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Doc#: 0803841009 Fee: \$60.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 02/07/2008 09:51 AM Pg: 1 of 19

07-01714

(The above space is reserved for the Recorder's use.)

**GRANT OF TEMPORARY INGRESS/EGRESS EASEMENT
AND CONSTRUCTION EASEMENT**

PREMIER TITLE

THIS GRANT OF TEMPORARY INGRESS/EGRESS EASEMENT AND CONSTRUCTION EASEMENT (the "Agreement") is made and entered into this 11th day of JANUARY, 2008, by and between **ACME REFINING COMPANY**, an Illinois corporation, d/b/a **ACME REFINING SCRAP IRON & METAL COMPANY** ("Grantor") and **GIFFORD 300, LLC**, an Illinois limited liability company (the "Gifford"). Grantor and Gifford are sometimes collectively hereinafter referred to as the "Parties", or individually as a "Party".

WITNESSETH:

WHEREAS, Grantor is the owner of certain real property located in Cook County, Illinois, legally described on Exhibit A attached hereto and incorporated herein (the "Grantor Property");

WHEREAS, Gifford is the owner of certain real property situated in Cook County, Illinois, legally described on Exhibit B attached hereto and incorporated herein (the "Gifford 300 Industrial Park Property");

WHEREAS, part of the Gifford 300 Industrial Park Property includes an access road, which graphically depicted and legally described in Exhibit C attached hereto and incorporated herein (the "Temporary Access Road"), currently being used by Gifford, Grantor, the City of Elgin, the owner of the Waste Management property to the east of the Grantor Property (the "Waste Management Property") and others, and connects the Waste Management Property to Bluff City Boulevard;

WHEREAS, it is anticipated that within five (5) years from the date of this Agreement and at Grantor's option, Grantor will construct permanent roadways to connect the Grantor Property, the Waste Management Property and the Gifford 300 Industrial Park Property to both Bluff City

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Boulevard and Gifford Road as depicted in the Concept Plan for the Gifford 300 Industrial Park Property attached hereto as Exhibit D, and will make other roadway improvements including but not limited to street lights, drainage and utilities (collectively, the "Roadway Improvements").

WHEREAS, a portion of the Temporary Access Road encroaches over the northeast corner of the Grantor Property (the "Encroachment") as depicted in the plat of the Grantor Property attached hereto as Exhibit E (the "Access Easement Area"), and Grantor agrees to grant to Gifford, the City of Elgin, the owner of the Waste Management Property, other owners and lessees, licensees, permittees, designees, invitees, contractors, sub-contractors, suppliers, employees or agents (collectively the "Grantee Parties") non-exclusive, temporary easement rights over, across and upon the Easement Area for purposes of vehicular ingress/egress pursuant to the terms and conditions set forth hereafter.

WHEREAS Grantor also agrees to grant to Gifford non-exclusive, temporary easement rights over, across and upon the Access Easement Area and such additional land surrounding the Access Easement Area (the "Construction Easement Area") required for and for purposes of removing the Encroachment and completing any and all construction work for the Roadway Improvements pursuant to the terms and conditions set forth hereafter.

NOW, THEREFORE, in consideration of the sum Ten and no/00 dollars (\$10.00), the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Gifford agree as follows:

1. **Recitals.** The foregoing recitals are restated and incorporated herein as evincing the intent of the Parties hereto.
2. **Grant of Temporary Access Easement.** Subject to the terms of this Agreement, Grantor hereby grants to the Grantee Parties a temporary, non-exclusive right and easement over, across and upon the Access Easement Area for purposes of vehicular ingress/egress.
3. **Grant of Temporary Construction Easement/Removal of Encroachment.** Subject to the terms of this Agreement, Grantor hereby grants to Gifford and its contractors, sub-contractors, suppliers, employees or agents a temporary, non-exclusive right and easement on, over, under and across the Construction Easement Area for purposes of re-routing the Temporary Access Road, removing the Encroachment and completing any and all construction work required for the Roadway Improvements. In the event Gifford fails to remove the Encroachment by September 12, 2012 and upon thirty (30) days written notice from Grantor, Gifford shall have an additional sixty (60) days from receipt of any such notice to remove the Encroachment at its sole cost and expense. In the event Gifford fails to remove the Encroachment within any such sixty (60) day period, Grantor shall have the right but not the obligation to remove the Encroachment and Gifford shall reimburse Grantor for the reasonable costs of same.
4. **Restoration.** Upon removal of the Encroachment and completion of the Roadway Improvements, Gifford, at its own cost and expense, shall remove any debris and restore,

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or cause to be restored the Construction Easement Area as nearly as may be, to the same condition than that which existed immediately prior to commencement of such activities by Gifford.

5. **Term.** This Agreement and all of the Grantee Parties' rights hereunder shall terminate on the date Gifford completes the Roadway Improvements except as otherwise provided for in paragraph 3 above.
6. **Covenants Run with Land.** All provisions of this Agreement, including the benefits and burdens, shall run with the land and are binding upon and inure to the benefit of all parties having or acquiring any right, title or interest in or to any portion of or interest or estate in the Temporary Access Road, the Grantor Property, the Gifford Property or the Waste Management Property.
7. **Notices.** All notices and other communications given under this Agreement shall be in writing and shall be deemed properly served when faxed, if delivered on the first day following delivery to an overnight courier service or on the third day after deposit in the U.S. Mail as registered or certified mail, return receipt requested, postage pre-paid, as follows:

If to Grantor: Gifford 300, LLC
 2250 Southwind Boulevard
 Bartlett, IL 60103
 Attn: Dean W. Kelley, Manager
 F: 630.497.3477

With a copy to: Maurides & Foley, L.L.C.
 2 North LaSalle Street, Suite 1800
 Chicago, Illinois 60602
 Attn.: George D. Maurides, Esq.
 F: 312.332.5666

If to Grantee: Acme Refining Company
 3357 S. Justine
 Chicago, Illinois 60608
 F: 773-822-0280
 Attention: Roger Gusloff

with a copy to: Palmisano & Lovstrand
 19 South LaSalle
 Suite 900
 Chicago, Illinois 60603
 F: 312-782-1046
 Attention: Joseph Palmisano

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8. Miscellaneous.

- (a) Words of the masculine, feminine or neuter gender shall mean and include the correlative words of other genders, and words importing the singular number shall mean and include the plural number and vice versa.
- (b) Words importing persons shall include firms, associations, partnerships (including limited partnerships) trusts, corporations and other legal entities), including, but not limited to, public bodies, as well as natural persons.
- (c) The terms “include”, “including” and similar terms shall be constructed as if followed by the phrase “without being limited to”.
- (d) This Agreement and any document or instrument executed pursuant hereto may be executed in any number of counterparts each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.
- (e) Whenever under the terms of this Agreement the time for performance of a covenant or condition falls on a Saturday, Sunday or holiday, such time for performance shall be extended to the next business day; otherwise, all references herein to “days” shall mean calendar days unless specifically designated as business days.
- (f) This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois.
- (g) Time is of the essence of this Agreement.
- (h) If any action shall be instituted by Grantor or Gifford for the enforcement of any of its rights in and under this Agreement, the prevailing party shall be entitled to recover its reasonable attorney’s fees and costs of suit.
- (i) The waiver by any party of any term, covenant, agreement or condition contained in this Agreement shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, agreement, or condition contained in this Agreement.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year noted above.

GRANTOR:

ACME REFINING COMPANY, d/b/a
ACME REFINING SCRAP IRON &
METAL COMPANY

By: 

Its: Vice President

GIFFORD:

GIFFORD 300, LLC

By: 

Its: Manager

Prepared by, and after recording, mail to:

Patrick C. Turner, Manides & Foley, L.L.C., 2 N. LaSalle Street, Suite 1800, Chicago, IL 60602

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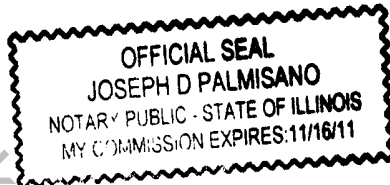
STATE OF ILLINOIS)
COUNTY OF COOK) SS

I, Joseph D. Palmisano, a Notary Public, do hereby certify that Rosary Murlatt, personally known to me to be a/an Vice-President of Some Refining Company, whose name is subscribed in the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act of said corporation, for purposes therein set forth.

Given under my hand and notarial seal this 10th day of January, 2008.

Joseph D. Palmisano
Notary Public

My commission expires:



STATE OF ILLINOIS)
COUNTY OF COOK) SS

I, PATRICK C. TURNER, a Notary Public, do hereby certify that DEAN KELLEY, personally known to me to be a/an MANAGER of ATFIELD 300, LLC, and [unclear], personally known to me to be a/an [unclear] of [unclear], whose names are subscribed in the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act, and as the free and voluntary act of said corporation, for purposes therein set forth.

Given under my hand and notarial seal this 10th day of JANUARY, 2008.

Patrick C. Turner
Notary Public

My commission expires:

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EXHIBIT A – GRANTOR PROPERTY

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, IN COOK COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 458,097 SQ. FT. OR 10.516 ACRES MORE OR LESS.

PIN'S: 06-30-201-006
06-30-201-007

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EXHIBIT B – LEGAL DESCRIPTION OF GIFFORD 300 INDUSTRIAL PARK PROPERTY

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 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

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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 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 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)

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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 20 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 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 9929591; 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);

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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; 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

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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 335.38 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 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

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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 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, IN COOK COUNTY, ILLINOIS

~~06-19-404-006
06-20-301-012
06-20-301-014
06-20-301-018
06-29-100-007
06-29-100-014
06-30-201-001
06-30-201-002
06-30-201-006
06-30-401-001
06-30-401-004~~

~~PIN'S: 06-30-302-001
06-30-101-001
06-30-402-032
06-30-100-012
06-30-407-001
06-30-407-002
06-30-101-003~~

PIN'S 06-30-201-007
06-29-100-017
06-29-100-018
06-29-100-019
06-30-400-015
06-30-400-016

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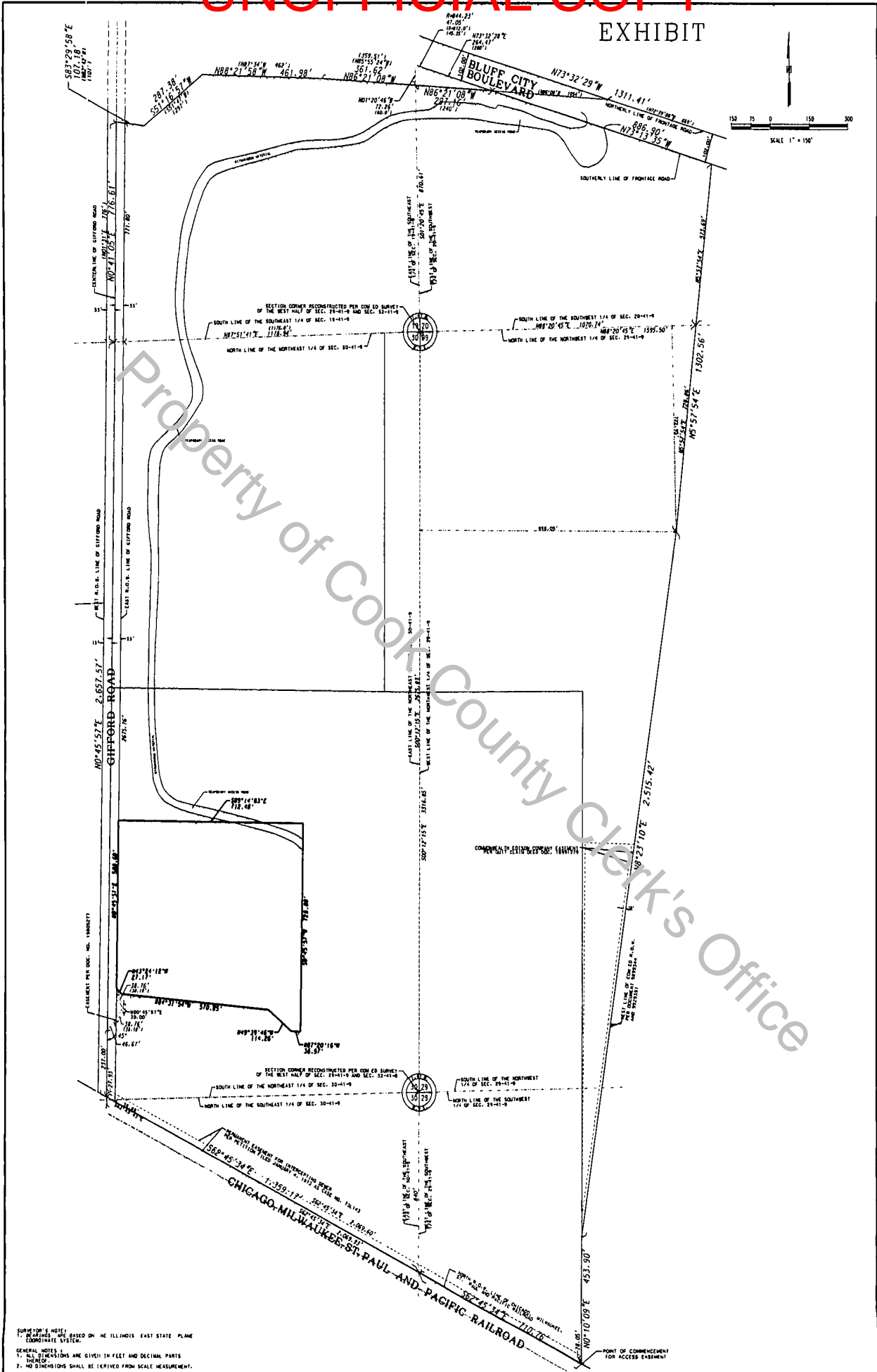
EXHIBIT C – PLAT AND LEGAL DESCRIPTION OF TEMPORARY ACCESS ROAD
(To be annexed)

Property of Cook County Clerk's Office



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EXHIBIT



SURVEYOR'S NOTE:
 1. BEARINGS ARE BASED ON THE ILLINOIS EAST STATE PLANE COORDINATE SYSTEM.
GENERAL NOTES:
 1. ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS.
 2. NO DIMENSIONS SHALL BE DERIVED FROM SCALE MEASUREMENT.

MACKIE CONSULTANTS LLC
 9375 W HIGGINS RD, SUITE 500, ROSEMONT, IL 60018
 631-858-1400 FAX 631-858-1410
 ENGINEERS PLANNERS SURVEYORS
 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NUMBER 184-002894

DATE	DESCRIPTION OF REVISION	BY	SCALE
			1"=100'

EXHIBIT
ACME - BLUFF CITY BOULEVARD
ACCESS EASEMENT
ELGIN, ILLINOIS

SHEET
1 OF **1**
 PROJECT NUMBER 1281
 FILE DEVELOPMENT EXHIBIT 1
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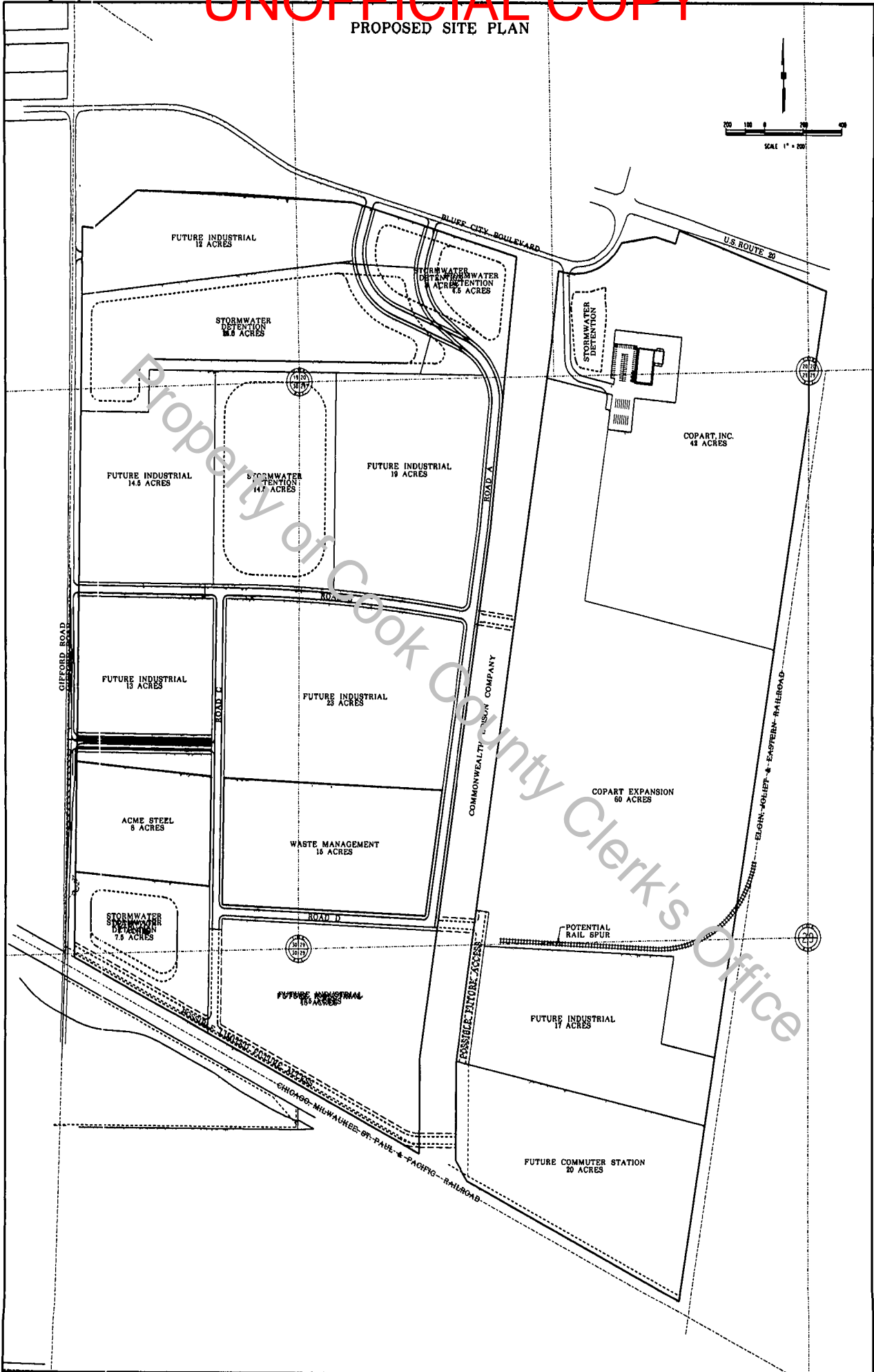
EXHIBIT D – CONCEPT PLAN FOR THE
GIFFORD 300 INDUSTRIAL PARK PROPERTY
(To be annexed)

Property of Cook County Clerk's Office



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PROPOSED SITE PLAN



MACKIE CONSULTANTS LLC
 9575 W HIGGINS RD, SUITE 500, ROSEMONT, IL 60018
 847-696-1400 FAX 847-696-1410
 ENGINEERS PLANNERS SURVEYORS
 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NUMBER 184-002684

DATE	DESCRIPTION OF REVISION

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

PROPOSED SITE PLAN
ELGIN, ILLINOIS

SHEET
1 of 1
 PROJECT NUMBER: 883
 FILE: MCK\PROJECTS\883\883.DWG
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EXHIBIT E – ALTA SURVEY GRANTOR PROPERTY

Property of Cook County Clerk's Office



