

# UNOFFICIAL COPY



Doc#: 0819234045 Fee: \$70.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 07/10/2008 09:36 AM Pg: 1 of 18

03-27747 D2  
10F1

1. **Title of Document:** Modification No. 2 to Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing
2. **Date of Document:** as of June 24, 2008
3. **Mortgagor:** Electro-Motive Diesel, Inc.
4. **Mortgagee:** Wachovia Capital Finance Corporation (Central), as Agent
5. **Mailing Address:**  
**Mortgagor:**  
9301 West 55<sup>th</sup> Street  
La Grange, Illinois 60525  
**Mortgagee:**  
150 South Wacker Drive  
Chicago, Illinois 60606
6. **Legal description:** See **Exhibit A** annexed to the document. Property tax number Parts of Tax Numbers: 18-10-400-009; 18-10-400-007; 18-10-500-003; 18-10-300-013; All of Tax Numbers: 18-10-400-008; 18-10-500-005; 18-10-300-014; 18-10-300-028;
7. **Reference(s) to Book(s) and Page(s) or Document No(s):**  
Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated as of April 4, 2005 and recorded on April 6, 2005 as Document No. 05096341 Cook County Recorder's Office; as modified by Modification No. 1 to Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated as of April 24, 2007 and recorded on April 27, 2007 as Document No. 0711734007 Cook County Recorder's Office.
8. **Prepared By and After Recording Return To:**  
Wade Wilkinson, Esq.  
Otterbourg, Steindler, Houston & Rosen, P.C.  
230 Park Avenue  
New York, NY 10169

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THIS MODIFICATION NO. 2 TO MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING (hereinafter referred to as the "Modification No.2") is made and executed as of the 24th day of June, 2008, by **ELECTO-MOTIVE DIESEL, INC.**, a Delaware corporation ("Mortgagor"), having an address at 9301 West 55<sup>th</sup> Street, LaGrange, Illinois 60525 and **WACHOVIA CAPITAL FINANCE CORPORATION (CENTRAL)** an Illinois corporation, as Agent ("Mortgagee"), acting for itself and on behalf of the financial institutions which from time to time are parties to the Loan Agreement (hereinafter defined) as Lenders, having an office at 150 South Wacker Drive, Chicago, Illinois 60606. All capitalized terms used herein and not otherwise defined herein or in the Mortgage shall have the meaning given to such terms in the Loan Agreement.

## WITNESSETH:

WHEREAS, Mortgagor is the owner of certain fee interests in real estate described in Exhibit A attached hereto;

WHEREAS, Mortgagor entered into certain financing arrangements with Mortgagee, as the agent for the Lenders, including, without limitation, a Loan and Security Agreement, dated as of April 4, 2005, as amended and restated by Amended and Restated Loan and Security Agreement, dated as of April 24, 2007 and as further amended and restated by Second Amended and Restated Loan and Security Agreement, dated as even date hereof (as the same may be amended, modified, supplemented, extended, renewed, restated, substituted for or replaced, collectively the "Loan Agreement") by and between Mortgagor, Lenders and Mortgagee, pursuant to which Lenders extended certain loans, advances and other financial accommodations to Mortgagor pursuant to the Financing Agreements; and

WHEREAS, Mortgagor has secured its obligations under the Loan Agreement, by, inter alia, executing and delivering to Mortgagee a Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing ("Mortgage") made and dated as of April 4, 2005, and recorded on April 6, 2005 as Document No. 05096341, Cook County Recorder's Office as modified by Modification No. 1 to Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated as of April 24, 2007 and recorded on April 27, 2007 as Document No. 0711734007 Cook County Recorder's Office;

WHEREAS, Borrower and Mortgagee have agreed to amend and restate the terms of the Loan Agreement which amendment and restatement provide for, among other things, an extension of the term for the financing arrangements and increase in the amount secured; and

WHEREAS, in order to induce Mortgagee and Lenders to continue to extend financial accommodations to Mortgagor pursuant to the Loan Agreement and the other Financing Agreements, and in consideration thereof, and in consideration of any loans or other financial accommodations heretofore or hereafter extended by Mortgagee and Lenders to Mortgagor, whether pursuant to the Financing Agreements or otherwise, Mortgagor desires to execute and deliver this Modification No. 2 for the benefit of Mortgagee and Lenders.

NOW, THEREFORE, in consideration of the above premises, Mortgagor and Mortgagee hereby agree as follows:

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1. Extension of Maturity Date. The maturity date of the Mortgage is hereby extended to June 24, 2013 or such earlier date as the Loan Agreement may be terminated pursuant to the terms thereof.

2. Increase in Maximum Aggregate Principal Amount of Obligations.

(a) Each reference in the Mortgage to the maximum aggregate principal amount secured by the Mortgage, whether expressed in words or numerically, is hereby increased from a sum not to exceed \$400,000,000 to a sum not to exceed \$550,000,000 at any time and from time to time outstanding; howsoever evidenced.

3. Amendment of Certain Definitions. From and after the date hereof, the following term now contained in the Mortgage shall have the meaning set forth below:

(a) "Loan Agreement" shall mean the Second Amended and Restated Loan and Security Agreement, dated as of even date herewith, as same now exists and may from time to time hereafter be amended, modified, supplemented, extended, renewed, restated or replaced.

4. Execution by Mortgagee. Mortgagee executes this Modification No. 2 to evidence its consent to the amendment effected hereby; provided, however, that such consent shall neither be nor be deemed to be a consent to, or a waiver of the necessity of obtaining the consent of Mortgagee to any future amendments.

5. No Additional Amendments. In all other respects, the Mortgage remains in full force and effect as to the Mortgaged Property, and is in full force and effect upon the execution, delivery and recordation of this Modification No. 2.

6. Further Assurances. At the request of the Mortgagee, at Mortgagor's expense, Mortgagor agrees to execute and deliver additional documents and instruments, as may be reasonably requested, in order to effect or evidence more fully the matters covered hereby.

7. Entire Agreement. This Modification No. 2 contains the entire agreement of the parties with respect to the subject matter hereof and supersedes all prior or contemporaneous term sheets, proposals, discussions, negotiations, correspondence, commitments and communications between or among the parties concerning the subject matter hereof. This Modification No. 2 may not be modified or any provision waived, except in writing signed by the party against whom such modification or waiver is sought to be enforced. Except as specifically modified pursuant hereto, the Mortgage shall remain in full force and effect in accordance with the original terms thereof.

8. Counterparts. This Modification No. 2 may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute but one instrument.

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IN WITNESS WHEREOF, the parties hereto have caused its name to be signed on this instrument by its proper officer thereunto duly authorized as of the date first above written.

**MORTGAGOR:**

**ELECTRO-MOTIVE DIESEL, INC.** a Delaware corporation

By: [Handwritten Signature]  
Name: Thomas W. Rissman  
Title: Vice President and General Counsel

Property of Cook County Clerk's Office

**STATE OF ILLINOIS )**  
**COUNTY OF COOK )**

) ss.

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of June, 2008 by Thomas W. Rissman as Vice President and General Counsel of Electro-Motive Diesel, Inc., a Delaware corporation, on behalf of the corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

[Handwritten Signature]  
Notary Public

Serial Number, if any: \_\_\_\_\_

[SEAL]

My commission expires:

11-22-2008



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IN WITNESS WHEREOF, the parties hereto have caused its name to be signed on this instrument by its proper officer thereunto duly authorized as of the date first above written.

MORTGAGEE:

**WACHOVIA CAPITAL FINANCE CORPORATION (CENTRAL), as Agent,**

By: *Vicky Geist*  
 Name: Vicky Geist  
 Title: Director

STATE OF ILLINOIS                     )  
   ) ss.  
 COUNTY OF COOK                        )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of June, 2008 by Vicky Geist, as a Director of Wachovia Capital Finance Corporation (Central), an Illinois corporation, on behalf of the corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

*Cherimin Pascual*  
 Notary Public

Serial Number, if any: \_\_\_\_\_

[SEAL]

My commission expires:

10/07/08



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## EXHIBIT A

### Description of Land

(See Attached)

Parts of Tax Numbers: 18-10-400-009; 18-10-400-007; 18-10-500-003; 18-10-300-013;

All of Tax Numbers: 18-10-400-008; 18-10-500-005; 18-10-300-014; 18-10-300-028;

ADDRESS 9301 W. 95TH ST., LA GRANGE

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## LEGAL DESCRIPTION:

## PARCEL 1:

LOTS 1 AND 2 (EXCEPT ALL THAT PART THEREOF LYING NORTHEASTERLY OF A LINE 29 FEET, MEASURED BY RECTANGULAR MEASUREMENT, SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF THE BALTIMORE AND OHIO CHICAGO TERMINAL RAILROAD RIGHT OF WAY CONVEYED TO BALTIMORE AND OHIO TERMINAL RAILROAD COMPANY BY DEED RECORDED NOVEMBER 21, 1949 AS DOCUMENT 14679846 AND ALSO EXCEPT THAT PART OF LOT 2 LYING SOUTHEASTERLY OF A LINE 197.00 FEET SOUTHEASTERLY AND PARALLEL TO THE NORTHWESTERLY LOT OF SAID LOT 2 AND MEASURED PERPENDICULAR TO SAID NORTHWESTERLY LOT LINE CONVEYED TO THE COUNTY OF COOK BY DEED RECORDED JULY 28, 1955 AS DOCUMENT 16314952 AND ALSO EXCEPT THAT PART CONVEYED TO CENTER POINT PROPERTIES TRUST BY DEED RECORDED AS DOCUMENT NUMBER 99-598176) IN STONELEDGE, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL 2:

A PARCEL OF LAND IN THE NORTH 1224.21 FEET OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING THAT PORTION OF THE PARCEL CONVEYED BY GEORGE FIRMEINICH ON OCTOBER 29, 1931 TO BALTIMORE AND OHIO CHICAGO TERMINAL RAILROAD RECORDED IN BOOK 29823, PAGE 437 ON OCTOBER 30, 1931 AS DOCUMENT 10897302 LYING SOUTHWEST OF A LINE PARALLEL TO AND 29 FEET SOUTHWESTERLY BY RECTANGULAR MEASUREMENT FROM THE SOUTHWESTERLY LINE OF THE 66 FOOT RIGHT OF WAY CONVEYED TO CHICAGO AND CALUMET TERMINAL RAILWAY COMPANY ON OCTOBER 2, 1889 AND RECORDED OCTOBER 17, 1889 IN BOOK 2714, PAGE 317 AS DOCUMENT 1171941, SAID PARCEL BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF AFORESAID SOUTHEAST QUARTER WHICH IS 852.19 FEET EAST OF THE WEST LINE OF AFORESAID SOUTHEAST QUARTER; THENCE SOUTHEASTWARDLY 1649.26 FEET, MORE OR LESS, TO A POINT ON A LINE PARALLEL TO AND 1224.21 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHEAST QUARTER AND 1955.52 FEET EAST OF AFORESAID WEST LINE OF SAID SOUTHEAST QUARTER; THENCE EASTWARDLY ON SAID LINE 1224.21 FEET SOUTH OF THE NORTH LINE TO A POINT WHICH IS 29 FEET SOUTHWESTERLY BY RECTANGULAR MEASUREMENT FROM AFORESAID RIGHT OF WAY LINE OF RAILROAD; THENCE NORTHWESTWARDLY ALONG A LINE PARALLEL TO AND 29 FEET SOUTHWESTERLY, BY RECTANGULAR MEASUREMENT FROM SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1639.49 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF SAID QUARTER; THENCE WEST ON SAID NORTH LINE TO THE POINT OF BEGINNING.

## PARCEL 3:

THAT PART OF THE SOUTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

(Continued)

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COMMENCING AT THE INTERSECTION OF A LINE 50.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 10 AND A LINE 50.0 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 10; THENCE NORTH 01 DEGREES 09 MINUTES 08 SECONDS WEST ALONG SAID PARALLEL LINE 2,249.14 FEET; THENCE NORTH 88 DEGREES 50 MINUTES 47 SECONDS EAST 119.77 FEET; THENCE SOUTH 02 DEGREES 14 MINUTES 45 SECONDS EAST 21.55 FEET; THENCE NORTH 88 DEGREES 52 MINUTES 18 SECONDS EAST 469.95 FEET; THENCE NORTH 55 DEGREES 00 MINUTES 31 SECONDS EAST 44.16 FEET; THENCE NORTH 88 DEGREES 37 MINUTES 40 SECONDS EAST 59.69 FEET; THENCE NORTH 01 DEGREES 08 MINUTES 14 SECONDS WEST 416.13 FEET TO THE CENTER LINE OF COLUMN LINE #63; THENCE NORTH 88 DEGREES 56 MINUTES 20 SECONDS EAST ALONG SAID CENTER LINE FOR A DISTANCE OF 1,464.74 FEET; THENCE NORTH 01 DEGREES 00 MINUTES 33 SECONDS WEST 69.62 FEET; THENCE NORTH 88 DEGREES 59 MINUTES 27 SECONDS EAST 296.54 FEET; THENCE NORTH 01 DEGREES 03 MINUTES 00 SECONDS WEST 177.85 FEET; THENCE NORTH 00 DEGREES 12 MINUTES 11 SECONDS EAST 40.78 FEET TO THE POINT OF BEGINNING; SAID POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF THE PREMISES CONVEYED BY GENERAL MOTORS CORPORATION TO CENTER POINT PROPERTIES TRUST BY DEED RECORDED JUNE 22, 1999 AS DOCUMENT NUMBER 99-598176; THENCE SOUTH 00 DEGREES 12 MINUTES 11 SECONDS 40.08 FEET; THENCE SOUTH 01 DEGREE 03 MINUTES 53 SECONDS EAST 1,182.02 FEET TO A POINT OF CURVE; THENCE SOUTHWEST ALONG AN ARC OF A CIRCLE CONVEX SOUTHEASTERLY AND HAVING A RADIUS OF 328.0 FEET FOR A DISTANCE OF 238.93 FEET (THE CHORD OF SAID ARC HAVING A BEARING OF SOUTH 19 DEGREES 48 MINUTES 13 SECONDS WEST A DISTANCE OF 233.68 FEET); THENCE SOUTH 40 DEGREES 40 MINUTES 18 SECONDS WEST 492.61 FEET; THENCE SOUTH 54 DEGREES 20 MINUTES 01 SECONDS WEST 238.60 FEET; THENCE SOUTH 00 DEGREES 24 MINUTES 03 SECONDS EAST 14.85 FEET; THENCE SOUTH 89 DEGREES 35 MINUTES 57 SECONDS WEST 198.76 FEET TO A POINT ON THE EAST LINE OF CENTERPOINT MCCOOK INDUSTRIAL CENTER UNIT NO. 1 SUBDIVISION, RECORDED AS DOCUMENT NUMBER 03015566; THENCE SOUTH 00 DEGREES 36 MINUTES 02 SECONDS EAST ALONG THE EAST LINE OF SAID CENTERPOINT MCCOOK INDUSTRIAL CENTER UNIT NO. 1 SUBDIVISION AND SAID EAST LINE EXTENDED SOUTH A DISTANCE OF 1,020.94 FEET TO THE SOUTH LINE OF SAID SECTION 10; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 10 TO THE SOUTHEAST CORNER OF THE WEST HALF OF SAID SECTION 10; THENCE NORTH ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10 AND THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10 TO THE INTERSECTION WITH A LINE CONTAINING THE POINT OF BEGINNING AND WITH A BEARING OF NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, SAID LINE BEING THE SOUTH LINE OF THE PREMISES CONVEYED BY DEED RECORDED AS DOCUMENT NUMBER 99-598176 AFORESAID; THENCE DUE WEST ALONG SAID LINE TO THE POINT OF BEGINNING.

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## PARCEL 4:

AN IRREGULAR SHAPED PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE COUNTY OF COOK, IN THE STATE OF ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE WEST HALF OF SAID SECTION 10, AND THE SOUTHWESTERLY LINE OF THE 66 FOOT OF RIGHT OF WAY OF THE INDIANA HARBOR BELT RAILROAD COMPANY, SAID LAND CONVEYED BY H. H. STODDARD AND WIFE TO THE CHICAGO HAMMOND AND WESTERN RAILROAD BY WARRANTY DEED DATED FEBRUARY 28, 1898, AND RECORDED MARCH 7, 1898 AS DOCUMENT NUMBER 2656448, IN BOOK 6153 AT PAGE 306, COOK COUNTY RECORDS; THENCE NORTHWESTERLY AT AN ANGLE OF 41 DEGREES 35 MINUTES 30 SECONDS WITH THE SAID EAST LINE OF WEST HALF OF SECTION TEN AND ALONG THE SAID SOUTHWESTERLY RIGHT OF WAY LINE A DISTANCE OF 34.75 FEET TO A POINT OF CURVATURE; THENCE CONTINUING NORTHWESTERLY ALONG THE SAID SOUTHWESTERLY RIGHT OF WAY LINE, SAME BEING A CURVE CONVEX TO THE NORTHWEST AND HAVING A RADIUS OF 2932 FEET AND TANGENT TO THE LAST DESCRIBED COURSE AT SAID POINT OF CURVATURE A DISTANCE OF 851.98 FEET MORE OR LESS TO THE CENTER LINE OF PLAINFIELD ROAD (VACATED); THENCE SOUTHWESTERLY ALONG THE CENTER LINE OF PLAINFIELD ROAD (VACATED) A DISTANCE OF 84.0 FEET, MORE OR LESS, TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 2748 FEET CONVEX TO THE NORTHEAST, AND CONCENTRIC WITH THE SAID SOUTHWESTERLY LINE OF THE 66 FOOT RIGHT OF WAY; THENCE SOUTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 2748 FEET A DISTANCE OF 156.2 FEET TO A POINT OF COMPOUND CURVE CONVEX TO THE NORTHEAST AND HAVING A RADIUS OF 1154 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 1154 FEET A DISTANCE OF 991.25 FEET TO A POINT IN A LINE WHICH IS PARALLEL TO AND DISTANT 675 FEET NORTHERLY BY RECTANGULAR MEASUREMENT FROM THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10; THENCE EASTERLY ALONG THE SAID PARALLEL LINE TO THE SAID EAST LINE OF THE WEST HALF OF SECTION 10; THENCE NORTHERLY ALONG THE SAID EAST LINE OF THE WEST HALF OF SECTION 10 TO THE PLACE OF BEGINNING.

EXCEPT THEREFROM, ALL THAT PART LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

FROM THE INTERSECTION OF SAID SOUTHWESTERLY LINE OF THE 66 FOOT RIGHT OF WAY OF THE INDIANA HARBOR BELT RAILROAD COMPANY CONVEYED BY H. H. STODDARD

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AND WIFE TO THE CHICAGO HAMMOND AND WESTERN RAILROAD BY WARRANTY DEED DATED FEBRUARY 26, 1898, AND THE EAST LINE OF THE WEST HALF OF SAID SECTION 10, MEASURE SOUTH ALONG SAID EAST LINE 87.14 FEET TO THE PLACE OF BEGINNING;

THENCE, NORTHWESTERLY ALONG A STRAIGHT LINE, AT AN ANGLE OF 41 DEGREES 35 MINUTES 30 SECONDS WITH THE SAID EAST LINE OF WEST HALF OF SECTION 10, DEFLECTED FROM THE NORTH TO WEST, A DISTANCE OF 93.93 FEET;

THENCE, CONTINUING NORTHWESTERLY ALONG A STRAIGHT LINE TO ITS INTERSECTION WITH SAID SOUTHWESTERLY LINE OF THE 66 FOOT RIGHT OF WAY OF THE INDIANA HARBOR BELT RAILROAD COMPANY CONVEYED BY H.H. STODDARD AND WIFE TO THE CHICAGO HAMMOND AND WESTERN RAILROAD BY WARRANTY DEED DATED FEBRUARY 26, 1898, SAID POINT OF INTERSECTION BEING NORTHWESTERLY OF FIRST AFOREMENTIONED POINT OF CURVATURE, A CHORD DISTANCE OF 37.10 FEET;

AND ALSO EXCEPT THEREFROM THAT PART DESCRIBED AS FOLLOWS:  
COMMENCING AT THE INTERSECTION OF A LINE 50.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 10 AND A LINE 50.0 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 10; THENCE NORTH 01 DEGREES 09 MINUTES 09 SECONDS WEST ALONG SAID PARALLEL LINE 2249.14 FEET; THENCE NORTH 88 DEGREES 50 MINUTES 47 SECONDS EAST 219.77 FEET; THENCE SOUTH 02 DEGREES 14 MINUTES 45 SECONDS EAST 21.55 FEET; THENCE NORTH 88 DEGREES 52 MINUTES 18 SECONDS EAST 469.95 FEET; THENCE NORTH 55 DEGREES 00 MINUTES 31 SECONDS EAST 44.16 FEET; THENCE NORTH 88 DEGREES 37 MINUTES 40 SECONDS EAST 59.69 FEET; THENCE NORTH 01 DEGREES 08 MINUTES 14 SECONDS WEST 416.14 FEET TO THE CENTER LINE OF COLUMN LINE NUMBER 63; THENCE NORTH 88 DEGREES 56 MINUTES 20 SECONDS EAST ALONG SAID CENTER LINE FOR A DISTANCE OF 1464.74 FEET; THENCE NORTH 01 DEGREES 00 MINUTES 33 SECONDS WEST 69.52 FEET; THENCE NORTH 88 DEGREES 59 MINUTES 27 SECONDS EAST 296.54 FEET; THENCE NORTH 01 DEGREES 03 MINUTES 53 SECONDS WEST 177.85 FEET; THENCE NORTH 00 DEGREES 12 MINUTES 11 SECONDS EAST 40.08 FEET; THENCE NORTH 01 DEGREES 11 MINUTES 00 SECONDS WEST 129.68 FEET TO A POINT OF CURVE; THENCE NORTHERLY ALONG AN ARC OF A CIRCLE CONVEX WESTERLY AND HAVING A RADIUS OF 634.75 FEET FOR A DISTANCE OF 125.20 FEET TO A POINT OF REVERSE CURVE (THE CHORD OF SAID ARC HAVING A BEARING OF NORTH 04 DEGREES 28 MINUTES 03 SECONDS EAST A DISTANCE OF 125.0 FEET); THENCE NORTHERLY ALONG AN ARC OF A CIRCLE CONVEX EASTERLY AND HAVING A RADIUS OF 267.75 FEET FOR A DISTANCE OF 51.74 FEET (THE CHORD OF SAID ARC HAVING A BEARING OF NORTH 04 DEGREES 34 MINUTES 56 SECONDS EAST DISTANCE OF

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51.66 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 13 SECONDS WEST 146.75 FEET TO A POINT OF CURVE; THENCE NORTHERLY ALONG AN ARC OF A CIRCLE CONVEX NORTHEASTERLY AND HAVING A RADIUS OF 567.50 FEET FOR A DISTANCE OF 73.75 FEET (THE CHORD OF SAID ARC HAVING A BEARING OF NORTH 04 DEGREES 40 MINUTES 36 SECONDS WEST AND A DISTANCE OF 73.70 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE WITH A RADIUS OF 567.50 FEET, 35.13 FEET; THENCE NORTHERLY ALONG AN ARC OF A CIRCLE CONVEX NORTHEASTERLY AND HAVING A RADIUS OF 652.43 FEET FOR A DISTANCE OF 141.45 FEET (THE CHORD OF SAID ARC HAVING A BEARING OF NORTH 18 DEGREES 09 MINUTES 22 SECONDS WEST A DISTANCE OF 141.17 FEET); THENCE NORTHERLY ALONG AN ARC OF A CIRCLE CONVEX NORTHEASTERLY AND HAVING A RADIUS OF 474.70 FEET FOR A DISTANCE OF 111.09 FEET (THE CHORD OF SAID ARC HAVING A BEARING OF NORTH 31 DEGREES 48 MINUTES 32 SECONDS WEST A DISTANCE OF 110.83 FEET); THENCE NORTH 37 DEGREES 40 MINUTES 37 SECONDS WEST 139.39 FEET; THENCE SOUTH 51 DEGREES 28 MINUTES 22 SECONDS WEST 53.71 FEET; THENCE SOUTH 37 DEGREES 31 MINUTES 20 SECONDS EAST 105.83 FEET; THENCE SOUTH 27 DEGREES 44 MINUTES 11 SECONDS EAST 59.71 FEET; THENCE SOUTH 35 DEGREES 18 MINUTES 51 SECONDS EAST 70.29 FEET; THENCE SOUTHERLY ALONG AN ARC OF A CIRCLE CONVEX NORTHEASTERLY AND HAVING A RADIUS OF 484.51 FEET FOR A DISTANCE OF 109.15 FEET (THE CHORD OF SAID ARC HAVING A BEARING OF SOUTH 26 DEGREES 23 MINUTES 55 SECONDS EAST A DISTANCE OF 108.92 FEET); THENCE SOUTHERLY ALONG AN ARC OF A CIRCLE CONVEX NORTHEASTERLY AND HAVING A RADIUS OF 540.73 FEET FOR A DISTANCE OF 109.50 FEET (THE CHORD OF SAID ARC HAVING A BEARING OF SOUTH 14 DEGREES 33 MINUTES 09 SECONDS EAST A DISTANCE OF 109.31 FEET); THENCE SOUTHERLY ALONG AN ARC OF A CIRCLE CONVEX NORTHEASTERLY AND HAVING A RADIUS OF 485.05 FEET FOR A DISTANCE OF 70.0 FEET (THE CHORD OF SAID ARC HAVING A BEARING OF SOUTH 04 DEGREES 37 MINUTES 00 SECONDS EAST A DISTANCE OF 69.94 FEET); THENCE SOUTH 01 DEGREES 22 MINUTES 17 SECONDS EAST 98.53 FEET; THENCE SOUTH 01 DEGREES 33 MINUTES 18 SECONDS EAST 26.76 FEET TO A LINE 675 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10; THENCE EAST ALONG SAID LINE 675 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER TO THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 10; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 10 TO POINT 246.93 SOUTH OF THE INTERSECTION OF SAID EAST LINE WITH THE SOUTHWESTERLY LINE OF THE 66 FOOT WIDE INDIANA HARBOR BELT RAILROAD; THENCE NORTH 43 DEGREES 23 MINUTES 48 SECONDS WEST 71.91 FEET TO THE POINT OF BEGINNING.

NON-EXCLUSIVE

PARCEL 5:

(Continued)

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EASEMENT FOR THE PURPOSE OF PEDESTRIANS AND VEHICULAR INGRESS AND EGRESS TO AND FROM PARCELS 1 TO 4 AS CREATED IN RECIPROCAL GRANT OF EASEMENT AGREEMENT BY AND BETWEEN GENERAL MOTORS CORPORATION, CENTERPOINT PROPERTIES TRUST AND CENTERPOINT REALTY SERVICES CORPORATION DATED JUNE 14, 1999 AND RECORDED JUNE 22, 1999 AS DOCUMENT NUMBER 99503178 OVER, UPON AND THROUGH THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF A LINE 50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER AND A LINE 50 FEET NORTH OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER AND A LINE 50 FEET NORTH OF AND PARALLEL WITH SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 01 DEGREES 09' 08" WEST ALONG SAID EAST PARALLEL LINE, 970.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 01 DEGREES 09' 08" WEST ALONG SAID EAST PARALLEL LINE, 44.38 FEET; THENCE NORTH 88 DEGREES 57' 40" EAST, 916.49 FEET; THENCE SOUTH 01 DEGREES 09' 08" EAST 3.08 FEET; THENCE NORTH 88 DEGREES 55' 16" EAST, 251.67 FEET; THENCE NORTH 84 DEGREES 06' 57" EAST, 102.32 FEET; THENCE NORTH 88 DEGREES 56' 34" EAST, 391.54 FEET; THENCE NORTH 60 DEGREES 08' 49" EAST, 30.90 FEET; THENCE NORTH NORTH 80 DEGREES 49' 21" EAST 50.42 FEET; THENCE SOUTH 00 DEGREES 36' 02" EAST, 56.76 FEET; THENCE SOUTH 88 DEGREES 40' 43" WEST, 1738.65 FEET TO THE POINT OF BEGINNING.

AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS

PARCEL "A"

All that certain lot or parcel of ground situate in the Village of McCook, County of Cook, State of Illinois, bounded and described as follows:

Beginning at a point located on the North right-of-way line of 55th Street, said point being situate at the intersection of the West right-of-way line of Joliet Road with the aforementioned North right-of-way line of 55th Street; THENCE FROM THE PLACE OF BEGINNING along the aforementioned North right-of-way line of 55th Street, South eighty-eight degrees thirty-six minutes and forty-five seconds West for a distance of one thousand nine hundred forty-two and eighty-nine hundredths feet (1,942.89') to a point; thence through a portion of aforementioned 55th Street, South zero degrees thirty-six minutes and two seconds East for a distance of fifty and no hundredths feet (50.00') to a point; thence along the centerline of aforementioned 55th Street, South eighty eight degrees thirty-six minutes and forty-five seconds West for a distance of eight hundred forty eight and eighty-five hundredths feet (848.85') to a point; thence, North zero degrees thirty-six minutes and two seconds West for a distance of one thousand twenty and ninety-four hundredths feet (1,020.94') to a point; thence, North eighty-nine degrees thirty-five minutes and fifty-seven seconds East for a distance of one hundred ninety-eight and seventy-six hundredths feet (198.76') to a point; thence, North zero degrees twenty-four minutes and three seconds West for a distance of thirty-four and eighty-five hundredths feet (34.85') to a point; thence, North fifty-four degrees twenty minutes and one second East for a distance of two hundred thirty-eight and sixty hundredths feet (238.60') to a point; thence, North forty degrees forty minutes and eighteen seconds East for a distance of four hundred ninety-two and sixty-one hundredths feet (492.61') to a point; thence, around a curve having an angle of forty-one degrees forty-four

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minutes and eleven seconds, a radius of three hundred twenty-eight and no hundredths feet (328.00'), a tangent of one hundred twenty-five and four hundredths feet (125.04'), an arc of two hundred thirty-eight and ninety-three hundredths feet (238.93'), for a chord course of North nineteen degrees forty-eight minutes and thirteen seconds East for a chord distance of two hundred thirty-three and sixty-eight hundredths feet (233.68') to a point; thence, North one degree three minutes and fifty-three seconds West for a distance of one thousand one hundred eighty-two and two hundredths feet (1,182.02') to a point; thence, North zero degrees twelve minutes and eleven seconds East for a distance of forty and eight hundredths feet (40.08') to a point; thence, North ninety degrees no minutes and no seconds East for a distance of fifty-seven and twenty hundredths feet (57.20') to a point; thence, North zero degrees thirty-six minutes and two seconds West for a distance of four hundred seventy-three and seventy-one hundredths feet (473.73') to a point; thence, North forty-three degrees twenty-three minutes and forty-eight seconds West for a distance of seventy-one and ninety-one hundredths feet (71.91') to a point; thence, around a curve having an angle of three degrees thirty-two minutes and forty-eight seconds, a radius of five hundred sixty-seven and fifty hundredths feet (567.50'), a tangent of seventeen and fifty-seven hundredths feet (17.57'), an arc of thirty-five and thirteen hundredths feet (35.13'), for a chord course of North ten degrees five minutes and forty-seven seconds West for a chord distance of thirty-five and twelve hundredths feet (35.12') to a point; thence, around a curve having an angle of twelve degrees twenty-five minutes and eighteen seconds, a radius of six hundred fifty-two and forty-three hundredths feet (652.43'), a tangent of seventy-one and no hundredths feet (71.00'), an arc of one hundred forty-one and forty-five hundredths feet (141.45'), for a chord course of North eighteen degrees nine minutes and twenty-two seconds West for a chord distance of one hundred forty-one and seventeen hundredths feet (141.17') to a point; thence, around a curve having an angle of thirteen degrees twenty-four minutes and twenty-seven seconds, a radius of four hundred seventy-four and seventy hundredths feet (474.70'), a tangent of fifty-five and eighty hundredths feet (55.80'), an arc of one hundred eleven and eight hundredths feet (111.08'), for a chord course of North thirty one degrees forty-eight minutes and thirty-two seconds West for a chord distance of one hundred ten and eighty-three hundredths feet

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(110.83'), to a point; thence, North thirty-seven degrees forty minutes and thirty-seven seconds West for a distance of one hundred ninety-nine and thirty-nine hundredths feet (199.39') to a point; thence, South fifty-one degrees twenty-eight minutes and twenty-two seconds West for a distance of fifty-three and seventy-one hundredths feet (53.71') to a point; thence, South thirty-seven degrees thirty-one minutes and twenty seconds East for a distance of one hundred five and eighty-three hundredths feet (105.83') to a point; thence, South thirty-seven degrees forty-four minutes and eleven seconds East for a distance of fifty-nine and seventy-one hundredths feet (59.71') to a point; thence, South thirty-five degrees eighteen minutes and fifty-one seconds East for a distance of seventy and twenty-nine hundredths feet (70.29') to a point; thence, around a curve having an angle of twelve degrees fifty-four minutes and twenty-seven seconds, a radius of four hundred eighty-four and fifty-one hundredths feet (484.51'), a tangent of fifty-four and eighty-one hundredths feet (54.81'), an arc of one hundred nine and fifteen hundredths feet (109.15'), for a chord course of South twenty-six degrees twenty-three minutes and fifty-five seconds East for a chord distance of one hundred eight and ninety-two hundredths feet (108.92') to a point; thence, around a curve having an angle of eleven degrees thirty-six minutes and eight seconds, a radius of five hundred forty and seventy-three hundredths feet (540.73'), a tangent of fifty-four and ninety-four hundredths feet (54.94'), an arc of one hundred nine and fifty hundredths feet (109.50'), for a chord course of South fourteen degrees thirty-three minutes and nine seconds East for a chord distance of one hundred nine and thirty-one hundredths feet (109.31') to a point; thence, around a curve having an angle of eight degrees seventeen minutes and seven seconds, a radius of four hundred eighty-five and five hundredths feet (485.05'), a tangent of thirty-five and six hundredths feet (35.06'), an arc of seventy and no hundredths feet (70.00'), for a chord course of South four degrees thirty-seven minutes and no seconds East for a chord distance of sixty-nine and ninety-four hundredths feet (69.94') to a point; thence, South one degree twenty-two minutes and seventeen seconds East for a distance of ninety-eight and fifty-three hundredths feet (98.53') to a point; thence, South one degree thirty-three minutes and eighteen seconds East for a distance of twenty-six and seventy-six hundredths feet (26.76') to a point; thence, South eighty-nine degrees four minutes and eighteen seconds West for a distance of

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sixteen and seventy-four hundredths feet (16.74') to a point; thence, around a curve having an angle of forty-nine degrees twelve minutes and fifty-six seconds, a radius of one thousand one hundred fifty-four and no hundredths feet (1,154.00'), a tangent of five hundred twenty-eight and fifty-three hundredths feet (528.53'), an arc of nine hundred ninety-one and twenty-five hundredths feet (991.25'), for a chord course of North thirty-one degrees forty-three minutes and fifty seconds West for a chord distance of nine hundred sixty-one and six hundredths feet (961.06') to a point; thence, around a curve having an angle of three degrees fifteen minutes and twenty-four seconds, a radius of two thousand seven hundred forty-eight and no hundredths feet (2,748.00'), a tangent of seventy-eight and twelve hundredths feet (78.12'), an arc of one hundred fifty-six and twenty hundredths feet (156.20'), for a chord course of North fifty-seven degrees fifty-eight minutes and one second West for a chord distance of one hundred fifty-six and eighteen hundredths feet (156.18') to a point; thence, North forty-eight degrees thirty-seven minutes and twenty-six seconds East for a distance of eighty-eight and forty-nine hundredths feet (88.49') to a point; thence, around a curve having an angle of nine degrees thirty-nine minutes and forty-six seconds, a radius of two thousand eight hundred thirty-two and no hundredths feet (2,832.00'), a tangent of two hundred thirty-nine and thirty-seven hundredths feet (239.37'), an arc of four hundred seventy-seven and sixty-one hundredths feet (477.61'), for a chord course of South fifty-four degrees thirty-five minutes and fifty-two seconds East for a chord distance of four hundred seventy-seven and four hundredths feet (477.04') to a point; thence, South thirty-seven degrees ten minutes and fifty-two seconds East for a distance of three hundred eighty and eighty-eight hundredths feet (380.88') to a point; thence, South forty-two degrees eleven minutes and thirty-two seconds East for a distance of ninety-three and ninety-three hundredths feet (93.93') to a point; thence, North zero degrees thirty-six minutes and two seconds West for a distance of eighty-seven and thirty-four hundredths feet (87.34') to a point; thence, South forty-two degrees eleven minutes and thirty-two seconds East for a distance of one thousand four hundred twenty-six and ninety-four hundredths feet (1,426.94') to a point; thence, North eighty-nine degrees fifty-five minutes and fifty-seven seconds West for a distance of thirty-nine and eighteen hundredths feet (39.18') to a point; thence, South forty-two degrees eleven minutes and thirty-two seconds East for a

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distance of one thousand six hundred thirty-nine and thirty-seven hundredths feet (1,639.37') to a point; thence, South eighty-nine degrees fifty-five minutes and fifty-seven seconds East for a distance of thirty-nine and eighteen hundredths feet (39.18') to a point; thence, South forty-two degrees eleven minutes and thirty-two seconds East for a distance of eight hundred seventy-one and twenty-six hundredths feet (871.26') to a point; thence along the aforementioned West right-of-way line of Joliet Road, South forty-one degrees ten minutes and forty-seven seconds West for a distance of four hundred seventy-four and ninety-five hundredths feet (474.95') to a point; thence further along the same, South forty-five degrees forty-five minutes and nine seconds West for a distance of four hundred ninety and fifteen hundredths feet (490.15') to the place of beginning.

Containing 6,658,565.69 Square Feet (152.860 Acres).

**PARCEL "B" (ACCESS EASEMENT)**

All that certain lot or parcel of ground situate in the Village of McCook, County of Cook, State of Illinois, bounded and described as follows:

Beginning at a point located on the South right-of-way line of herein described Access Easement, said point being situate South eighty-eight degrees thirty-six minutes and forty-five seconds West a distance of one thousand nine hundred forty-two and eighty-nine hundredths feet (1,942.89'), South zero degrees thirty-six minutes and two seconds East a distance of fifty and no hundredths feet (50.00'), South eighty-eight degrees thirty-six minutes and forty-five seconds West a distance of eight hundred forty-eight and eighty-five hundredths feet (848.85') and North zero degrees thirty-six minutes and two seconds West a distance of nine hundred ninety-nine and three hundredths feet (999.03') from a point located at the intersection of the West right-of-way line of Joliet Road with the North right-of-way line of 55th Street; THENCE FROM THE PLACE OF BEGINNING, South eighty-eight degrees forty minutes and forty-three seconds West for a distance of one thousand seven hundred thirty-eight and sixty-five hundredths feet (1,738.65') to a point; thence along the East right-of-way line of East Avenue, South one degree nine minutes and eight seconds East for a distance of forty-four and thirty-eight hundredths feet (44.38') to a point; thence, North eighty-eight degrees fifty-seven minutes and forty seconds East for a distance of nine hundred sixteen and forty-nine hundredths feet (916.49') to a point; thence, South one degree nine minutes and

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eight seconds East for a distance of three and no hundredths feet (3.00') to a point; thence, North eighty-eight degrees fifty-five minutes and sixteen seconds East for a distance of two hundred fifty-one and sixty-seven hundredths feet (251.67') to a point; thence, North eighty-four degrees six minutes and fifty-seven seconds East for a distance of one hundred two and thirty-two hundredths feet (102.32') to a point; thence, North eighty-eight degrees fifty-six minutes and thirty-four seconds East for a distance of three hundred ninety-one and fifty-four hundredths feet (391.54') to a point; thence, North sixty degrees eight minutes and forty-nine seconds East for a distance of thirty and ninety hundredths feet (30.90') to a point; thence, North eighty-eight degrees forty-nine minutes and twenty-one seconds East for a distance of fifty and forty-two hundredths feet (50.42') to a point; thence, South zero degrees thirty-six minutes and two seconds East for a distance of fifty-six and seventy-six hundredths feet (56.76') to the place of beginning.

Containing 72,838.87 Square Feet (1.672 Acres)

Clerk's Office