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09125330260

SPECIAL WARRANTY DEED

Doc#: 0912533026 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 05/05/2009 08:48 AM Pg: 1 of 5

THIS INDENTURE WITNESSETH,

That the Grantor Menard, Inc., a Wisconsin corporation, and duly authorized to transact business in the State of Illinois, whose principal place of business is 5101 Menard Drive, Eau Claire, WI 54703, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt of which is hereby

acknowledged, does REMISE, RELEASE, ALIEN AND CONVEY UNTO:

Village of Palatine, an Illinois municipal corporation, with offices located at 200 E. Wood St., Palatine, IL 60067,

The following described real estate, situated in the County of Cook and State of Illinois known and described on Exhibit "A" attached hereto, hereinafter referred to as the "Property."

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining and remainders, and the reversion and reversions, remainder, rents, issues and profits thereof: TO HAVE AND TO HOLD the Property as above described, with the appurtenances, unto the Grantee forever.

And the Grantor, for itself, and its successors, does covenant, promise and agree, to and with the Grantee, 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 Property, against all persons lawfully claiming, or to claim the same, by, through or under Grantor and none other, it **WILL WARRANT AND DEFEND**, subject to: general real estate taxes and assessments which are a lien but which are not yet due and payable, and special assessments caused by Grantee's activities or improvements; building and zoning laws; county and municipal ordinances; state and federal regulations; easements, covenants and restrictions apparent or of record, including without limitation those matters set forth on Exhibit B attached hereto; and the following covenant which Grantor shall reserve for its use, and the use of its successors or assigns, as an appurtenance to the Property:

No portion of the Property shall be used for the operation of store(s) with a combined total gross square footage in excess of 15,000 square feet specializing in the sale of home improvement products such as hardware stores, carpet, tile or flooring stores, plumbing stores, lighting or electrical stores, or for the operation of a business whose primary business is a home improvement department store, including for example Home Depot, Lowe's, Ace Hardware, True Value, Fleet

Box 400-CTCC

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Farm, Farm and Fleet, Sears and Sears Hardware. The foregoing restriction shall run with the land until the earliest of (i) that date which is twenty (20) years following the recording of this instrument; (ii) the date upon which Menard, Inc. no longer operates a store within seven and a half (7 1/2) miles of the Property; and (iii) the date on which Menard, Inc. transfers all assets of the corporation to an unrelated entity.

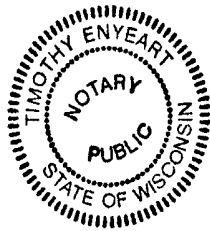
IN WITNESS WHEREOF, said Grantor has caused these presents to be executed and the corporate seal affixed hereto by its Chief Operating Officer this 30th day of APRIL, 2009.

Menard, Inc., a Wisconsin corporation

By: [Signature]
Scott Collette
Chief Operating Officer

STATE OF WISCONSIN)
)ss.
COUNTY OF EAU CLAIRE)

On this 30th day of APRIL, 2009, before me a Notary Public within and for said County and State, personally appeared Scott Collette to me personally known, who being by me duly sworn did say that he is the Chief Operating Officer of Menard, Inc., the corporation executing the within and foregoing instrument, that this instrument was signed on behalf of Menard, Inc. by authority of its Board of Directors and that Scott Collette, Chief Operating Officer, as such officer acknowledged the execution of this instrument to be the voluntary act and deed of Menard, Inc. by it and by him voluntarily executed



[Signature]
Notary Public in and for the County of Eau Claire and the State of Wisconsin.
My Commission is permanent.

THIS INSTRUMENT DRAFTED BY:
Timothy Enyeart, Corporate Counsel, Menard, Inc.
5101 Menard Drive
Eau Claire, WI 54703
Phone: (715) 876-2776
Facsimile: (715) 876-5960

EXEMPT FROM TAXATION UNDER THE PROVISION OF PARAGRAPH B SECTION OF THE ILLINOIS REAL ESTATE TRANSFER TAX ACT AND PARAGRAPH B SECTION OF THE COOK COUNTY TRANSFER TAX ORDINANCE.

4/30/09 [Signature]
Date Buyer, Seller or Representative

AFTER RECORDING RETURN TO:
Attorney David J. O'Keefe
Schain, Burney, Ross & Citron, Ltd.
222 North LaSalle Street, Suite 1910
Chicago, IL 60601

SEND TAX BILLS TO:
Village of Palatine
200 E. Wood St.
Palatine, IL 60067

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EXHIBIT A

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING 338.42 FEET SOUTH AND 234.96 FEET WEST OF THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 10.0 ACRES OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 8, AFORESAID WITH THE EAST LINE OF SAID SECTION 2; THENCE EAST 234.96 FEET TO THE AFORESAID EAST LINE OF SAID SECTION 2; THENCE SOUTH ALONG THIS EAST LINE 284.40 FEET; THENCE SOUTHWESTERLY 630.28 FEET TO THE CENTER LINE OF RAND ROAD; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF RAND ROAD 460.00 FEET; THENCE NORTHEASTERLY FROM THIS POINT TO THE PLACE OF BEGINNING (EXCEPT THEREFROM ALL THAT PART THEREOF LYING SOUTHEAST OF CENTER LINE AND CENTER LINE EXTENDED OF LONG GROVE ROAD AS DEDICATED BY PLAT OF DEDICATION RECORDED JANUARY 6, 1934, AS DOCUMENT NO. 11338404 AND AS CORRECTED BY CERTIFICATE OF SURVEY RECORDED MARCH 13, 1934 AS DOCUMENT NO. 11371869) IN COOK COUNTY, ILLINOIS; EXCEPT THAT PART TAKEN FOR RAND ROAD BY CONDEMNATION CASE NO. 82L50377;

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT A POINT IN THE EASTERLY LINE OF SAID RAND ROAD THAT IS 63.79 FEET NORTHWESTERLY OF THE MOST WESTERLY CORNER OF THE ABOVE DESCRIBED PROPERTY TAKEN AS A TRACT; THENCE NORTHEASTERLY 230.0 FEET ALONG A LINE PARALLEL WITH THE NORTHWESTERLY LINE THEREOF; THENCE NORTHWESTERLY 300.0 FEET ALONG A LINE PARALLEL WITH THE NORTHEASTERLY LINE OF RAND ROAD AFORESAID; THENCE NORTHEASTERLY 379.31 FEET, MORE OR LESS, TO A POINT IN THE SOUTH LINE OF THE NORTH 10 ACRES OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTH 10 ACRES, 342.52 TO ITS INTERSECTION WITH THE EAST LINE OF SAID SECTION 2; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 2 TO A POINT THAT IS 6 CHAINS 3 RODS AND 9 LINKS SOUTH OF THE NORTH EAST CORNER OF SAID SOUTH EAST 1/4; THENCE WEST 3 CHAINS 2 RODS AND 6 LINKS TO A POINT THAT IS 451.44 FEET SOUTH OF THE NORTH LINE OF THE SOUTH EAST 1/4 OF SAID SECTION 2 AND 234.96 FEET WEST OF THE EAST LINE THEREOF; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SOUTH EAST 1/4 214.50 FEET; THENCE SOUTHWESTERLY TO A POINT IN THE NORTHEASTERLY LINE OF SAID RAND ROAD THAT IS 63.79 FEET SOUTHEASTERLY OF THE PLACE OF BEGINNING; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE 63.79 FEET TO THE PLACE OF BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHEAST OF THE CENTER LINE AND CENTER LINE EXTENDED OF LONG GROVE ROAD AFORESAID, IN COOK COUNTY, ILLINOIS.

Permanent Real Estate Index Number: 02-02-402-010-0000

Common Address: 1775 N. Rand Rd., Palatine, IL 60074

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EXHIBIT B

Permitted Exceptions

1. Real estate taxes for the years 2009 and subsequent years which are not yet due and payable.
2. Terms, provisions, conditions and limitations as set forth in the Agreement and Declaration of Grant of Easement for cross access for pedestrian access and vehicle access made by and between Menard Inc., as Grantor and Knupper Nursery and Garden Center, as Grantee over the area as shown on Exhibit "C" attached to said instrument recorded November 1, 1991 as document 91574619.
3. Terms, provisions, conditions and limitations set forth in the Agreement and Declaration of Grant of Easement for cross access for vehicle and pedestrian access by and between Knupper Nursery and Garden Center, a corporation of Illinois, as Grantor and Menard Inc., as Grantee over the area as shown on Exhibit "C" recorded October 4, 1991 as document 91518802.
4. Easement in favor of Northern Illinois Gas 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 as document no. 93226298.
5. Plat of Survey recorded July 6, 1992 as document 92488861.
6. Notice of requirements for Storm Water Detention, Metropolitan Sanitary District of Greater Chicago permit no. 92-239, recorded August 5, 1992 as document 92580540.
7. Terms, provisions, conditions and limitations contained in Ordinance No. 0-202-02, a copy of which was recorded December 29, 1992 as document 92978309 annexing certain territory to the Village of Palatine.
8. Easement or right of Illinois Bell Telephone Company to construct, place and maintain its poles, wires and cables along the Northeast side of Rand Road, created by grant from Dorian M. Cameron dated October 14, 1927 as recorded November 3, 1927 in Nook 25316-73 as document 98302140

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PLAT ACT AFFIDAVIT

STATE OF WISCONSIN)
)
 COUNTY OF EAU CLAIRE) SS.

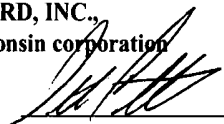
I, Scott Collette, Chief Operating Officer for Menard, Inc., a Wisconsin corporation, being duly sworn on oath, state that the attached deed is not in violation of Section 1 of Chapter 109 of the Illinois Revised Statutes for one of the following reasons:

1. That said Act is not applicable since the property described in said deed is the same property acquired by Grantor(s) under deed(s) previously recorded, or registered, using the same legal description and is, therefore, an "Existing Parcel";
- 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 land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
 3. The division of lots or blocks of less than 1 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 easements 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 a 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 2 parts and not involving any new streets or easements of access.

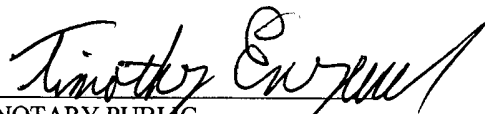
CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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 or registration.

MENARD, INC.,
 a Wisconsin corporation

By: 
 Name: Scott Collette
 Title: Chief Operating Officer

SUBSCRIBED and SWORN to before me
 this _____ day of April, 2009.


 NOTARY PUBLIC
My commission is permanent.

