCE NORTH ALONG THE LAST DESCRIBED COURSE A DISTANCE OF 5 FEET FOR A POINT OF BEGINNING; THENCE EAST IN A STRAIGHT LINE WITH THE SOUTH LINE OF SAID LOT 2 TO A POINT IN THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 30; THENCE WEST ALONG THE LAST DESCRIBED COURSE A DISTANCE OF 5 FEET TO A POINT; THENCE NORTH IN A STRAIGHT LINE PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4 TO TERMINATE WITH THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; SAID GRANTOR'S LANDS BEING DESCRIBED IN ITS ENTIRETY IN THAT CERTAIN DOCUMENT RECORDED MAY 10, 1956 AS NUMBER 16573734, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

NOTE: DOES NOT AFFECT PER SURVEY. THIS EXCEPTION IS WAIVED. PMM/PT

20. EASEMENT IN FAVOR OF THE CHICAGO GRAVEL COMPANY FOR THE PURPOSE OF ACCESSING A ROADWAY OR ROADWAYS REASONABLY DESIGNATED BY GRANTEE TO REACH THE EASTERLY TERMINUS OF THE TUNNEL/CULVERT, AND AN EASEMENT EXTENDING A 50 FOOT RADIUS AREA FROM THE EASTERLY TERMINUS OF THE TUNNEL/CULVERT, ALL ONLY AS IS NECESSARY TO BARRICADE OR BACKFILL SUCH TUNNEL/CULVERT AT THE EXPIRATION/TERMINATION OF THE PERMIT AND FURTHER ONLY AS IS REQUIRED PURSUANT TO THE PERMIT, AS SET FORTH IN EXHIBIT B ATTACHED TO WARRANTY DEED IN TRUST RECORDED/FILED AUGUST 13, 2001 AS DOCUMENT NO. 0010742669, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

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1/10/08*

EASEMENT IN FAVOR OF THE COMMONWEALTH EDISON COMPANY AND AMERITECH ILLINOIS A.K.A. THE ILLINOIS BELL TELEPHONE COMPANY, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED November 2, 2001 AS DOCUMENT NO. 0011029891, AFFECTING THE LAND DESCRIBED IN EXHIBIT A ATTACHED THERETO.

NOTE: DOES NOT AFFECT PER SURVEY. THIS EXCEPTION IS WAIVED. PMM/PT

22. TERMS, CONDITIONS AND PROVISIONS AS CONTAINED IN DECLARATION OF COVENANTS MADE BY BLUFF CITY LLC, SOUTHWIND FINANCIAL, GIFFORD 300 LLC AND VULCAN CONSTRUCTION MATERIALS RECORDED April 13, 2004 AS DOCUMENT 0410427075 INCLUDING PROVISION THAT NO PORTION OF NON-LEASED AREA BE USED AS MEDICAL FACILITY OR SCHOOL.

**UNOFFICIAL COPY****SCHEDULE B**  
(Continued)

Commitment Number: 2007-01716-PT

23. MINERAL RESERVATIONS AND EASEMENTS RESERVED IN DEED FROM GIFFORD 300 LLC TO WASTE MANAGEMENT OF ILLINOIS INC RECORDED AS DOCUMENT 0600443210.

NOTE: WAIVER AND RELEASE OF CLAIMS BY WASTE MANAGEMENT RECORDED AS DOCUMENT 0600443212

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1/10/08*

TERMS, PROVISIONS AND CONDITIONS CONTAINED IN A NON-EXCLUSIVE EASEMENT CREATED BY GRANT OF INGRESS/EGRESS EASEMENT DATED December 28, 2005 AND RECORDED January 4, 2006 AS DOCUMENT NUMBER 0600443213 BY AND BETWEEN GIFFORD 300, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, WASTE MANAGEMENT OF ILLINOIS, INC., A DELAWARE CORPORATION AND WASTE MANAGEMENT, INC., A DELAWARE CORPORATION FOR VEHICULAR INGRESS/EGRESS TO BLUFF CITY BOULEVARD OVER THE LAND DESCRIBED IN EXHIBIT B ATTACHED THERETO (ACCESS ROAD OF THE AFORESAID EASEMENT.)

NOTE: THIS EXCEPTION IS WAIVED - DOES NOT AFFECT. PMM/PT

25. 10 FOOT GAS EASEMENT AFFECTING THE SOUTHWESTERLY AND SOUTHERLY LINES; A PORTION OF THE EAST LINE AND THE SOUTHEASTERLY CORNER OF THE LAND, AS DISCLOSED BY SURVEY MADE BY MACKIE CONSULTANTS, LLC DATED JANUARY 3, 2008 AS PROJECT NUMBER 1281.
26. PRIVATE UTILITY EASEMENT ALONG THE EASTERLY PORTION OF THE LAND, AS DISCLOSED BY SURVEY MADE BY MACKIE CONSULTANTS, LLC DATED JANUARY 3, 2008 AS PROJECT NUMBER 1281.

# UNOFFICIAL COPY

## SCHEDULE B (Continued)

Commitment Number: 2007-01716-PT

27. PERMANENT EASEMENT AND RIGHT OF WAY CREATED BY GRANT FROM CHICAGO GRAVEL COMPANY, TO THE CITY OF ELGIN, RECORDED April 25, 1966 AS DOCUMENT 19805277, INCLUDING THE PERPETUAL RIGHT TO ENTER UPON THE REAL ESTATE HEREINAFTER DESCRIBED AT ANY TIME THAT THE SAID CITY OF ELGIN MAY SEE FIT OR DEEM NECESSARY TO CONSTRUCT, MAINTAIN, AND REPAIR AN UNDERGROUND WATER LINE, MAIN OR PIPE FOR THE PURPOSE OF CONVEYING WATER OVER, ACROSS, THROUGH AND UNDER THE LAND HEREINAFTER DESCRIBED, TOGETHER WITH THE RIGHT TO EXCAVATE, REFILL DITCHES AND TRENCHES FOR THE LOCATION OF SAID WATER LINE, MAIN OR PIPE, AND THE FURTHER RIGHT TO REMOVE TREES, BUSHES, UNDERGROWTH AND OTHER OBSTRUCTIONS INTERFERING WITH THE LOCATED CONSTRUCTION AND MAINTENANCE OF SAID WATER LINE, MAIN OR PIPE, OF A 15 FOOT WIDE EASEMENT FOR WATER MAIN PURPOSE OVER THAT PART OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF THE CHICAGO MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD WITH THE CENTER LINE OF GIFFORD ROAD, THENCE NORTHERLY ALONG THE CENTER LINE OF GIFFORD ROAD, A DISTANCE OF 278.5 FEET; THENCE NORTHEASTERLY ALONG LINE THAT FORMS AN ANGLE OF 45 DEGREES 00 MINUTES TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 46.67 FEET TO A POINT ON THE EASTERLY LINE OF GIFFORD ROAD FOR THE PLACE OF THE CENTER LINE OF SAID 15 FOOT WIDE EASEMENT THENCE NORTHEASTERLY ALONG SAID CENTER LINE BEING ALONG A CONTINUATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 35.18 FEET; THENCE NORTHERLY ALONG SAID CENTER LINE BEING ALONG A LINE THAT IS 27.0 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF GIFFORD ROAD, A DISTANCE OF 30.0 FEET; THENCE NORTHWESTERLY ALONG SAID CENTER LINE BEING ALONG A LINE THAT FORMS AN ANGLE OF 45 DEGREES 00 MINUTES TO THE LEFT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 38.18 FEET TO A POINT ON THE EAST LINE OF GIFFORD ROAD FOR THE TERMINUS OF THE CENTER LINE OF SAID 15 FOOT WIDE EASEMENT.

(AFFECTS PARCEL 2 AND OTHER PROPERTY)

# UNOFFICIAL COPY

## SCHEDULE B

(Continued)

Commitment Number: 2007-01716-PT

28. PERMANENT EASEMENT IN FAVOR OF METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO FOR AN INTERCEPTING SEWER AS DISCLOSED BY CASE NUMBER 73L143 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, OVER AND UNDER THE FOLLOWING DESCRIBED LAND: THAT PART LYING EAST OF THE CENTER LINE OF GIFFORD ROAD OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 30 AND THE WEST 1/2 AND EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, BEING A 25 FOOT STRIP OF LAND LYING NORTHERLY OF AND ADJOINING THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY AS MEASURED PERPENDICULAR THERETO (EXCEPTING THEREFROM THE COMMONWEALTH EDISON COMPANY SUCCESSOR BY MERGER TO PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS) RIGHT OF WAY IN THE WEST 1/2 OF THE SOUTHWEST 1/4, RECORDED AS PROPERTY CONVEYED TO PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS BY DEED RECORDED January 17, 1928 AS DOCUMENT 9899344 AND BY WARRANTY DEED RECORDED February 16, 1928 AS DOCUMENT 9929391 AND BY WARRANTY DEED RECORDED November 29, 1963 AS DOCUMENT 18983320, EXCEPTING THEREFROM THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 29, BEING THE RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY AND ALSO EXCEPTING THE FOLLOWING DESCRIBED PREMISES: COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, WITH THE EAST RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE SAID EAST RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY A DISTANCE OF 198 FEET TO A POINT THENCE EASTERLY A DISTANCE OF 429 FEET ALONG A LINE TO A POINT THENCE SAID POINT BEING 280.5 FEET NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY; THENCE SOUTH ALONG A LINE A DISTANCE OF 280.5 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

(AFFECTS PARCEL 2 AND OTHER PROPERTY)

29. GRANT OF INGRESS/EGRESS EASEMENT IN FAVOR OF METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, ITS SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT MADE BY GIFFORD 300, LLC, AND RECORDED October 17, 2005 AS DOCUMENT 0529045053.

(AFFECTS PARCEL 2 AND OTHER PROPERTY)

30. PROVISIONS AND CONDITIONS OF ANY ORDINANCE, AS AMENDED FROM TIME TO TIME, PROVIDING FOR TAP-ON FEES TO THE WATER AND SEWER SYSTEMS.
31. RIGHT OF WAY FOR DRAINAGE TILES, DITCHES, FEEDERS AND LATERALS, IF ANY.

NOTE: THIS EXCEPTION WILL NOT APPEAR ON LOAN POLICY WHEN ISSUED.

**UNOFFICIAL COPY****SCHEDULE B**  
(Continued)

Commitment Number: 2007-01716-PT

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1/10/08* NOTE: THE LAND DESCRIBED IN EXHIBIT A EITHER IS UNSUBDIVIDED PROPERTY OR CONSTITUTES PART OF A SUBDIVIDED LOT. AS A RESULT, A PLAT ACT AFFIDAVIT SHOULD ACCOMPANY ANY CONVEYANCE TO BE RECORDED. IN THE ALTERNATIVE, COMPLIANCE SHOULD BE HAD WITH THE PROVISIONS OF THE PLAT ACT (765 ILCS 205/1 ET SEQ.).

33. RIGHTS OF THE PUBLIC, THE STATE OF ILLINOIS AND THE MUNICIPALITY IN AND TO THAT PART OF THE LAND, IF ANY, TAKEN OR USED FOR ROAD PURPOSES.

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1/10/08* WE SHOULD BE FURNISHED A STATEMENT THAT THERE IS NO PROPERTY MANAGER EMPLOYED TO MANAGE THE LAND, OR IN THE ALTERNATIVE, A FINAL LIEN WAIVER FROM ANY PROPERTY MANAGER ACTING ON BEHALF OF THE OWNER.

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1/10/08* EXISTING UNRECORDED LEASES AND ALL RIGHTS THEREUNDER OF THE LESSEES AND OF ANY PERSON CLAIMING BY, THROUGH OR UNDER THE LESSEES.

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1/10/08* IF THIS COMPANY IS ASKED TO CONSIDER THE ISSUANCE OF A POLICY THAT DOES NOT CONTAIN GENERAL EXCEPTIONS 1 THROUGH 5 OF SCHEDULE B - SECTION II, THE COMPANY MUST BE FURNISHED THE FOLLOWING ITEMS PRIOR TO CLOSING, SO THAT A DETERMINATION OF ITS ABILITY TO ISSUE SUCH A POLICY CAN BE MADE:

- (1) A STATEMENT OF WHO IS IN POSSESSION AND COPIES OF ANY LEASES;
- (2) A SURVEY, DATED WITHIN THE LAST SIX MONTHS, PREPARED IN ACCORDANCE WITH ALTA/ACSM LAND SURVEY STANDARDS, CERTIFIED TO PREMIER TITLE COMPANY AND THE CHICAGO TITLE INSURANCE COMPANY;
- (3) AN AFFIDAVIT FROM THE OWNER (OR BENEFICIARY OF THE TITLE- HOLDING LAND TRUST) STATING WHETHER, DURING THE TERM OF THE AFFIANT'S OWNERSHIP, (1) THE AFFIANT MADE GRANTS OF UTILITY EASEMENTS THAT HAVE NOT BEEN RECORDED; (2) WHETHER THE AFFIANT HAS RECEIVED NOTICE OF THE EXISTENCE OF UNRECORDED UTILITY EASEMENTS; OR (3) WHETHER THE AFFIANT HAS KNOWLEDGE THAT A UTILITY COMPANY EXERCISED OR ATTEMPTED TO EXERCISE UNRECORDED EASEMENT RIGHTS.
- (4) AN EXECUTED ALTA STATEMENT (FORM 3736) IF ANY IMPROVEMENT HAVE BEEN MADE ON THE LAND WITHIN THE LAST SIX MONTHS, SATISFACTORY EVIDENCE OF THE PAYMENT IN FULL OF THE COST OF FURNISHING SERVICES, LABOR AND MATERIALS IN CONNECTION WITH SUCH IMPROVEMENTS.

UPON EXAMINATION OF THE ITEMS REQUESTED ABOVE, THE COMPANY RESERVES THE RIGHT TO MAKE THIS COMMITMENT SUBJECT TO SUCH FURTHER EXCEPTIONS AS MAY THEN BE DEEMED NECESSARY.

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(Continued)

Commitment Number: 2007-01716-PT

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1/10/08*

PREMIER TITLE SHOULD BE FURNISHED WITH THE FOLLOWING:

- A. A CERTIFICATE OF GOOD STANDING FROM THE ILLINOIS SECRETARY OF STATE FOR GIFFORD 300, LLC;
- B. A COPY OF THE ARTICLES OF ORGANIZATION BEARING THE SECRETARY OF STATE'S FILE NUMBER, TOGETHER WITH ANY AMENDMENTS THERETO;
- C. A COPY OF THE OPERATING AGREEMENT, IF ANY, TOGETHER WITH ANY AMENDMENTS THERETO;
- D. IN THE EVENT OF A CHANGE SINCE THE FILING OF THE ARTICLES OF ORGANIZATION, A LIST OF INCUMBENT MANAGERS OR OF INCUMBENT MEMEBERS IF MANAGERS HAVE NOT BEEN APPOINTED, AND
- E. A CERTIFICATION THAT NO EVENT OF DISSOLUTION HAS OCCURRED.

NOTE: IN THE EVENT OF A SALE OF ALL OR SUBSTANTIALLY ALL OF THE ASSETS OF THE LLC, OR OF A SALE OF LLC ASSETS TO A MEMBER OR MANAGER, PREMIER TITLE SHOULD BE FURNISHED A COPY OF A RESOLUTION AUTHORIZING THE TRANSACTION ADOPTED BY THE MEMBERS OF SAID LLC.

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1/10/08*

FRANCHISE TAX IN FAVOR OF THE STATE OF ILLINOIS AGAINST ACME REFINING COMPANY.

NOTE: WE SHOULD BE FURNISHED A CURRENT CERTIFICATE OF GOODSTANDING FROM THE ILLINOIS SECRETARY OF STATE.

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1/10/08*

UPON ANY CONVEYANCE OR MORTGAGE OF THE LAND, A CERTIFIED COPY OF PROPER RESOLUTIONS PASSED BY THE DIRECTORS OF ACME REFINING COMPANY AUTHORIZING THE EXECUTION OF THE DEED OF CONVEYANCE OR MORTGAGE SHOULD BE FURNISHED.

**UNOFFICIAL COPY****SCHEDULE B**

(Continued)

Commitment Number: 2007-01716-PT

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IF WORK HAS BEEN PERFORMED ON THE LAND WITHIN THE LAST SIX MONTHS WHICH MAY SUBJECT THE LAND TO THE FILING OF CLAIMS UNDER THE MECHANIC'S LIEN LAWS, THE COMPANY SHOULD BE FURNISHED SATISFACTORY EVIDENCE THAT THOSE WHO HAVE PERFORMED SUCH WORK HAVE BEEN FULLY PAID AND HAVE WAIVED THEIR RIGHTS TO A LIEN AND THIS COMMITMENT IS SUBJECT TO SUCH FURTHER EXCEPTIONS AS MAY BE DEEMED NECESSARY. IF EVIDENCE IS NOT PROVIDED OR IS UNSATISFACTORY, THIS COMMITMENT/POLICY WILL BE SUBJECT TO THE FOLLOWING EXCEPTION:

"ANY LIEN OR RIGHT TO A LIEN FOR LABOR, SERVICES OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW, AND NOT SHOWN ON THE PUBLIC RECORDS".

RELATIVE TO THE NEW IMPROVEMENTS ON THE LAND, WE MUST BE FURNISHED THE FOLLOWING DOCUMENTATION:

- ↓*
- A. CONTRACTOR'S AFFIDAVITS AND SATISFACTORY MECHANIC LIEN WAIVERS;
  - B. CURRENT SPOTTED SURVEY;
  - C. NEW CONSTRUCTION: PLEASE CONTACT OUR OFFICE AT (847) 255-7100 WITH QUESTIONS OR COMMENTS. SWORN STATEMENTS, WAIVERS AND AFFIDAVITS SHOULD BE SUBMITTED 5 DAYS PRIOR TO CLOSING.

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IF THIS COMPANY IS ASKED TO CONSIDER THE ISSUANCE OF ANY ENDORSEMENTS, ALL REQUESTS AND PROPER DOCUMENTATION SHOULD BE SUBMITTED A MINIMUM OF 5 BUSINESS DAYS PRIOR TO CLOSING. UPON EXAMINATION OF THE ITEMS REQUESTED ABOVE, THE COMPANY RESERVES THE RIGHT TO MAKE THIS COMMITMENT SUBJECT TO SUCH FURTHER EXCEPTIONS AS MAY THEN BE DEEMED NECESSARY.

NOTE: THIS EXCEPTION WILL NOT APPEAR ON THE LOAN POLICY WHEN ISSUED.

- 42. THAT PART OF ACCESS EASEMENT/PROPOSED ROAD ENCROACHING ALONG THE EASTERLY LINE AND OVER A PORTION OF THE NORTHEAST CORNER OF THE LAND AND OTHER PROPERTY, AND ANY AND ALL RIGHTS RELATING THERETO, AS SHOWN ON SURVEY MADE BY MACKIE CONSULTANTS DATED JANUARY 3, 2008 AS PROJECT NO. 1281.
- 43. ADJOINING STORM WATER DETENTION AREA ENCROACHING ONTO THE SOUTHEAST CORNER OF THE LAND AND THE RIGHTS RELATING THERETO.

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EXISTING UNRECORDED LEASE BY AND BETWEEN GIFFORD 300, LLC AND ACME REFINING COMPANY, AND ALL RIGHTS THEREUNDER OF THE LESSEE(S) AND OF ANY PERSON CLAIMING BY, THROUGH OR UNDER THE LESSEE(S). *See*

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1/10/08*

ENCROACHMENT OF CONNECTION PIPE LOCATED MAINLY ON THE SUBJECT LAND ONTO THE PROPERTY SOUTHWESTERLY AND ADJOINING AS DISCLOSED ON SURVEY MADE BY MACKIE CONSULTANTS, LLC DATED JANUARY 3, 2008 AS PROJECT NO. 1281.

NCTE: THIS EXCEPTION WAIVED AS EASEMENT FOR SAID PIPE GRANTED IN DOCUMENT BEING INSURED AS PARCEL 2. PMM/PT



**UNOFFICIAL COPY****SCHEDULE B**

(Continued)

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ENCROACHMENT OF STORMWATER DETENTION AND STORM SEWER EASEMENTS LOCATED MAINLY ON THE PROPERTY EAST, SOUTHEASTERLY, SOUTHWESTERLY AND SOUTHERLY AND ADJOINING OVER THE SOUTHEAST CORNER OF THE LAND AS SHOWN ON SURVEY MADE BY MACKIE CONSULTANTS DATED January 3, 2008 AS PROJECT NO. 1281.

NOTE: THIS EXCEPTION IS WAIVED AS EASEMENT IS RAISED UNDER PROVISIONS OF SPECIAL WARRANTY DEEDS. PMM/PT

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1/10/08*  
THIS COMMITMENT IS BASED ON THE ASSUMPTION THAT THE EASEMENT AGREEMENTS DESCRIBED IN SCHEDULE A WILL BE PROPERLY EXECUTED AND RECORDED AND THE COMPANY MAKES THE FOLLOWING COMMENTS:

1) SAID EASEMENTS NEED TO BE EXECUTED BY ALL CURRENT MORTGAGEES AS SHOWN IN SCHEDULE B ABOVE;

2) THE EXHIBIT TO BE ATTACHED TO THE STORM WATER MANAGEMENT EASEMENT AGREEMENT SHOWN AS PARCEL 2 NEEDS TO BE AMENDED TO ATTACH THE PLAT OF EASEMENT WHICH MATCHES THE LEGAL DESCRIPTION AS SHOWN IN SCHEDULE A.

3) A FINAL DRAFT OF SAID EASEMENTS SHOULD BE SUBMITTED FOR REVIEW, WITH FINAL EXHIBITS, AND THIS COMMITMENT IS SUBJECT TO SUCH FURTHER EXCEPTIONS AS MAY THEN BE DEEMED NECESSARY.

NOTE: THIS EXCEPTION IS WAIVED. PMM/PT

48. (A) TERMS, PROVISIONS, AND CONDITIONS RELATING TO THE EASEMENTS DESCRIBED AS PARCELS 2 AND 3 CONTAINED IN THE INSTRUMENTS CREATING SAID EASEMENTS.

(B) RIGHTS OF THE ADJOINING OWNER OR OWNERS TO THE CONCURRENT USE OF SAID EASEMENTS.

49. 1) NOTHING CONTAINED HEREIN SHOULD BE CONSTRUED AS INSURING THE EXACT LOCATION OR DIMENSIONS OF THE EASEMENT DESCRIBED AS PARCEL 3 IN SCHEDULE A.

2) NON-EXCLUSIVE EASEMENT FOR ACCESS IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF ELGIN AND WASTE MANAGEMENT OF ILLINOIS, INC., OVER THE AREA MARKED "ACCESS EASEMENT" AS SHOWN ON ACCESS EASEMENT PROVISIONS DEPICTED ON EXHIBIT ATTACHED TO DOCUMENT CREATING THE EASEMENT DESCRIBED AS PARCEL 3 IN SCHEDULE A.

50. PROVISIONS CONTAINED IN THE INSTRUMENT CREATING THE EASEMENT DESCRIBED AS PARCEL 3 IN SCHEDULE A PROVIDING THAT SAID EASEMENT WILL CONTINUE ONLY FOR SO LONG AS THE FIRST TO OCCUR OF (i) THE DATE GRANTOR PROVIDES GRANTEE AN ALTERNATIVE ACCESS ROAD FOR THE GRANTEE PROPERTY TO CONNECT TO EITHER BLUFF CITY BOULEVARD OR GIFFORD ROAD; OR (ii) THAT DATE GRANTOR COMPLETES THE ROADWAY IMPROVEMENTS AND ALL OTHER APPLICABLE TERMS AND PROVISIONS STATED IN SAID EASEMENT AGREEMENT.

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## SCHEDULE B

(Continued)

Commitment Number: 2007-01716-PT

51. A PERPETUAL, NON-EXCLUSIVE, EASEMENT AND RIGHT OF WAY IS RESERVED BY GRANTOR FOR THE BENEFIT OF NICOR GAS, AND THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO ALL AS CONTAINED IN SPECIAL WARRANTY DEEDS RECORDED/FILED AS DOCUMENT \_\_\_\_\_, AFFECTING PARCELS 1, 2 AND OTHER PROPERTY.
52. WASTE MANAGEMENT STORMWATER DETENTION AND STORM SEWER EASEMENT FOR THE BENEFIT OF GRANT, WASTE MANAGEMENT AND CITY OF ELGIN, AND THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS AND OBLIGATIONS RELATING THERETO AS CONTAINED IN SPECIAL WARRANTY DEEDS RECORD RECORDED/FILED AS DOCUMENTS \_\_\_\_\_ AND \_\_\_\_\_, AFFECTING PARCELS 1, 2 AND OTHER PROPERTY.
53. COVENANTS AND CONDITIONS OF STORM SEWER AND PRIVATE UTILITY EASEMENT AGREEMENT BY AND BETWEEN ACME REFINING COMPANY, AN ILLINOIS CORPORATION D/B/A ACME REFINING SCRAP IRON & METAL COMPANY AND GIFFORD 300, LLC DATED 1-10-08 AND RECORDED \_\_\_\_\_ AS DOCUMENT NO. \_\_\_\_\_, AND AS RESERVED IN SPECIAL WARRANTY DEEDS RECORDED 1-10-08 AS DOCUMENTS \_\_\_\_\_ AND \_\_\_\_\_ AND THE TERMS AND PROVISIONS CONTAINED THEREIN.
- (PROPOSED EASEMENT TO BE RECORDED AT CLOSING)
54. COVENANTS AND CONDITIONS OF TEMPORARY CONSTRUCTION AND ACCESS EASEMENT BY AND BETWEEN ACME REFINING COMPANY, AN ILLINOIS CORPORATION D/B/A ACME REFINING SCRAP IRON & METAL COMPANY AND GIFFORD 300, LLC DATED 1-10-08 AND RECORDED \_\_\_\_\_ AS DOCUMENT NO. \_\_\_\_\_ AND AS RESERVED IN SPECIAL WARRANTY DEEDS RECORDED \_\_\_\_\_ AS DOCUMENTS \_\_\_\_\_ AND \_\_\_\_\_, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.
- (PROPOSED EASEMENT TO BE RECORDED AT CLOSING)
55. ENCROACHMENT OF FENCE LOCATED MAINLY ON THE PROPERTY NORTH AND ADJOINING ONTO THE LAND BY AN APPROXIMATE DISTANCE OF 33.91 FEET, AS DISCLOSED BY THE SURVEY MADE BY MACKIE CONSULTANTS DATED November 21, 2007, NUMBER 1281.
- NOTE: THIS EXCEPTION WILL NOT APPEAR ON THE LOAN POLICY, IF ANY, WHEN ISSUED.
56. RIGHTS OF THE PUBLIC AND QUASI PUBLIC UTILITIES AS SHOWN BY MATTERS DISCLOSED BY SURVEY MADE BY MACKIE CONSULTANTS LLC DATED JANUARY 3, 2008 AS ORDER/FILE NUMBER 1281, INCLUDING BUT NOT LIMITED TO VARIOUS STORM SEWER LINES, INCLUDING LINES ALONG THE NORTHWEST CORNER, EAST LINE, SOUTHEAST CORNER AND EASTERLY HALF OF THE LAND AND INTO THE PROPERTY SOUTH AND ADJOINING; VARIOUS MANHOLES; FUEL TANKS; OVERHEAD WIRES; TELEPHONE LINES AND SPICE BOXES; AND POWER POLES.
57. 20 FOOT WATERMAIN EASEMENT ALONG THE EAST, SOUTH AND SOUTHEAST LINES OF THE LAND AS SHOWN ON SURVEY MADE BY MACKIE CONSULTANTS LLC DATED JANUARY 3, 2008 AS PROJECT NO. 1281.

ALTA Commitment  
Schedule B

(2007-01716-PT.PFD/2007-01716-PT/107)

**UNOFFICIAL COPY****SCHEDULE B**

(Continued)

Commitment Number: 2007-01716-PT

58. COVENANTS, CONDITIONS, RESERVATIONS AND RESTRICTIONS (EXCEPTING THEREFROM THOSE PROHIBITED BY LAW) EASEMENTS AND OPTIONS, INCLUDING, BUT NOT LIMITED TO: PERMITTED EXCEPTIONS RELATING TO DEVELOPMENT AGREEMENT DATED June 25, 2003 BY AND BETWEEN CITY OF ELGIN, BLUFF CITY MATERIALS, INC., COPART, INC. AND GIFFORD 300, LLC, AS AMENDED, INTERGOVERNMENTAL AGREEMENT DATED July 29, 2003 BY AND BETWEEN THE CITY OF ELGIN, VILLAGE OF BARTLETT AND BLUFF CITY MATERIALS, INC., AS AMENDED, BLUFF SPRING FEN PROTECTION PLAN MEMORANDUM OF AGREEMENT DATED June 30, 2003 BY AND BETWEEN BLUFF CITY MATERIALS, INC. AND THE ILLINOIS NATURE PRESERVES COMMISSION, AS AMENDED; DEED COVENANTS RELATING TO MINERAL RESERVATION, RESERVATION OF EASEMENT AND MINING RESTRICTION, WAIVER AND RELEASE OF CLAIMS, ASSOCIATION, BLUFF CITY ACCESS ROAD EASEMENT, BLUFF CITY BOULEVARD ACCESS ROAD, MAINTENANCE, ROADWAY IMPROVEMENTS, TEMPORARY INGRESS/EGRESS AND CONSTRUCTION EASEMENT, TAXES, GIFFORD ROAD RIGHT OF WAY EXPANSION, RESERVATION OF NICOR GAS EASEMENT, RESERVATION OF WASTE MANAGEMENT STORMWATER DETENTION AND STORM SEWER EASEMENT, STORM SEWER AND PRIVATE UTILITY EASEMENT AGREEMENT, OPTION AGREEMENT; MINERAL, RESERVATION, RESERVATION OF EASEMENT AND MINING RESTRICTIONS, CONTAINED IN SPECIAL WARRANTY DEEDS BY AND BETWEEN GIFFORD 300, LLC AND ACME REFINING COMPANY, AN ILLINOIS CORPORATION D/B/A ACME REFINING SCRAP IRON & METAL COMPANY RECORDED \_\_\_\_\_ AS DOCUMENT NUMBERS \_\_\_\_\_ RELATING TO \_\_\_\_\_.

(PROPOSED RESERVATION OF EASEMENT TO BE RECORDED AT CLOSING)

59. TERMS AND PROVISIONS OF MEMORANDUM OF OPTION TO PURCHASE A PORTION OF THE LAND IN FAVOR OF GIFFORD 300, LLC, AS CONTAINED IN SPECIAL WARRANTY DEEDS RECORDED AS DOCUMENT NO. \_\_\_\_\_ AND \_\_\_\_\_ AND AS CONTAINED IN MEMORANDUM OF OPTION TO PURCHASE RECORDED \_\_\_\_\_ AS DOCUMENT NO. \_\_\_\_\_.

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4/10/08* NOTE FOR INFORMATION: PREMIER TITLE ONLY ACCEPTS THE FOLLOWING FORMS OF IDENTIFICATION:

- a. VALID DRIVERS LICENSE
- b. VALID STATE IDENTIFICATION CARD
- c. VALID PERMANENT RESIDENT CARD

61. NOTE SHOWN ON SURVEY MADE BY MACKIE CONSULTANTS LLC DATED January 3, 2003 AS PROJECT NO. 1281 THAT: THE PROPERTY FALLS WITHIN ZONE "X" DEFINED AS "AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN" IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 17031C0163G WITH AN EFFECTIVE DATE OF December 20, 2002. (SEE DOCUMENT FOR PARTICULARS)
62. 10 FOOT STORM WATER EASEMENT IN NORTHWEST CORNER AND ONTO ADJOINING LAND AS SHOWN ON SURVEY MADE BY MACKIE CONSULTANTS LLC DATED January 3, 2008 AS ORDER/FILE NUMBER 1281.

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## SCHEDULE B (Continued)

Commitment Number: 2007-01716-PT

63. TERMS, PROVISIONS AND CONDITIONS OF WAIVER AND RELEASE OF CLAIMS BY AND BETWEEN ACME REFINING COMPANY, AN ILLINOIS CORPORATION, D/B/A ACME REFINING SCRAP IRON & METAL COMPANY AND GIFFORD 300 LLC, RECORDED \_\_\_\_\_ AS DOCUMENT \_\_\_\_\_.

END

Property of Cook County Clerk's Office

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## EXHIBIT C DEED COVENANTS

1. **Mineral Reservation, Reservation of Easement and Mining Restriction** attached hereto as Schedule C-1 and made a part hereof.

2. **Waiver and Release of Claims** dated Jan 10, 2008 and recorded with the Cook County Recorder of Deeds on \_\_\_\_\_, 2008 as Document No. \_\_\_\_\_.

3. Grantee acknowledges and agrees that an association for the Property, the Waste Management Property and Grantor's property to the south and north (the "**Gifford 300 Industrial Park Property**"), bounded by Bluff City Boulevard to the North, the EJ&E Railroad right-of-way to the East, the Metra Tracks to the South and Gifford Road to the West, may be formed to manage and maintain the common areas therein and enforce collection of Association Expenses (defined below). A concept plan regarding same is attached hereto as **Schedule C-3(a)**. Grantee agrees to pay for the Property's pro-rata share of any and all any expenses ("**Association Expenses**") incurred in connection with the maintenance, repair and replacement of the common areas, including but not limited to, the common detention areas, landscape buffer areas, and the Roadway Improvements (defined below) on the Gifford 300 Industrial Park Property. For purposes herein, the "pro-rata share" attributable to the Property shall be based upon the ratio of the gross acreage of the Property to the gross acreage of the Gifford 300 Industrial Park Property or other property served, excluding the acreage for common areas, any detention ponds and public right-of way. Attached as **Schedule C-3(b)** is an Association Expense and SSA Allocation Summary regarding Grantee's estimated percentage of Association Expenses. In addition, Grantee shall cooperate with Grantor in any subdivision of the Gifford 300 Industrial Park Property, including, but not limited to, executing any applicable covenants, conditions and restrictions and joining any association regarding the same.

4. Contemporaneously herewith, Grantor has granted to Grantee a nonexclusive temporary easement (the "**Bluff City Access Road Easement**") providing vehicular ingress/egress for the Property to and from Bluff City Boulevard over the existing private roadway (the "**Bluff City Boulevard Access Road**"). Grantee agrees to pay 1/3<sup>rd</sup> of the total costs of maintaining the Bluff City Boulevard Access Road, including snow removal and roadway repairs in the approximate amount of \$100,000 annually (the "**Access Road Maintenance Costs**"). In the event other parties purchase, lease or otherwise occupy other portions of the Gifford 300 Industrial Park Property and use the Bluff City Boulevard Access Road, excluding the approximately 20 acre parcel south of the Waste Management property (the "**Waste Management Property**"), which will be used by Grantor or its affiliate, Grantee's share of the Access Road Maintenance Costs shall be reduced and said costs shall be spread equally among all users of the Bluff City Boulevard Access Road. Notwithstanding anything contained herein to the contrary, Grantor may, at its sole option, convey and/or dedicate the Bluff City Boulevard Access Road and any other private roads and road improvements thereon to the City of Elgin or other appropriate authority. In such case, any construction or maintenance costs borne by the governmental authority shall reduce the total amount of the Access Road Maintenance Costs that would otherwise be borne by Grantor, Grantee, the owner of the Waste Management Property and other users, if applicable, and the Bluff City

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Access Road Easement shall not be required and shall be released by Grantee if it is in place at the time of any such conveyance and/or dedication.

5. Grantor will be making various roadway improvements in and to the Gifford 300 Industrial Park Property as depicted in **Schedule C-3(a)** attached hereto and made a part hereof, including but not limited to street lights, drainage and utilities (collectively, the "**Roadway Improvements**"). The costs of the Roadway Improvements may be funded through a Special Service Area ("**SSA**") or otherwise. Grantee shall be responsible for its pro-rata share of the costs of the Roadway Improvements benefiting the Property through the SSA, recapture or otherwise based upon the ratio of the gross acreage of the Property to the gross acreage of the property being served by the Roadway Improvements, excluding the acreage for common areas, any detention ponds and public right-of ways. Grantee shall release the Bluff City Access Road Easement at the time an alternative access road to the Property is provided to Grantee, or at the time of completion of the Roadway Improvements, whichever occurs first.

6. **Temporary Ingress/Egress and Construction Easement** dated January 10, 2008 and recorded with the Cook County Recorder of Deeds on \_\_\_\_\_, 2008 as Document No. \_\_\_\_\_.

7. Prior to any tax subdivision separating the Property as a distinct tax parcel, Grantee agrees to pay for the Property's pro-rata share of any and all real estate taxes or other assessments, special or otherwise and special service area assessments ("**Taxes**") assessed against the land of the underlying tax parcel(s) comprising the Property; however, Grantee shall pay all Taxes assessed against any improvements on the Property and Grantor shall pay all Taxes assessed against any improvements on land other than the Property. When the Property becomes a distinct tax parcel, Grantee agrees to pay for any and all Taxes and SSA Taxes assessed against the Property.

8. Grantee acknowledges that improvements may be made to Gifford Road to service the Gifford 300 Industrial Park Property and that the right-of way for Gifford Road may be expanded (the "**Gifford Road Right-Of-Way Expansion**"). Grantee agrees to cooperate with Grantor and dedicate those portions of the Property along Gifford Road (not to exceed thirty (30) feet) to the State, County or other municipality having jurisdiction over Gifford Road for the Gifford Road Right-Of-Way Expansion as directed by Grantor.

9. Grantee shall provide Grantor with its published demolition pricing on a delivered basis on all scrap steel/metal brought to the Property by Grantor or its affiliates (Bluff City Material's Inc. or Bluff City, LLC) on and after January 10, 2008.

10. **Reservation of Nicor Gas Easement.** A perpetual, non-exclusive, easement and right of way is hereby reserved by Grantor, for its benefit and for the benefit of the Northern Illinois Gas Company, an Illinois Corporation, doing business as Nicor Gas ("**Nicor**"), its successors and assigns, over, upon, across, through and under those portions of the Property designated as Gas Easement (the "**Gas Easement Area**") on the ALTA Survey of the Property prepared by Mackie Consultants, LLC, dated November 8, 2007 and last revised January 3, 2008, and known as Project No. 1281 (the "**Survey**") attached hereto as **Schedule C-10(a)**, and

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on the Plat attached hereto as **Schedule C-10(b)** for the purpose of installing, laying, constructing, operating, maintaining, repairing, renewing, removing and replacing gas mains, and any necessary gas facilities appurtenant thereto, together with the right of access thereto for said purposes upon, along, and across the Gas Easement Area, subject to the interests and rights reserved by Grantee as set forth herein. Grantee reserves the right to use the Gas Easement Area in any manner, which shall not unreasonably interfere with the Easement rights reserved herein by Grantor and Nicor, including but not limited to the right to construct, place, repair, remove, and/or replace any improvements over, upon, across, through and/or under the Gas Easement Area. Grantee also reserves the right to relocate from time to time, the Gas Easement Area, together with any gas mains and all appurtenant structures, at Grantee's sole cost and expense, provided that Grantee notifies Nicor and Grantor of the same. Grantee shall cooperate with Nicor and Grantor and sign any Plat of Easement reasonably required by Nicor and/or Grantor to further memorialize the easement reserved herein.

11. **Reservation of Waste Management Stormwater Detention and Storm Sewer Easement.** A perpetual, non-exclusive easement over, under, upon and across the areas shown and labeled on the Survey and on the Plat attached hereto as **Schedule C-11** as Stormwater Detention and Storm Sewer Easement (the "**Stormwater Easement Area**") for access, installation, maintenance, repair, replacement, and customary servicing of all stormwater collection lines, structures and drainage courses, servicing the lands shown on the Survey as well as other lands is hereby reserved by Grantor for its benefit and for the benefit of the City of Elgin, Illinois (the "**City**") and any entity holding fee title to said lands or any portion thereof, including but not limited to the owner of the Waste Management Property, together with their successors and assigns as grantors. The City shall have the right to enter upon said Stormwater Easement Area at any time for the purposes of access to and inspection of the stormwater control facilities located within said easement. The City shall have the right and not the obligation, to install, operate, maintain and remove, from time to time, facilities used in connection with stormwater management in and under the surface of the Stormwater Easement Area. Grantee shall cooperate with the City, Waste Management and Grantor, and sign any Plat of Easement reasonably required by the City, Waste Management and/or Grantor to further memorialize the easement reserved herein.

12. **Storm Sewer and Private Utility Easement Agreement** dated January 10, 2008 and recorded with the Cook County Recorder of Deeds on \_\_\_\_\_, 2008 as Document No. \_\_\_\_\_.

13. **Option Agreement** dated January 10, 2008, as evidenced by a certain Memorandum of Option Agreement of even date and recorded with the Cook County Recorder of Deeds on \_\_\_\_\_, 2008 as Document No. \_\_\_\_\_.

14. All of the foregoing Deed Covenants shall run with the land and be binding upon all successors and assigns.

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## SCHEDULE C-1

### MINERAL RESERVATION, RESERVATION OF EASEMENT

#### AND MINING RESTRICTION

1. Mineral Estate.

a. Grantor hereby reserves and excepts for itself, its designees, successors, and assigns a one hundred percent (100%) interest in and to all of the mineral estate, minerals and geothermal resources of every description, including as examples and without limitation, limestone, galena, gravel, stone, sand, gas, oil, coal and any other base and precious metal ores and/or stones located 200 or more vertical feet under and below the real property being transferred herein without any restrictions as to the location and/or depth of said mineral estate, minerals and geothermal resources.

b. Included in the above-mentioned reservation and exception is the perpetual right and easement to mine and remove any and all of the aforementioned minerals and geothermal resources by any means necessary, including the use of subterranean mining techniques such as blasting and the use of explosives, the construction of underground passages or underground entries through, to and from other mines and lands adjacent thereto. The aforementioned easement runs with the land being transferred herein.

2. Easement Reservation. Grantor hereby reserves for the benefit of itself, its designees, successors, and assigns, as well as for the real property described on **Exhibit A** attached to this Schedule C-1:

a. an exclusive subterranean easement commencing at two hundred (200) vertical feet below the surface of the property referenced herein (which surface is located approximately 700-750 vertical feet above sea level) and continuing to two thousand (2000) vertical feet below the surface hereof (provided that nothing contained in this easement shall restrict or prohibit Grantor from mining and removing any of the mineral estate, minerals and geothermal resources reserved and excepted above, which may be located below the easement area described herein), to use said easement area for whatever uses and purposes, including but not limited to any and all mining and non-mining uses of every kind and nature permitted by law, and in whatever manner that Grantor, its designees, successors, and assigns, shall deem appropriate, in their sole discretion, including but not limited to the right to expand, enlarge, excavate, fill and relocate all ventilation, escape and other surface shafts, vents and access ways, underground passages, underground rooms and other vacant spaces remaining subsequent to the removal of all minerals and geothermal resources located under and below the real property interest being transferred or conveyed herein, along with the perpetual right to access and utilize said ventilation, escape and other surface shafts, vents and access ways, underground passages, underground rooms and other vacant spaces, as may be expanded, enlarged, excavated, filled and relocated, for whatever uses and purposes that Grantor, its designees, successors and assigns, shall deem appropriate, including but not limited to any and all mining and non-mining uses and purposes of every kind



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and nature permitted by law presently and in the future. Nothing to the contrary withstanding, the Grantor shall not have the right to any surface easements on the real property described in Exhibit A, including but not limited to access, ventilation, escape or surface shafts, all of the foregoing, if any, to be located on real property other than Grantee's property.

b. the right over, upon, across, through and under the real property interest being transferred or conveyed herein to use any existing or future public or private utility easement(s) to provide electricity, gas, water, sewer (storm and sanitary), telecommunications and any other utilities to the subsurface easement areas reserved by Grantor hereunder (the "Utility Easement Rights") under the following conditions: (i) the Utility Easement Rights are limited to the reasonable use of and access to any existing or future public or private utility easements over, upon, across, through and under the subject property; and (ii) the Utility Easement Rights shall not prevent Grantee or its successors and assigns from building upon or developing the subject property in areas outside of the existing or future public or private utility easement(s) areas and such additional land adjacent to said easement areas reasonably required to exercise the Utility Easement Rights; and

c. any and all other easements below the real property interest being transferred or conveyed herein, which may be required for the operation, maintenance and repair of the subsurface easement areas reserved by Grantor in 2(a) above, and which do not unreasonably interfere with Grantee's use of any of the real property being transferred herein.

3. Assignment. Grantor hereby reserves the right to assign, convey, sell, encumber, pledge, lease or otherwise transfer all or a portion of the mineral reservations and easements in 1 and 2 above reserved herein to any third party or parties in Grantor's sole discretion, either exclusively or non-exclusively; provided that Grantor shall not be permitted to assign, convey, sell, encumber, pledge, mortgage, lease or otherwise transfer any interest in the surface of the real property interest being transferred or conveyed herein, if fee title in the surface of said real property interest is actually being transferred or conveyed herein.

4. Indemnification. Grantor agrees to indemnify and hold Grantee harmless from and against: (a) mechanic's lien claims affecting the subject property; or (b) damages, claims or losses to persons or property due to the negligence of Grantor as a result of Grantor's or its contractors, sub-contractors or agents mining activity at the subject property as contemplated herein.

5. Mining Covenant and Restriction. Grantee, its successors, assigns and any person or entity operating a business on the real property being transferred herein (collectively the "Obligees") shall not mine and/or remove any minerals and/or geothermal resources of any description, including as examples and without limitation, limestone, galena, gravel, stone, sand, gas, oil, coal and any other base and precious metal ores and/or stones (collectively the "Aggregates") located in, under and below the property, nor shall the Obligees sell or permit the sale of aggregates on the property. Grantor may remedy any violation of the restrictions contained herein through the use of temporary (including but not limited to temporary restraining orders or preliminary injunctions) and/or permanent injunctions, and avail itself of any other

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remedy available at law or in equity. Obligees shall reimburse Grantor for all reasonable fees and costs incurred by Grantor or its successors and/or assigns in enforcing the terms hereof. This covenant and restriction shall run with the property.

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EXHIBIT A TO SCHEDULE C-1  
LEGAL DESCRIPTION OF BENEFITED PROPERTY

**125 ACRE PARCEL LEGAL DESCRIPTION**

**PARCEL 1:**

THAT PART OF THE NORTHEAST QUARTER OF SECTION THIRTY-SIX, TOWNSHIP FORTY-ONE NORTH, RANGE EIGHT EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 831.2 FEET TO A POINT 544 FEET EAST OF, AS MEASURED ALONG SAID SOUTH LINE, THE CENTERLINE OF STATE ROUTE 25; THENCE NORTHERLY, PARALLEL TO THE CENTERLINE OF STATE ROUTE 25, A DISTANCE OF 1344.8 FEET; THENCE WESTERLY, 544 FEET TO A POINT IN THE CENTERLINE OF SAID HIGHWAY; THENCE NORTHERLY ALONG THE CENTERLINE OF SAID STATE ROUTE, 1271.4 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE EAST ALONG SAID NORTH LINE, 1497.3 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 2627.4 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF ELGIN, KANE COUNTY, ILLINOIS.

**PARCEL 2:**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION TWENTY-FIVE, TOWNSHIP FORTY-ONE NORTH, RANGE EIGHT EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE CENTERLINE OF ROUTE 25 AND SOUTH OF A LINE 1500 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 0 DEGREES 42 MINUTES 22 SECONDS EAST, 1145.66 FEET, ALONG THE EAST LINE OF SAID SECTION 25; THENCE SOUTH 88 DEGREES 39 MINUTES 36 SECONDS WEST, 185.40 FEET, ALONG A LINE 1500.0 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 (AS MEASURED PERPENDICULAR TO SAID SOUTH LINE), TO THE POINT OF BEGINNING; THENCE SOUTH 37 DEGREES 10 MINUTES 47 SECONDS WEST, 161.82 FEET; THENCE SOUTH 88 DEGREES 39 MINUTES 36 SECONDS WEST, 1234.12 FEET, PARALLEL WITH SAID NORTH LINE OF THE SOUTH 1500.0 FEET, TO THE EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 25, AS PER DOCUMENT NO. 330865; THENCE NORTH 3 DEGREES 11 MINUTES 56 SECONDS WEST, 126.67 FEET, ALONG SAID EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 25; THENCE NORTH 88 DEGREES 39 MINUTES 36 SECONDS EAST, 1339.01 FEET, ALONG SAID LINE 1500.0 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25, TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS;

**ALSO:**

EXCEPTING FROM THE ABOVE DESCRIBED PARCELS 1 AND 2 RIGHT OF WAY DEDICATION IN THAT PART OF THE NORTHEAST QUARTER OF SECTION 36 AND THE

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SOUTHEAST QUARTER OF SECTION 25, BOTH IN TOWNSHIP 41 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 36; THENCE NORTH 00 DEGREES 30 MINUTES 31 SECONDS WEST, A DISTANCE OF 57.44 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 36; THENCE SOUTH 88 DEGREES 44 MINUTES 05 SECONDS WEST, A DISTANCE OF 304.75 FEET, TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.60 FEET AND CHORD BEARING NORTH 45 DEGREES 53 MINUTES 13 SECONDS WEST, TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 30 MINUTES 31 SECONDS WEST, A DISTANCE OF 280.70 FEET, ALONG A LINE PARALLEL WITH AND 330.00 FEET WESTERLY OF SAID EAST LINE OF THE NORTHEAST QUARTER OF SECTION 36; THENCE NORTHWESTERLY ALONG A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 183.00 FEET, AN ARC DISTANCE OF 289.56 FEET AND CHORD BEARING NORTH 45 DEGREES 50 MINUTES 18 SECONDS WEST, TO A POINT OF TANGENCY; THENCE SOUTH 88 DEGREES 49 MINUTES 56 SECONDS WEST, A DISTANCE OF 245.87 FEET, TO A POINT ON A CURVE; THENCE NORTHWESTERLY ALONG A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 38.45 FEET AND CHORD BEARING NORTH 47 DEGREES 06 MINUTES 45 SECONDS WEST, TO A POINT OF TANGENCY; THENCE NORTH 03 DEGREES 03 MINUTES 25 SECONDS WEST, A DISTANCE OF 593.87 FEET, TO A POINT ON A CURVE; THENCE NORTHERLY ALONG A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 267.00 FEET, AN ARC DISTANCE OF 37.51 FEET AND CHORD BEARING NORTH 07 DEGREES 24 MINUTES 19 SECONDS EAST, TO A POINT OF TANGENCY; THENCE NORTH 17 DEGREES 52 MINUTES 03 SECONDS EAST, A DISTANCE OF 127.83 FEET, TO A POINT ON A CURVE; THENCE NORTHERLY ALONG A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 333.00 FEET, AN ARC DISTANCE OF 106.80 FEET AND CHORD BEARING NORTH 08 DEGREES 40 MINUTES 46 SECONDS EAST, TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 30 MINUTES 31 SECONDS WEST, A DISTANCE OF 2394.34 FEET, ALONG A LINE PARALLEL WITH AND 742.00 FEET WESTERLY OF SAID EAST LINE OF THE NORTHEAST QUARTER OF SECTION 36, TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 87.00 FEET, AN ARC DISTANCE OF 135.40 FEET AND CHORD BEARING NORTH 44 DEGREES 04 MINUTES 32 SECONDS EAST, TO A POINT OF TANGENCY; THENCE NORTH 88 DEGREES 39 MINUTES 36 SECONDS EAST, A DISTANCE OF 369.52 FEET, TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 153.00 FEET, AN ARC DISTANCE OF 164.65 FEET AND CHORD BEARING NORTH 57 DEGREES 49 MINUTES 48 SECONDS EAST; THENCE NORTH 27 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 127.52 FEET TO THE NORTH LINE OF THE SOUTH 1500.00 FEET OF SAID SOUTHEAST QUARTER OF SECTION 25; THENCE SOUTH 88 DEGREES 39 MINUTES 36 SECONDS WEST, A DISTANCE OF 74.99 FEET ALONG SAID NORTH LINE OF THE SOUTH 1500.00 FEET OF THE SOUTHEAST QUARTER OF SECTION 25; THENCE SOUTH 27 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 91.92 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 87.00 FEET, AN ARC DISTANCE OF 93.63 FEET AND CHORD BEARING SOUTH 57 DEGREES 49 MINUTES 48 SECONDS WEST; THENCE SOUTH 88 DEGREES 39 MINUTES 36 SECONDS WEST, A DISTANCE OF 369.52 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 153.00 FEET, AN ARC DISTANCE OF 238.11 FEET

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AND CHORD BEARING SOUTH 44 DEGREES 04 MINUTES 32 SECONDS WEST TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 30 MINUTES 31 SECONDS EAST, A DISTANCE OF 1165.29 FEET, ALONG A LINE 808.00 FEET WESTERLY OF AND PARALLEL WITH SAID EAST LINE OF THE NORTHEAST QUARTER OF SECTION 36, TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG A CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 38.91 FEET AND CHORD BEARING SOUTH 44 DEGREES 04 MINUTES 39 SECONDS WEST, TO A POINT OF TANGENCY; THENCE SOUTH 88 DEGREES 39 MINUTES 50 SECONDS WEST, A DISTANCE OF 571.06 FEET, TO A POINT ON A LINE 90.00 FEET EASTERLY OF AND PARALLEL WITH THE CENTERLINE OF ILLINOIS ROUTE 25; THENCE SOUTH 03 DEGREES 11 MINUTES 56 SECONDS EAST, A DISTANCE OF 66.03 FEET, ALONG SAID LINE 90.00 FEET EASTERLY OF AND PARALLEL WITH THE CENTERLINE OF ILLINOIS ROUTE 25; THENCE NORTH 88 DEGREES 39 MINUTES 50 SECONDS EAST, A DISTANCE OF 567.24 FEET, TO A POINT ON A CURVE; THENCE SOUTHEASTERLY ALONG A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.63 FEET AND CHORD BEARING SOUTH 45 DEGREES 55 MINUTES 21 SECONDS EAST, TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 30 MINUTES 31 SECONDS EAST, A DISTANCE OF 1113.04 FEET, ALONG A LINE 808.00 FEET WESTERLY OF AND PARALLEL WITH SAID EAST LINE OF THE NORTHEAST QUARTER OF SECTION 36, TO A POINT ON A CURVE; THENCE SOUTHERLY ALONG A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 267.00 FEET, AN ARC DISTANCE OF 59.48 FEET AND CHORD BEARING SOUTH 05 DEGREES 52 MINUTES 24 SECONDS WEST, TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 33.54 FEET AND CHORD BEARING SOUTH 50 DEGREES 41 MINUTES 36 SECONDS WEST, TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 07 MINUTES 54 SECONDS WEST, A DISTANCE OF 515.05 FEET; THENCE SOUTH 00 DEGREES 52 MINUTES 06 SECONDS EAST, A DISTANCE OF 66.00 FEET; THENCE NORTH 89 DEGREES 07 MINUTES 54 SECONDS EAST, A DISTANCE OF 466.86 FEET; THENCE SOUTH 03 DEGREES 03 MINUTES 25 SECONDS EAST, A DISTANCE OF 862.60 FEET; THENCE NORTH 88 DEGREES 49 MINUTES 56 SECONDS EAST, A DISTANCE OF 333.92 FEET, TO A POINT ON A CURVE; THENCE SOUTHEASTERLY ALONG A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 117.00 FEET, AN ARC DISTANCE OF 185.13 FEET AND CHORD BEARING SOUTH 45 DEGREES 50 MINUTES 18 SECONDS EAST, TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 30 MINUTES 31 SECONDS EAST, A DISTANCE OF 282.23 FEET, ALONG A LINE 396.00 FEET WESTERLY OF SAID EAST LINE OF THE NORTHEAST QUARTER OF SECTION 36, TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 38.94 FEET AND CHORD BEARING SOUTH 44 DEGREES 06 MINUTES 47 SECONDS WEST, TO THE NORTH LINE OF WEST BARTLETT ROAD; THENCE NORTH 88 DEGREES 44 MINUTES 05 SECONDS EAST, A DISTANCE OF 116.01 FEET, TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

ALSO:

## 186 ACRE PARCEL LEGAL DESCRIPTION

PARCEL 1:

THAT PART OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: LYING SOUTH OF THE SOUTH RIGHT OF

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WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT-OF-WAY; WEST OF THE CENTER LINE OF GIFFORD ROAD; NORTH OF THE SOUTH 1500.00 FEET OF SAID SECTION 30; EAST OF A LINE BEING PERPENDICULAR TO SAID NORTH LINE OF THE SOUTH 1500.00 FEET OF SAID SECTION 30 AND 2508.42 FEET WESTERLY OF THE CENTERLINE OF GIFFORD ROAD AS MEASURED ALONG SAID NORTH LINE OF THE SOUTH 1500.00 FEET OF SAID SECTION 30; (EXCEPTING ALL THAT PART OF THE NORTH 1/2 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH IS ENCLOSED WITHIN THE FOLLOWING DESCRIBED BOUNDARY LINES, BEGINNING AT A POINT DETERMINED BY MEASURING FROM THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 30, WEST ALONG SAID SECTION LINE 3 CHAINS AND 15 LINKS AND THENCE SOUTH 06 DEGREES AND 45 MINUTES WEST 1700 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF SAID CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO., SAID SOUTHERLY LINE BEING PARALLEL WITH AND 50 FEET DISTANT FROM THE CENTER LINE OF THE RIGHT OF WAY OF SAID CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD FOR A POINT OF BEGINNING, THENCE RUNNING SOUTH 06 DEGREES AND 45 MINUTES WEST 344 FEET, THENCE RUNNING EASTWARD ON A STRAIGHT LINE 706 FEET TO A POINT IN THE AFORESAID SOUTHERLY BOUNDARY LINE OF RIGHT OF WAY, THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF RIGHT OF WAY WEST 750 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

## PARCEL 2A:

THAT PART OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; EAST OF THE WEST LINE OF SAID SECTION 30; NORTH OF THE SOUTH 1500.00 FEET OF SAID SECTION 30; WEST OF A LINE BEING PERPENDICULAR TO SAID NORTH LINE OF THE SOUTH 1500.00 FEET OF SAID SECTION 30 AND 2508.42 FEET WESTERLY OF THE CENTERLINE OF GIFFORD ROAD AS MEASURED ALONG SAID NORTH LINE OF THE SOUTH 1500.00 FEET OF SAID SECTION 30; EXCEPTING THAT PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS; THENCE SOUTH 89 DEGREES 21 MINUTES 59 SECONDS EAST ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 456.0 FEET; THENCE SOUTH 01 DEGREE 45 MINUTES 35 SECONDS WEST 1111.33 FEET TO A LINE 1500.0 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER (AS MEASURED PERPENDICULAR TO SAID SOUTH LINE); THENCE NORTH 89 DEGREES 05 MINUTES 19 SECONDS WEST ALONG SAID PARALLEL LINE, 456.0 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 01 DEGREE 45 MINUTES 35 SECONDS EAST ALONG SAID WEST LINE, 1109.12 FEET TO THE POINT OF BEGINNING ALSO AND EXCEPTING THAT PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS; THENCE SOUTH 89 DEGREES 21 MINUTES 59 SECONDS EAST ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID SOUTHEAST QUARTER, 456.0 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 21 MINUTES 59

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SECONDS EAST, A DISTANCE OF 782.74 FEET; THENCE SOUTH 01 DEGREE 45 MINUTES 28 SECONDS WEST 1115.12 FEET TO A LINE 1500.0 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER (AS MEASURED PERPENDICULAR TO SAID SOUTH LINE); THENCE NORTH 89 DEGREES 05 MINUTES 19 SECONDS WEST ALONG SAID PARALLEL LINE, 782.67 FEET; THENCE NORTH 01 DEGREE 45 MINUTES 35 SECONDS EAST AND PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER, 1111.33 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

## PARCEL 2B:

THAT PART OF THE EAST 1/2 OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 25, 2359.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 80 DEGREES 02 MINUTES 0 SECONDS WEST, 738.6 FEET ALONG A SOUTHERLY LINE OF THE PARCEL RECORDED AUGUST 15, 1950 PER DOCUMENT 656117; THENCE SOUTH 87 DEGREES 54 MINUTES 0 SECONDS WEST, 881.4 FEET ALONG SAID SOUTHERLY LINE OF THE PARCEL OF LAND RECORDED AUGUST 15, 1950 PER DOCUMENT 656117 TO THE CENTER LINE OF STATE ROUTE NO. 25; THENCE SOUTHERLY ALONG SAID CENTER LINE, 113.08 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 60 DEGREES 57 MINUTES 17 SECONDS TO THE LEFT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 37.74 FEET TO THE EASTERLY RIGHT OF WAY LINE OF STATE ROUTE 25 TO THE NORTHWEST CORNER OF THE PARCEL RECORDED OCTOBER 12, 1999 PER DOCUMENT 1999K097128; THENCE CONTINUING SOUTHEASTERLY ALONG THE LAST DESCRIBED COURSE, 124.86 FEET ALONG SAID PARCEL RECORDED OCTOBER 12, 1999 PER DOCUMENT 1999K097128; THENCE SOUTHEASTERLY AND EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 370.70 FEET AND BEING TANGENT TO THE LAST DESCRIBED COURSE, 251.07 FEET ALONG SAID PARCEL RECORDED OCTOBER 12, 1999 PER DOCUMENT 1999K097128; THENCE EASTERLY TANGENT TO THE LAST DESCRIBED CURVE, 101.26 FEET ALONG SAID PARCEL RECORDED OCTOBER 12, 1999 PER DOCUMENT 1999K097128; THENCE EASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 616.16 FEET AND BEING TANGENT TO THE LAST DESCRIBED COURSE, 118.18 FEET ALONG SAID PARCEL RECORDED OCTOBER 12, 1999 PER DOCUMENT 1999K097128; THENCE EASTERLY TANGENT TO THE LAST DESCRIBED CURVE, 17.15 FEET ALONG SAID PARCEL RECORDED OCTOBER 12, 1999 PER DOCUMENT 1999K097128 TO THE WEST LINE OF THE PARCEL RECORDED OCTOBER 26, 1998 PER DOCUMENT 98K098647; THENCE NORTH, 22.15 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 ALONG SAID WEST LINE OF A PARCEL RECORDED OCTOBER 26, 1998 PER DOCUMENT 98K098647 TO THE NORTH LINE OF SAID PARCEL RECORDED OCTOBER 26, 1998 PER DOCUMENT 98K098647; THENCE EAST ALONG SAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 25 ALONG THE NORTH LINE SAID PARCEL RECORDED OCTOBER 26, 1998 PER DOCUMENT 98K098647, 980.78 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE NORTHERLY, 287.15 FEET ALONG SAID EAST LINE OF SECTION 25 TO THE POINT OF BEGINNING; ALL IN KANE COUNTY, ILLINOIS.

## ALSO:

EXCEPTING FROM THE ABOVE DESCRIBED PARCELS 1, 2A AND 2B, THAT PART OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, THE FOLLOWING DESCRIBED RIGHT OF WAY DEDICATION: COMMENCING

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AT A POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30 AND THE CENTERLINE OF GIFFORD ROAD; THENCE NORTH 01 DEGREES 35 MINUTES 54 SECONDS EAST, A DISTANCE OF 266.30 FEET ALONG SAID CENTERLINE OF GIFFORD ROAD; THENCE NORTH 88 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 33.00 FEET ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED COURSE NORTH 88 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 159.57 FEET ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE; THENCE WESTERLY ALONG A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 160.00 FEET, AN ARC DISTANCE OF 75.95 FEET AND CHORD BEARING SOUTH 77 DEGREES 59 MINUTES 57 SECONDS WEST; THENCE SOUTH 64 DEGREES 23 MINUTES 59 SECONDS WEST, A DISTANCE OF 189.92 FEET; THENCE SOUTHWESTERLY ALONG A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 240.00 FEET, AN ARC DISTANCE OF 102.84 FEET AND CHORD BEARING SOUTH 76 DEGREES 40 MINUTES 32 SECONDS WEST; THENCE SOUTH 88 DEGREES 57 MINUTES 05 SECONDS WEST, A DISTANCE OF 665.76 FEET ALONG A LINE PARALLEL TO THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30; THENCE SOUTH 01 DEGREES 02 MINUTES 55 SECONDS EAST, A DISTANCE OF 160.00 FEET ALONG A LINE PERPENDICULAR TO THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30 TO SAID NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30; THENCE SOUTH 88 DEGREES 57 MINUTES 05 SECONDS WEST, A DISTANCE OF 1954.42 FEET ALONG SAID NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30; THENCE NORTH 00 DEGREES 42 MINUTES 29 SECONDS WEST (NORTH 01 DEGREES 45 MINUTES 28 SECONDS EAST RECORD), A DISTANCE OF 1126.22 FEET (1115.12 FEET RECORD); THENCE SOUTH 88 DEGREES 09 MINUTES 19 SECONDS WEST, A DISTANCE OF 1238.74 FEET ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 00 DEGREES 20 MINUTES 16 SECONDS WEST, A DISTANCE OF 66.02 FEET; THENCE NORTH 88 DEGREES 09 MINUTES 19 SECONDS EAST, A DISTANCE OF 1227.65 FEET; THENCE EASTERLY ALONG A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 40.00 FEET AN ARC DISTANCE OF 54.09 FEET AND CHORD BEARING NORTH 49 DEGREES 25 MINUTES 05 SECONDS EAST; THENCE NORTH 10 DEGREES 40 MINUTES 57 SECONDS EAST, A DISTANCE OF 31.18 FEET; THENCE NORTHERLY ALONG A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 173.00 FEET, AN ARC DISTANCE OF 239.49 FEET AND CHORD BEARING NORTH 50 DEGREES 20 MINUTES 29 SECONDS EAST; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 29.35 FEET; THENCE EASTERLY ALONG A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 107.00 FEET, AN ARC DISTANCE OF 168.08 FEET AND CHORD BEARING NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 91.12 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 66.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 91.12 FEET; THENCE SOUTHERLY ALONG A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 173.00 FEET, AN ARC DISTANCE OF 271.75 FEET AND CHORD BEARING SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 29.35 FEET; THENCE WESTERLY ALONG A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 107.00 FEET, AN ARC DISTANCE OF 148.13 FEET AND CHORD BEARING SOUTH 50 DEGREES 20 MINUTES 29 SECONDS WEST; THENCE SOUTH 10 DEGREES 40 MINUTES 57 SECONDS WEST, A DISTANCE OF 145.48 FEET; THENCE SOUTHERLY ALONG A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 197.00 FEET, AN ARC DISTANCE OF 39.16 FEET AND CHORD BEARING SOUTH 04



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DEGREES 59 MINUTES 14 SECONDS WEST; THENCE SOUTH 00 DEGREES 42 MINUTES 29 SECONDS EAST, A DISTANCE OF 921.24 FEET; THENCE SOUTHERLY ALONG A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.42 FEET AND CHORD BEARING SOUTH 45 DEGREES 52 MINUTES 42 SECONDS EAST; THENCE NORTH 38 DEGREES 57 MINUTES 05 SECONDS EAST, A DISTANCE OF 888.16 FEET ALONG A LINE PARALLEL TO THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30; THENCE NORTH 01 DEGREES 02 MINUTES 55 SECONDS WEST, A DISTANCE OF 7.00 FEET ALONG A LINE PERPENDICULAR TO THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30; THENCE NORTH 88 DEGREES 57 MINUTES 05 SECONDS EAST, A DISTANCE OF 300.00 FEET ALONG A LINE PARALLEL TO THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30; THENCE EASTERLY ALONG A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 160.00 FEET, AN ARC DISTANCE OF 29.88 FEET AND CHORD BEARING NORTH 83 DEGREES 36 MINUTES 06 SECONDS EAST; THENCE NORTH 78 DEGREES 15 MINUTES 07 SECONDS EAST, A DISTANCE OF 607.07 FEET; THENCE EASTERLY ALONG A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 240.00 FEET, AN ARC DISTANCE OF 44.82 FEET AND CHORD BEARING NORTH 83 DEGREES 36 MINUTES 06 SECONDS EAST; THENCE NORTH 88 DEGREES 57 MINUTES 05 SECONDS EAST, A DISTANCE OF 669.41 FEET ALONG A LINE PARALLEL TO THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30; THENCE EASTERLY ALONG A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 160.00 FEET, AN ARC DISTANCE OF 68.56 FEET AND CHORD BEARING NORTH 76 DEGREES 40 MINUTES 32 SECONDS EAST; THENCE NORTH 64 DEGREES 23 MINUTES 59 SECONDS EAST, A DISTANCE OF 189.92 FEET; THENCE NORTHEASTERLY ALONG A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 240.00 FEET, AN ARC DISTANCE OF 113.93 FEET AND CHORD BEARING NORTH 77 DEGREES 59 MINUTES 57 SECONDS EAST; THENCE SOUTH 88 DEGREES 24 MINUTES 06 SECONDS EAST, A DISTANCE OF 159.57 FEET ALONG A LINE PERPENDICULAR TO THE CENTERLINE OF GIFFORD ROAD TO A LINE 33.00 FEET WEST OF SAID CENTERLINE OF GIFFORD ROAD; THENCE SOUTH 01 DEGREES 35 MINUTES 54 SECONDS WEST A DISTANCE OF 80.00 FEET ALONG SAID LINE 33.00 FEET WEST OF SAID CENTERLINE OF GIFFORD ROAD, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO:

EXCEPTING FROM THE ABOVE DESCRIBED PARCELS 1, 2A AND 2B, THAT PART OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, THE FOLLOWING DESCRIBED PARCEL - DETENTION AREA: COMMENCING AT A POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30 AND THE CENTERLINE OF GIFFORD ROAD; THENCE NORTH 01 DEGREES 35 MINUTES 54 SECONDS EAST, A DISTANCE OF 346.30 FEET ALONG SAID CENTERLINE OF GIFFORD ROAD; THENCE NORTH 88 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 192.57 FEET ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE; THENCE WESTERLY ALONG A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 240.00 FEET, AN ARC DISTANCE OF 113.93 FEET AND CHORD BEARING SOUTH 77 DEGREES 59 MINUTES 57 SECONDS WEST; THENCE SOUTH 64 DEGREES 23 MINUTES 59 SECONDS WEST, A DISTANCE OF 189.92 FEET; THENCE WESTERLY ALONG A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 160.00 FEET, AN ARC DISTANCE OF 68.56 FEET AND CHORD BEARING SOUTH 76 DEGREES 40 MINUTES 32 SECONDS WEST; THENCE SOUTH 88 DEGREES 57 MINUTES 05 SECONDS WEST, A DISTANCE OF 669.41 FEET, ALONG A LINE PARALLEL TO THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID

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SECTION 30; THENCE SOUTHWESTERLY ALONG A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 240.00 FEET, AN ARC DISTANCE OF 44.82 FEET AND CHORD BEARING SOUTH 83 DEGREES 36 MINUTES 06 SECONDS WEST; THENCE SOUTH 78 DEGREES 15 MINUTES 07 SECONDS WEST, A DISTANCE OF 607.07 FEET THENCE WESTERLY ALONG A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 160.00 FEET, AN ARC DISTANCE OF 29.88 FEET AND CHORD BEARING SOUTH 83 DEGREES 36 MINUTES 06 SECONDS WEST; THENCE SOUTH 88 DEGREES 57 MINUTES 05 SECONDS WEST, A DISTANCE OF 300.00 FEET, ALONG A LINE PARALLEL TO THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30; THENCE SOUTH 01 DEGREES 02 MINUTES 55 SECONDS EAST, A DISTANCE OF 7.00 FEET; THENCE SOUTH 88 DEGREES 57 MINUTES 05 SECONDS WEST, A DISTANCE OF 888.16 FEET, ALONG A LINE PARALLEL TO THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30; THENCE NORTHERLY ALONG A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.42 FEET AND CHORD BEARING NORTH 45 DEGREES 52 MINUTES 42 SECONDS WEST; THENCE NORTH 00 DEGREES 42 MINUTES 29 SECONDS WEST, A DISTANCE OF 921.20 FEET; THENCE NORTHERLY ALONG A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 197.00 FEET, AN ARC DISTANCE OF 39.16 FEET AND CHORD BEARING NORTH 04 DEGREES 59 MINUTES 14 SECONDS EAST; THENCE NORTH 10 DEGREES 40 MINUTES 57 SECONDS EAST, A DISTANCE OF 145.48 FEET; THENCE NORTHEASTERLY ALONG A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 107.00 FEET, AN ARC DISTANCE OF 148.13 FEET AND CHORD BEARING NORTH 50 DEGREES 20 MINUTES 29 SECONDS EAST; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 29.35 FEET; THENCE NORTHEASTERLY ALONG A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 173.00 FEET, AN ARC DISTANCE OF 271.75 FEET AND CHORD BEARING NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 91.12 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 66.00 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 31.69 FEET CONTINUING ALONG THE LAST DESCRIBED COURSE; THENCE NORTH 01 DEGREES 29 MINUTES 18 SECONDS WEST, A DISTANCE OF 663.10 FEET; THENCE NORTH 15 DEGREES 16 MINUTES 46 SECONDS WEST, A DISTANCE OF 88.04 FEET; THENCE NORTH 27 DEGREES 35 MINUTES 43 SECONDS WEST, A DISTANCE OF 58.67 FEET; THENCE SOUTH 89 DEGREES 09 MINUTES 39 SECONDS WEST, A DISTANCE OF 131.18 FEET; THENCE NORTH 00 DEGREES 50 MINUTES 21 SECONDS WEST, A DISTANCE OF 226.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE WESTERLY ALONG A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1855.49 FEET, AN ARC DISTANCE OF 176.60 FEET AND CHORD BEARING NORTH 83 DEGREES 17 MINUTES 02 SECONDS WEST ALONG SAID SOUTH RIGHT-OF-WAY; THENCE SOUTH 00 DEGREES 50 MINUTES 21 SECONDS EAST, A DISTANCE OF 249.71 FEET; THENCE SOUTH 89 DEGREES 09 MINUTES 39 SECONDS WEST, A DISTANCE OF 238.05 FEET; THENCE SOUTH 54 DEGREES 02 MINUTES 07 SECONDS WEST, A DISTANCE OF 57.05 FEET; THENCE SOUTH 19 DEGREES 02 MINUTES 57 SECONDS WEST, A DISTANCE OF 79.62 FEET; THENCE SOUTH 01 DEGREES 40 MINUTES 46 SECONDS WEST A DISTANCE OF 1098.59 FEET; THENCE NORTH 88 DEGREES 09 MINUTES 19 SECONDS EAST, A DISTANCE OF 397.88 FEET, ALONG A LINE PARALLEL TO THE EASTERLY EXTENSION OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE EASTERLY ALONG A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 40.00 FEET, AN ARC DISTANCE OF 54.09 FEET AND CHORD BEARING NORTH 49 DEGREES 25 MINUTES 08 SECONDS EAST; THENCE NORTH

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10 DEGREES 40 MINUTES 57 SECONDS EAST, A DISTANCE OF 31.18 FEET; THENCE NORTHERLY ALONG A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 173.00 FEET, AN ARC DISTANCE OF 239.49 FEET AND CHORD BEARING NORTH 50 DEGREES 20 MINUTES 29 SECONDS EAST; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 29.35 FEET; THENCE EASTERLY ALONG A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 107.00 FEET, AN ARC DISTANCE OF 168.08 FEET AND CHORD BEARING NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 91.12 FEET, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO:

EXCEPTING FROM THE ABOVE DESCRIBED PARCELS 1, 2A AND 2B, THAT PART OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30 AND THE CENTERLINE OF GIFFORD ROAD; THENCE NORTH 01 DEGREES 35 MINUTES 54 SECONDS EAST, A DISTANCE OF 346.30 FEET ALONG SAID CENTERLINE OF GIFFORD ROAD; THENCE NORTH 88 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 192.57 FEET ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE AND ALSO BEING THE NORTH LINE OF VULCAN BOULEVARD AND ITS EASTERLY EXTENSION RECORDED SEPTEMBER 8, 2004 AS DOCUMENT NO. 0425234104; THENCE THE FOLLOWING FOUR COURSES ALONG SAID NORTH LINE OF VULCAN BOULEVARD: THENCE WESTERLY ALONG A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 240.00 FEET, AN ARC DISTANCE OF 113.93 FEET AND CHORD BEARING SOUTH 77 DEGREES 59 MINUTES 57 SECONDS WEST; THENCE SOUTH 64 DEGREES 23 MINUTES 59 SECONDS WEST, A DISTANCE OF 189.92 FEET; THENCE WESTERLY ALONG A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 160.00 FEET, AN ARC DISTANCE OF 68.56 FEET AND CHORD BEARING SOUTH 76 DEGREES 40 MINUTES 32 SECONDS WEST; THENCE SOUTH 88 DEGREES 57 MINUTES 05 SECONDS WEST, A DISTANCE OF 474.98 FEET ALONG A LINE PARALLEL TO THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 1327.71 FEET; THENCE SOUTH 87 DEGREES 53 MINUTES 30 SECONDS WEST, A DISTANCE OF 349.92 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 598.29 FEET TO THE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 899.40 FEET CONTINUING ALONG THE LAST DESCRIBED COURSE; THENCE NORTH 01 DEGREES 29 MINUTES 18 SECONDS WEST, A DISTANCE OF 663.10 FEET; THENCE NORTH 15 DEGREES 16 MINUTES 46 SECONDS WEST, A DISTANCE OF 88.04 FEET; THENCE NORTH 27 DEGREES 35 MINUTES 43 SECONDS WEST, A DISTANCE OF 58.67 FEET; THENCE SOUTH 89 DEGREES 09 MINUTES 39 SECONDS WEST, A DISTANCE OF 131.18 FEET; THENCE NORTH 00 DEGREES 50 MINUTES 21 SECONDS WEST, A DISTANCE OF 226.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE WESTERLY ALONG A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1855.49 FEET, AN ARC DISTANCE OF 576.37 FEET AND CHORD BEARING SOUTH 71 DEGREES 39 MINUTES 30 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY; THENCE SOUTH 62 DEGREES 45 MINUTES 34 SECONDS EAST, A DISTANCE OF 541.67 FEET CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 530.77 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 65.00 FEET, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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ALSO:

EXCEPTING FROM THE ABOVE DESCRIBED PARCELS 1, 2A AND 2B, THAT PART OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30 AND THE CENTERLINE OF GIFFORD ROAD; THENCE NORTH 01 DEGREES 35 MINUTES 54 SECONDS EAST, A DISTANCE OF 346.30 FEET, ALONG SAID CENTERLINE OF GIFFORD ROAD; THENCE NORTH 88 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 192.57 FEET, ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE AND ALSO BEING THE NORTH LINE OF VULCAN BOULEVARD AND IT'S EASTERLY EXTENSION RECORDED SEPTEMBER 8, 2004 AS DOCUMENT NO. 0425234104 AND AMENDED BY CERTIFICATE OF CORRECTION ON FEBRUARY 23, 2005 AS DOCUMENT NO. 0505434001; THENCE THE FOLLOWING FOUR COURSES ALONG SAID NORTH LINE OF VULCAN BOULEVARD: THENCE WESTERLY ALONG A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 240.00 FEET, AN ARC DISTANCE OF 113.93 FEET AND CHORD BEARING SOUTH 77 DEGREES 59 MINUTES 57 SECONDS WEST; THENCE SOUTH 64 DEGREES 23 MINUTES 59 SECONDS WEST, A DISTANCE OF 189.92 FEET; THENCE WESTERLY ALONG A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 160.00 FEET, AN ARC DISTANCE OF 68.56 FEET AND CHORD BEARING SOUTH 76 DEGREES 40 MINUTES 32 SECONDS WEST; THENCE SOUTH 88 DEGREES 57 MINUTES 05 SECONDS WEST, A DISTANCE OF 474.98 FEET, ALONG A LINE PARALLEL WITH SAID NORTH LINE OF THE SOUTH 1500 FEET OF SAID SECTION 30; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 1327.71 FEET; THENCE SOUTH 87 DEGREES 53 MINUTES 30 SECONDS WEST, A DISTANCE OF 349.92 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 1466.00 FEET; THENCE THE FOLLOWING 7 COURSES ALONG THE NORTHERLY RIGHT OF WAY LINE OF GRAHAM STREET AND COMISKEY ROAD PER DOCUMENT NO. 0425234104 RECORDED SEPTEMBER 8, 2004 AND AMENDED BY CERTIFICATE OF CORRECTION ON FEBRUARY 23, 2005 AS DOCUMENT NO. 0505434001: THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 91.12 FEET; THENCE SOUTHERLY ALONG A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 107.00 FEET, AN ARC DISTANCE OF 168.08 FEET AND CHORD BEARING SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 29.35 FEET; THENCE WESTERLY ALONG A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 173.00 FEET, AN ARC DISTANCE OF 239.49 FEET AND CHORD BEARING SOUTH 50 DEGREES 20 MINUTES 29 SECONDS WEST; THENCE SOUTH 10 DEGREES 40 MINUTES 57 SECONDS WEST, A DISTANCE OF 31.18 FEET; THENCE SOUTHERLY ALONG A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 40.00 FEET, AN ARC DISTANCE OF 54.09 FEET AND CHORD BEARING SOUTH 49 DEGREES 25 MINUTES 08 SECONDS WEST; THENCE SOUTH 88 DEGREES 09 MINUTES 19 SECONDS WEST, A DISTANCE OF 397.88 FEET, TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 09 MINUTES 19 SECONDS WEST, A DISTANCE OF 50.09 FEET, CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE OF GRAHAM STREET; THENCE NORTH 01 DEGREES 40 MINUTES 46 SECONDS EAST, A DISTANCE OF 572.36 FEET; THENCE SOUTH 88 DEGREES 09 MINUTES 19 SECONDS WEST, A DISTANCE OF 799.83 FEET, ALONG A LINE PARALLEL WITH SAID NORTHERLY RIGHT OF WAY LINE OF GRAHAM STREET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 00 DEGREES 20 MINUTES 16 SECONDS WEST, A DISTANCE OF 696.32 FEET, ALONG SAID WEST LINE TO THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD; THENCE THE

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FOLLOWING TWO COURSES ALONG SAID SOUTH RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD: THENCE NORTH 74 DEGREES 10 MINUTES 34 SECONDS EAST, A DISTANCE OF 561.78 FEET; THENCE EASTERLY ALONG A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1855.49 FEET, AN ARC DISTANCE OF 641.65 FEET AND CHORD BEARING NORTH 84 DEGREES 04 MINUTES 58 SECONDS EAST; THENCE SOUTH 00 DEGREES 50 MINUTES 21 SECONDS EAST, A DISTANCE OF 249.71 FEET; THENCE SOUTH 89 DEGREES 09 MINUTES 39 SECONDS WEST, A DISTANCE OF 238.05 FEET; THENCE SOUTH 54 DEGREES 02 MINUTES 07 SECONDS WEST, A DISTANCE OF 57.05 FEET; THENCE SOUTH 19 DEGREES 02 MINUTES 57 SECONDS WEST, A DISTANCE OF 79.62 FEET; THENCE SOUTH 01 DEGREES 40 MINUTES 46 SECONDS WEST, A DISTANCE OF 1098.59 FEET, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO:

## GIFFORD 300 LLC LEGAL DESCRIPTION:

### PARCEL 1:

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, LYING EAST OF THE CENTERLINE OF GIFFORD ROAD, SOUTHWESTERLY OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILWAY, AND NORTH OF THE CENTER LINE OF SPAULDING ROAD, EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT A RAILROAD SPIKE IN CONCRETE (SAID RAILROAD SPIKE BEING ON THE EAST LINE OF SAID SOUTHEAST 1/4 112.22 FEET SOUTH OF THE INTERSECTION OF SAID EAST LINE WITH THE SOUTHERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY); THENCE SOUTH 0 DEGREES ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 , 1182.07 FEET TO THE CENTER LINE OF SPAULDING ROAD; THENCE NORTH 88 DEGREES 28 MINUTES 06 SECONDS WEST ALONG SAID CENTER LINE 1273.35 FEET TO THE CENTER LINE OF GIFFORD ROAD; THENCE NORTH 01 DEGREE 47 MINUTES 34 SECONDS EAST ALONG SAID CENTER LINE 1168.49 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 23 SECONDS EAST 1236.38 FEET TO A POINT 10.31 FEET NORTH OF THE POINT OF BEGINNING (AS MEASURED ALONG SAID EAST LINE OF SOUTHEAST 1/4); THENCE SOUTH 0 DEGREES ALONG SAID EAST LINE 10.31 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY ILLINOIS.

### PARCEL 2:

THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SAID SOUTHWEST 1/4, 840 FEET SOUTH OF THE NORTHWEST CORNER, BEING A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY, FOR A POINT OF BEGINNING; THENCE SOUTH 50 FEET, ALONG AFORESAID WEST LINE TO THE SOUTHWEST 1/4; THENCE EAST 80 FEET, MORE OR LESS, TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE AFORESAID RAILROAD; THENCE NORTHWESTERLY ALONG THE AFORESAID SOUTHWESTERLY RIGHT OF WAY LINE, TO THE POINT OF BEGINNING.

### PARCEL 3:

THAT PART OF THE WEST 1/2 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS BOUNDED ON THE SOUTH

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BY THE NORTHERLY LINE OF CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT OF WAY AND BOUNDED ON THE EAST BY THE WESTERLY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY, EXCEPT THAT PART TAKEN FOR RIGHT OF WAY OF THE COMMONWEALTH EDISON COMPANY (SUCCESSOR BY MERGER TO PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS), ALSO EXCEPTING THAT PART OF SECTIONS 20 AND 29, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 29; THENCE NORTH 88 DEGREES 39 MINUTES 37 SECONDS EAST (NORTH 88 DEGREES 54 MINUTES 06 SECONDS EAST RECORD) ALONG THE NORTH LINE OF SAID SECTION 29, 31.15 FEET (29.89 FEET RECORD) TO THE WESTERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY; THENCE NORTH 09 DEGREES 03 MINUTES 09 SECONDS EAST (NORTH 09 DEGREES 15 MINUTES EAST RECORD) ALONG SAID WESTERLY RIGHT OF WAY LINE 381.80 FEET TO THE CENTER LINE OF THE OLD ROAD (FOR A POINT HEREINAFTER KNOWN AS POINT A); THENCE NORTH 69 DEGREES 42 MINUTES 53 SECONDS WEST (NORTH 69 DEGREES 27 MINUTES 30 SECONDS WEST RECORD) ALONG SAID CENTER LINE 815.99 FEET TO THE NORTH EAST CORNER OF LAND DEDICATED FOR PUBLIC HIGHWAY PURPOSES; THENCE SOUTH 17 DEGREES 09 MINUTES 20 SECONDS WEST (SOUTH 17 DEGREES 24 MINUTES 43 SECONDS WEST RECORD) 65.0 FEET TO A POINT 98.0 FEET SOUTHERLY OF THE CENTER LINE OF THE EXISTING U.S. ROUTE 20 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE NORTH 72 DEGREES 50 MINUTES 39 SECONDS WEST (NORTH 72 DEGREES 35 MINUTES 15 SECONDS WEST RECORD) ALONG THE SOUTHERLY LINE OF SAID DEDICATED LAND 108.74 FEET (109.0 FEET DEED); THENCE SOUTH 80 DEGREES 25 MINUTES 28 SECONDS WEST (SOUTH 80 DEGREES 40 MINUTES 50 SECONDS WEST RECORD) ALONG SAID SOUTHERLY LINE 176.92 FEET (177.40 FEET DEED); THENCE SOUTH 68 DEGREES 04 MINUTES 20 SECONDS WEST (SOUTH 67 DEGREES 45 MINUTES 28 SECONDS WEST RECORD) A CHORD DISTANCE OF 352.77 FEET (353.95 FEET RECORD), (SAID CHORD BEING PART OF A CURVE HAVING A RADIUS OF 272.0 FEET AND AN ARC DISTANCE OF 377.24 FEET (385.38 FEET RECORD) WHICH IS THE SOUTHERLY LINE OF SAID DEDICATED PROPERTY) TO A POINT HEREINAFTER KNOWN AS POINT B ON THE EASTERLY LINE OF COMMONWEALTH EDISON COMPANY PROPERTY, SAID LINE BEING 40.0 FEET EASTERLY OF AND PARALLEL TO A LINE DEFINED AS THE EASTERLY LINE IN DOCUMENTS 9899344 AND 9929391; THENCE SOUTH 05 DEGREES 46 MINUTES 42 SECONDS WEST (SOUTH 05 DEGREES 57 MINUTES 15 SECONDS WEST RECORD) ALONG SAID COMMONWEALTH EDISON PROPERTY 363.69 FEET (362.82 FEET RECORD) TO AN ANGLE POINT; THENCE SOUTH 08 DEGREES 17 MINUTES 38 SECONDS WEST (SOUTH 08 DEGREES 24 MINUTES 57 SECONDS WEST RECORD) ALONG SAID EASTERLY LINE OF COMMONWEALTH EDISON PROPERTY 1015.47 FEET TO THE SOUTH LINE OF THAT PART CONVEYED TO BLUFF CITY MATERIALS, INC., FKA ABBOTT CONTRACTORS OF ILLINOIS, INC. BY DOCUMENT NUMBER 88412478; THENCE SOUTH 77 DEGREES 03 MINUTES 59 SECONDS EAST (SOUTH 76 DEGREES 51 MINUTES 08 SECONDS EAST RECORD) ALONG SAID SOUTH LINE OF THAT PART CONVEYED TO BLUFF CITY MATERIALS, INC., FKA ABBOTT CONTRACTORS OF ILLINOIS, INC. 1352.07 FEET (1354.07 FEET RECORD) TO THE WESTERLY LINE OF AFORESAID ELGIN, JOLIET AND EASTERN RAILWAY COMPANY TO A POINT THAT IS 1600.00 FEET SOUTHERLY OF POINT A AFORESAID (AS MEASURED ALONG SAID WESTERLY LINE); THENCE NORTH 09 DEGREES 03 MINUTES 00 SECONDS EAST (NORTH 09 DEGREES 15 MINUTES EAST RECORD) ALONG SAID RIGHT OF WAY LINE 1019.88 (1026.83 FEET RECORD); THENCE NORTH 00 DEGREES 01 MINUTE 30 SECONDS EAST 195.12 FEET (NORTH 00 DEGREES 16 MINUTES 04 SECONDS EAST 188.31 FEET RECORD) TO THE PLACE OF BEGINNING, (EXCEPTING THEREFROM A STRIP OF LAND

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ALONG THE WESTERLY BOUNDARY THEREOF MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT POINT B AFORESAID; THENCE SOUTH 05 DEGREES 46 MINUTES 42 SECONDS WEST (SOUTH 05 DEGREES 57 MINUTES 15 SECONDS WEST RECORD) ALONG SAID EASTERLY LINE OF COMMONWEALTH EDISON PROPERTY 363.69 FEET (362.82 FEET RECORD) TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 08 DEGREES 17 MINUTES 38 SECONDS WEST (SOUTH 08 DEGREES 24 MINUTES 57 SECONDS WEST RECORD) ALONG SAID LINE 1015.47 FEET; THENCE SOUTH 77 DEGREES 03 MINUTES 59 SECONDS EAST 300.99 FEET (SOUTH 76 DEGREES 51 MINUTES 08 SECONDS EAST 301.03 FEET RECORD); THENCE SOUTH 77 DEGREES 03 MINUTES 59 SECONDS EAST (SOUTH 76 DEGREES 51 MINUTES 08 SECONDS EAST RECORD) CONTINUING ALONG SAID SOUTH LINE OF THAT PART CONVEYED TO BLUFF CITY MATERIALS, INC., FKA ABBOTT CONTRACTORS OF ILLINOIS, INC. 46.12 FEET; THENCE NORTH 08 DEGREES 16 MINUTES 15 SECONDS EAST 1033.25 FEET; THENCE NORTH 77 DEGREES 03 MINUTES 59 SECONDS WEST 45.75 FEET TO A POINT ON A LINE 300.0 FEET EASTERLY OF AND PARALLEL TO THE EASTERLY LINE OF SAID COMMONWEALTH EDISON PROPERTY; THENCE NORTH 08 DEGREES 17 MINUTES 38 SECONDS EAST (NORTH 08 DEGREES 24 MINUTES 57 SECONDS EAST RECORD) 128.41 FEET ALONG SAID PARALLEL LINE TO AN ANGLE POINT; THENCE NORTH 05 DEGREES 46 MINUTES 42 SECONDS EAST (NORTH 05 DEGREES 57 MINUTES 15 SECONDS EAST RECORD) ALONG SAID PARALLEL LINE 510.40 FEET (510.02 FEET RECORD) TO THE SOUTHERLY LINE OF LAND DEDICATED FOR HIGHWAY PURPOSES; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE BEING ON A CURVE TO THE RIGHT AND HAVING A RADIUS OF 272.0 FEET AN ARC DISTANCE OF 355.97 FEET (356.31 FEET RECORD) TO THE POINT OF BEGINNING (THE CHORD OF THE LAST DESCRIBED LINE BEARING SOUTH 70 DEGREES 44 MINUTES 36 SECONDS WEST 331.11 FEET (SOUTH 70 DEGREES 50 MINUTES 03 SECONDS WEST 331.38 RECORD)), IN COOK COUNTY, ILLINOIS; ALSO EXCEPTING: THAT PART OF SECTIONS 28 AND 29, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 29; THENCE NORTH 88 DEGREES 39 MINUTES 37 SECONDS EAST (NORTH 88 DEGREES 54 MINUTES 06 SECONDS EAST RECORD) ALONG THE NORTH LINE OF SAID SECTION 29, 31.15 FEET (29.89 FEET RECORD) TO THE WESTERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY; THENCE NORTH 09 DEGREES 03 MINUTES 09 SECONDS EAST (NORTH 09 DEGREES 15 MINUTES EAST RECORD) ALONG SAID WESTERLY RIGHT OF WAY LINE 381.80 FEET TO THE CENTER LINE OF THE OLD ROAD (FOR A POINT HEREINAFTER KNOWN AS POINT A); THENCE NORTH 69 DEGREES 42 MINUTES 53 SECONDS WEST (NORTH 69 DEGREES 27 MINUTES 30 SECONDS WEST RECORD) ALONG SAID CENTER LINE 815.99 FEET TO THE NORTH EAST CORNER OF LAND DEDICATED FOR PUBLIC HIGHWAY PURPOSES; THENCE SOUTH 17 DEGREES 09 MINUTES 20 SECONDS WEST (SOUTH 17 DEGREES 24 MINUTES 43 SECONDS WEST RECORD) 65.0 FEET TO A POINT 98.0 FEET SOUTHERLY OF THE CENTER LINE OF THE EXISTING U.S. ROUTE 20 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE NORTH 72 DEGREES 50 MINUTES 39 SECONDS WEST (NORTH 72 DEGREES 35 MINUTES 16 SECONDS WEST RECORD) ALONG THE SOUTHERLY LINE OF SAID DEDICATED LAND 108.74 FEET (109.0 FEET DEED); THENCE SOUTH 80 DEGREES 25 MINUTES 28 SECONDS WEST (SOUTH 80 DEGREES 40 MINUTES 50 SECONDS WEST RECORD) ALONG SAID SOUTHERLY LINE 176.92 FEET (177.40 FEET DEED); THENCE SOUTH 68 DEGREES 04 MINUTES 20 SECONDS WEST (SOUTH 67 DEGREES 45 MINUTES 28 SECONDS WEST RECORD) A CHORD DISTANCE OF 352.77 FEET (353.95 FEET RECORD), (SAID CHORD BEING PART OF A CURVE HAVING A RADIUS OF 272.0 FEET AND AN ARC DISTANCE OF 377.24 FEET (385.38 FEET RECORD) WHICH IS THE SOUTHERLY LINE OF SAID DEDICATED PROPERTY) TO A POINT HEREINAFTER KNOWN AS POINT B ON THE

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EASTERLY LINE OF COMMONWEALTH EDISON COMPANY PROPERTY, SAID LINE BEING 40.0 FEET EASTERLY OF AND PARALLEL TO A LINE DEFINED AS THE EASTERLY LINE IN DOCUMENTS 9899344 AND 9929391; THENCE SOUTH 05 DEGREES 46 MINUTES 42 SECONDS WEST (SOUTH 05 DEGREES 57 MINUTES 15 SECONDS WEST RECORD) ALONG SAID COMMONWEALTH EDISON PROPERTY 363.69 FEET (362.82 FEET RECORD) TO AN ANGLE POINT; THENCE SOUTH 08 DEGREES 17 MINUTES 38 SECONDS WEST (SOUTH 08 DEGREES 24 MINUTES 57 SECONDS WEST RECORD) ALONG SAID EASTERLY LINE OF COMMONWEALTH EDISON PROPERTY 1015.47 FEET TO THE SOUTH LINE OF THAT PART CONVEYED TO BLUFF CITY MATERIALS, INC., FKA ABBOTT CONTRACTORS OF ILLINOIS, INC. BY DOCUMENT NUMBER 88412478; THENCE SOUTH 77 DEGREES 03 MINUTES 59 SECONDS EAST 300.99 FEET (SOUTH 76 DEGREES 51 MINUTES 08 SECONDS 301.03 FEET RECORD); THENCE SOUTH 77 DEGREES 03 MINUTES 59 SECONDS EAST (SOUTH 76 DEGREES 51 MINUTES 08 SECONDS EAST RECORD) CONTINUING ALONG SAID SOUTH LINE OF THAT PART CONVEYED TO BLUFF CITY MATERIALS, INC., FKA ABBOTT CONTRACTORS OF ILLINOIS, INC. 46.12 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 77 DEGREES 03 MINUTES 59 SECONDS EAST (SOUTH 76 DEGREES 51 MINUTES 08 SECONDS EAST RECORD) CONTINUING ALONG SAID SOUTH LINE OF THAT PART CONVEYED TO BLUFF CITY MATERIALS, INC., FKA ABBOTT CONTRACTORS OF ILLINOIS, INC. 1009.96 FEET TO THE WESTERLY LINE OF THE AFORESAID ELGIN, JOLIET AND EASTERN RAILWAY COMPANY TO A POINT THAT IS 1600.00 FEET SOUTHERLY OF POINT A AFORESAID (AS MEASURED ALONG SAID WESTERLY LINE); THENCE SOUTH 09 DEGREES 03 MINUTES 00 SECONDS WEST ALONG SAID WESTERLY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY 115.12 FEET; THENCE NORTH 77 DEGREES 03 MINUTES 59 SECONDS WEST ALONG A LINE PARALLEL TO SAID SOUTH LINE OF THAT PART CONVEYED TO BLUFF CITY MATERIALS, INC., FKA ABBOTT CONTRACTORS OF ILLINOIS, INC. 1008.39 FEET; THENCE NORTH 08 DEGREES 16 MINUTES 15 SECONDS EAST 115.23 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

#### PARCEL 4:

THAT PART OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING EAST OF THE CENTERLINE OF GIFFORD ROAD AND NORTHERLY OF THE NORTHERLY RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD, IN COOK COUNTY, ILLINOIS.

#### PARCEL 5:

THAT PART OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE CENTER LINE OF GIFFORD ROAD (EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT A STONE AT THE SOUTH EAST CORNER OF SAID SECTION; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 1176 FEET TO THE CENTER OF GIFFORD ROAD; THENCE NORTH 1 DEGREE 31 MINUTES EAST ALONG THE CENTER LINE OF SAID ROAD 776 FEET FOR A POINT OF BEGINNING; THENCE NORTH 1 DEGREE 31 MINUTES EAST ALONG THE CENTER OF SAID ROAD 1129 FEET TO THE CENTER LINE OF STATE ROAD ALSO KNOWN AS LAKE STREET; THENCE SOUTH 56 DEGREES 35 MINUTES EAST ALONG THE CENTER LINE OF SAID STATE ROAD 473 FEET; THENCE SOUTH 71 DEGREES 45 MINUTES EAST ALONG THE CENTER LINE OF STATE ROAD 2184 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 0 DEGREES 58 MINUTES WEST ALONG SAID EAST LINE 314 FEET; THENCE NORTH 72 DEGREES 39 MINUTES 0 SECONDS WEST 669 FEET; THENCE NORTH 86 DEGREES 08 MINUTES WEST 1054 FEET; THENCE NORTH 87 DEGREES 34 MINUTES WEST 462 FEET;



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THENCE SOUTH 51 DEGREES 47 MINUTES WEST 297 FEET; THENCE NORTH 82 DEGREES 42 MINUTES WEST 107 FEET TO THE POINT OF BEGINNING), IN COOK COUNTY, ILLINOIS

## PARCEL 6:

THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTH LINE FRONTAGE ROAD AND WEST OF THE WEST RIGHT OF WAY LINE OF THAT PART TAKEN FOR COMMONWEALTH EDISON, ALSO (EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH LINE OF FRONTAGE ROAD AND THE WEST LINE OF SECTION 20; THENCE SOUTHEASTERLY ALONG THE SOUTHERLY LINE OF FRONTAGE ROAD A DISTANCE OF 260 FEET, MORE OR LESS; THENCE WESTERLY 240 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID SECTION; THENCE NORTH 60 FEET, MORE OR LESS, TO THE POINT OF BEGINNING), ALL IN COOK COUNTY, ILLINOIS.

## PARCEL 7:

THAT PART OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 20; THENCE NORTH 88 DEGREES 54 MINUTES 06 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 20, 29.89 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY; THENCE NORTH 09 DEGREES 15 MINUTES EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, 381.80 FEET TO THE CENTER LINE OF THE OLD ROAD (U.S. ROUTE 20); THENCE NORTH 69 DEGREES 27 MINUTES 30 SECONDS WEST ALONG SAID CENTER LINE, 815.99 FEET TO THE NORTH EAST CORNER OF LAND DEDICATED FOR PUBLIC HIGHWAY PURPOSES; THENCE SOUTH 17 DEGREES 24 MINUTES 43 SECONDS WEST, 65.0 FEET TO A POINT 98.0 FEET SOUTHERLY OF THE CENTER LINE OF THE EXISTING U.S. ROUTE 20 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE NORTH 72 DEGREES 35 MINUTES 16 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID DEDICATED LAND, 108.74 FEET MEASURED (109.0 FEET DEED); THENCE SOUTH 80 DEGREES 40 MINUTES 50 SECONDS WEST ALONG SAID SOUTHERLY LINE, 176.92 FEET MEASURED (177.40 FEET DEED); THENCE SOUTH 67 DEGREES 45 MINUTES 28 SECONDS WEST A CHORD DISTANCE OF 353.95 FEET, (SAID CHORD BEING PART OF A CURVE HAVING A RADIUS OF 272.0 FEET AND AN ARC DISTANCE OF 385.38 FEET WHICH IS THE SOUTHERLY LINE OF SAID DEDICATED PROPERTY) TO A POINT ON THE EASTERLY LINE OF COMMONWEALTH EDISON COMPANY PROPERTY, SAID LINE BEING 40.0 FEET EASTERLY OF AND PARALLEL TO A LINE DEFINED AS THE EASTERLY LINE IN DOCUMENTS 9899344 AND 9929391 ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 05 DEGREES 27 MINUTES 47 SECONDS WEST MEASURED, (SOUTH 05 DEGREES 57 MINUTES 15 SECONDS WEST DEED) ALONG SAID COMMONWEALTH EDISON PROPERTY, 363.69 FEET MEASURED (362.82 FEET DEED) TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 07 DEGREES 58 MINUTES 49 SECONDS WEST (SOUTH 08 DEGREES 24 MINUTES 57 SECONDS WEST DEED) ALONG SAID EASTERLY LINE OF COMMONWEALTH EDISON PROPERTY, 139.48 FEET TO THE SOUTH LINE OF SAID SECTION 20; THENCE NORTH 88 DEGREES 20 MINUTES 45 SECONDS EAST ALONG SAID SOUTH LINE OF SECTION 20, 304.29 FEET TO A POINT ON A LINE 300.00 FEET EASTERLY OF AND PARALLEL TO THE EASTERLY LINE OF SAID COMMONWEALTH EDISON PROPERTY; THENCE NORTH 07 DEGREES 58 MINUTES 49 SECONDS EAST MEASURED (NORTH 08 DEGREES 24 MINUTES 57 SECONDS EAST DEED), 95.14 FEET ALONG SAID PARALLEL LINE TO AN ANGLE POINT; THENCE NORTH 05 DEGREES 27 MINUTES 47 SECONDS EAST

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MEASURED (NORTH 05 DEGREES 57 MINUTES 15 SECONDS EAST DEED), 510.39 FEET MEASURED (510.02 FEET DEED) ALONG SAID PARALLEL LINE TO THE SOUTHERLY LINE OF LAND DEDICATED FOR HIGHWAY PURPOSES TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 272.0 FEET, AN ARC DISTANCE OF 355.97 FEET MEASURED (356.31 FEET DEED) AND A CHORD BEARING SOUTH 70 DEGREES 25 MINUTES 44 SECONDS WEST (SOUTH 70 DEGREES 25 MINUTES 44 SECONDS WEST DEED), TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO:

EXCEPTING FROM THE ABOVE DESCRIBED PARCELS 1, 2, 3, 4, 5, 6 AND 7, THAT PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 29 AND THE EAST HALF OF THE NORTHEAST 1/4 OF SECTION 30, ALL IN TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD AND THE WEST LINE OF THE COM ED RIGHT OF WAY PER DOCUMENT NUMBER 9899344 AND 9929391; THENCE NORTH 00 DEGREES 10 MINUTES 09 SECONDS EAST, A DISTANCE OF 453.90 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE; THENCE NORTH 08 DEGREES 23 MINUTES 10 SECONDS EAST, A DISTANCE OF 668.11 FEET CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE; THENCE NORTH 81 DEGREES 36 MINUTES 50 SECONDS WEST, A DISTANCE OF 70.00 FEET ALONG A LINE PERPENDICULAR TO SAID WESTERLY RIGHT OF WAY TO THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 20 MINUTES 16 SECONDS WEST, A DISTANCE OF 1056.44 FEET; THENCE NORTH 00 DEGREES 45 MINUTES 57 SECONDS EAST, A DISTANCE OF 596.39 FEET, ALONG A LINE PARALLEL TO THE CENTERLINE OF GIFFORD ROAD; THENCE SOUTH 87 DEGREES 20 MINUTES 16 SECONDS EAST, A DISTANCE OF 1135.93 FEET TO A POINT 70.00 FEET WESTERLY OF SAID WESTERLY RIGHT OF WAY AS MEASURED PERPENDICULAR TO SAID WESTERLY RIGHT OF WAY; THENCE SOUTH 08 DEGREES 23 MINUTES 10 SECONDS WEST, A DISTANCE OF 599.05 FEET ALONG A LINE PARALLEL TO SAID WESTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO:

EXCEPTING FROM THE ABOVE DESCRIBED PARCELS 1, 2, 3, 4, 5, 6 AND 7, THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD AND THE WEST LINE OF THE COMMONWEALTH EDISON RIGHT OF WAY, PER DOCUMENT NUMBER 9899344 AND 9929391; THENCE NORTH 62 DEGREES 45 MINUTES 34 SECONDS WEST, ALONG SAID NORTHERLY RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD, A DISTANCE OF 2069.93 FEET, TO THE CENTER LINE OF GIFFORD ROAD; THENCE NORTH 00 DEGREES 45 MINUTES 57 SECONDS EAST, ALONG SAID CENTER LINE OF GIFFORD ROAD, A DISTANCE OF 382.02 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 03 SECONDS EAST, PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 33.00 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 45 MINUTES 57 SECONDS EAST, A DISTANCE OF 588.60 FEET ALONG THE APPARENT EAST RIGHT OF WAY LINE OF GIFFORD ROAD; THENCE SOUTH 89 DEGREES 14 MINUTES 03 SECONDS EAST, A DISTANCE OF 712.48 FEET

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TO A LINE 66.00 FEET WEST OF AND PARALLEL TO THE WEST LINE OF PROPERTY CONVEYED TO WASTE MANAGEMENT OF ILLINOIS, INC. BY DEED DOCUMENT 0600443210 RECORDED JANUARY 4, 2006; THENCE SOUTH 0 DEGREES 45 MINUTES 57 SECONDS WEST, A DISTANCE OF 728.88 FEET ALONG SAID PARALLEL LINE; THENCE NORTH 87 DEGREES 20 MINUTES 16 SECONDS WEST, A DISTANCE OF 36.57 FEET; THENCE NORTH 49 DEGREES 39 MINUTES 46 SECONDS WEST, A DISTANCE OF 114.26 FEET; THENCE NORTH 84 DEGREES 31 MINUTES 54 SECONDS WEST, A DISTANCE OF 570.85 FEET; THENCE NORTH 43 DEGREES 24 MINUTES 12 SECONDS WEST, A DISTANCE OF 27.17 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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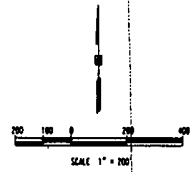
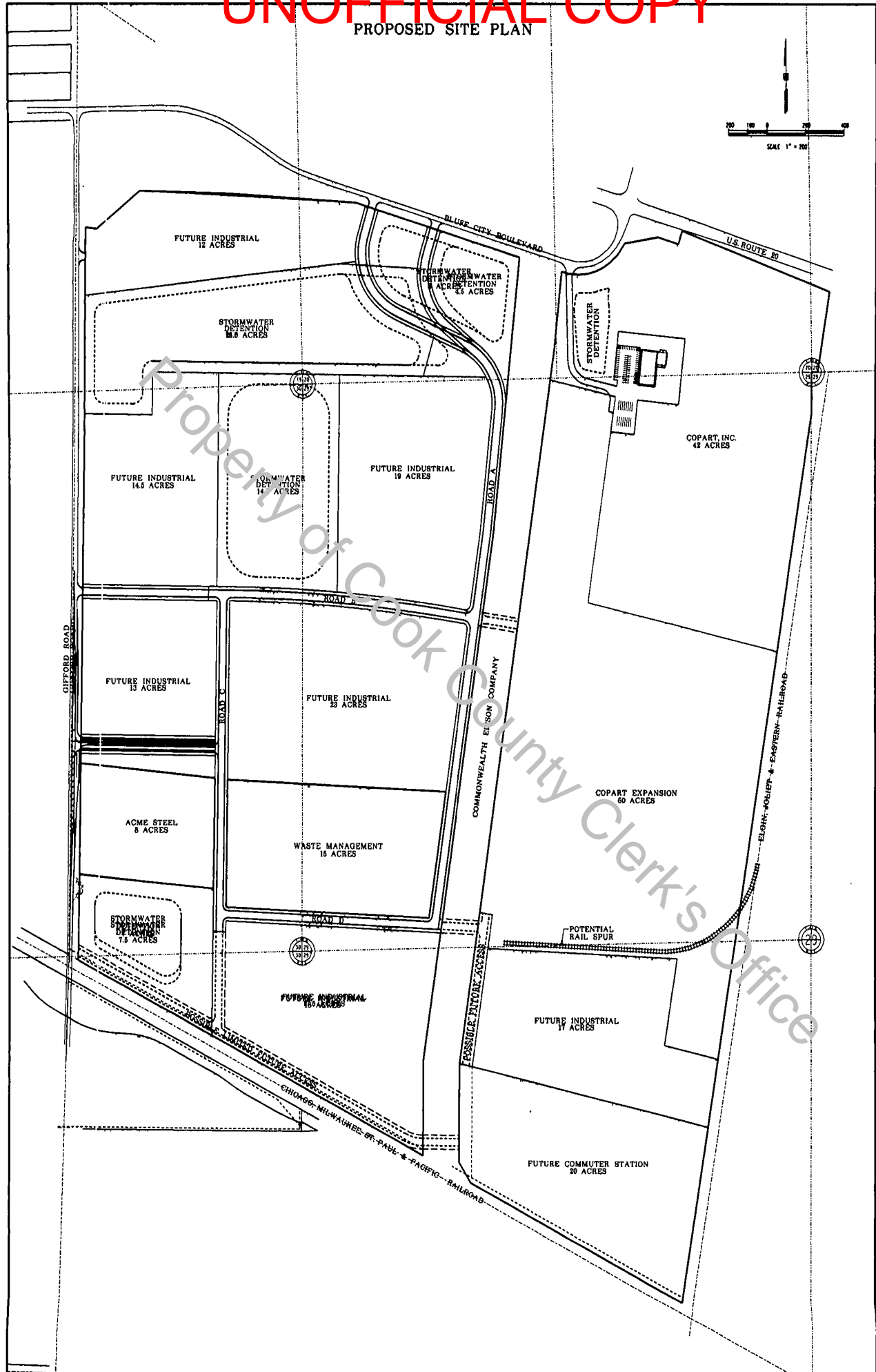
SCHEDULE C-3(a)  
CONCEPT PLAN  
(To be annexed)

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## PROPOSED SITE PLAN



Property of Cook County Clerk's Office

**MACKIE CONSULTANTS LLC**  
 9575 W HIGGINS RD, SLATE 500, ROSEMONT, IL 60018  
 647-696-1400 FAX 647-696-1410  
 ENGINEERS PLANNERS SURVEYORS  
 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NUMBER 184-002884

DATE	DESCRIPTION OF REVISION	BY

DESIGNED	SK
DRAWN	MRD
APPROVED	MTB
DATE	11-19-04
SCALE	1" = 200'

**PROPOSED SITE PLAN**  
**ELGIN, ILLINOIS**

SHEET  
**1 of 1**  
 PROJECT NUMBER: 082  
 FILE NUMBER: 0803841004D  
 © MACKIE CONSULTANTS LLC, 2004

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SCHEDULE C-3(b)

**ASSOCIATION EXPENSE AND SSA ALLOCATION SUMMARY (TO BE ANNEXED)**

(To be annexed)

Property of Cook County Clerk's Office



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Schedule 14 (a-2)

## Association and SSA Allocation Summary Gifford 300, LLC

	All - Net			(164.88)	(224.86)
	Acreage	% of Total E/W	% of Total w/o Copart		% of Total w/o Copart - existing
<b>East</b>					
Parcel					
Copart	45.93	32 -			
Copart Expansion*	59.98	41.8 -			26.7
Industrial - East	17.67	12.3		10.7	7.9
Future Commuter	<u>20</u>	<u>13.9</u>		12.1	8.9
<b>Subtotal - East</b>	<b>143.58</b>	<b>100</b>			
<b>West</b>					
Acme	10	7.9		6.1	4.4
Waste Management	15	11.8		9.1	6.7
BCM - C&D/Recycle	20.82	16.3		12.6	9.3
Future Industrial*	<u>81.39</u>	<u>64</u>		<u>49.4</u>	<u>36.2</u>
<b>Subtotal - West</b>	<b>127.21</b>	<b>100</b>		<b>100</b>	<b>100.1</b>
Grand Total - All Det. Acreage	270.79				
Grand Total w/o Copart - All	164.88				
Grand Total w/o Copart 45.93	224.86				

\*Subject to adjustment based on future expansion, development and ultimate configuration of roads, retention ponds and other common areas

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SCHEDULE C-10(a)

SURVEY

(To be annexed)

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SCHEDULE C-10(b)  
NICOR GAS PLAT  
(To be annexed)

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# UNOFFICIAL COPY

SCHEDULE C-11  
**STORM SEWER AND DETENTION PLAT**  
(To be annexed)

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PLAINT AFFIDAVIT

2007-01716-1

STATE OF ILLINOIS

} SS

COUNTY OF COOK

Dean W. Kelley, being duly sworn on oath, states that he resides at 2250 Southwind Blvd., Bartlett, IL 60103. 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 of size which does not involve any new streets or easements of access.
3. The division 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 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.

*Dean W. Kelley*  
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SUBSCRIBED AND SWORN to before me this 10 day of January 2008.

*[Signature]*  
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Notary public

