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Doc#: 0920845050 Fee: \$58.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 07/27/2009 12:17 PM Pg: 1 of 12

This Instrument Prepared by  
and After Recording Return to:

Debra A. Kleban, Esq.  
Applegate & Thorne-Thomsen, P.C.  
322 S. Green Street, Suite 400  
Chicago, Illinois 60607

Property Address:

1251-59 West Taylor Street  
Chicago, Illinois 60607

Permanent Index Number:  
17-17-333-007-0000

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE ONLY

## ASSIGNMENT AND ASSUMPTION AND AMENDMENT OF GROUND LEASE

**THIS ASSIGNMENT AND ASSUMPTION AND AMENDMENT OF GROUND LEASE** ("Assignment") is made as of the 26<sup>th</sup> day of June, 2009, between ROOSEVELT SQUARE II LIMITED PARTNERSHIP, an Illinois limited partnership ("Grantor" or "Assignor"), whose address is 350 West Hubbard Street, Suite 300, Chicago, Illinois 60654, RS RETAIL LLC, an Illinois limited liability company ("Grantee" or "Assignee"), whose address is 350 West Hubbard Street, Suite 300, Chicago, Illinois 60654, and Chicago Housing Authority, an Illinois municipal corporation ("Landlord"), having an office at 60 East Van Buren Street, 12<sup>th</sup> Floor, Chicago, Illinois 60605.

### RECITALS:


**WHEREAS**, through an Assignment and Assumption and Amendment of Ground Lease dated as of July 20, 2007 and recorded in the Office of the Recorder of Deeds of Cook County, Illinois on July 23, 2007 as Document No. 0720433209, the Assignor is the tenant under a Ground Lease dated as of July 20, 2007 and recorded in the Office of the Recorder of Deeds of Cook County, Illinois on July 23, 2007 as Document No. 0720433208, as the same may be amended from time to time (the "Ground Lease"), with the Landlord, pursuant to which Ground Lease Landlord has granted to the tenant an undivided leasehold estate in that certain real estate consisting of approximately 4,327 square feet of ground floor retail space located at 1251-59 West Taylor Street in Chicago, Illinois, as legally described in **Exhibit A-I** attached hereto and made a part hereof (the "**Original Land**"); and

Box 334

445  
Nobles  
AC0908846  
07


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**STATE OF ILLINOIS**  
 STATE TAX  
  
 JUL. 27. 09  
 REAL ESTATE TRANSFER TAX  
 DEPARTMENT OF REVENUE


REAL ESTATE TRANSFER TAX
01253.00
FP 102808

# 0000006188

**COOK COUNTY**  
 COUNTY TAX  
 REAL ESTATE TRANSACTION TAX  
  
 JUL. 27. 09  
 REVENUE STAMP

REAL ESTATE TRANSFER TAX
00626.50
FP 102802

# 0000004010

**CITY OF CHICAGO**  
 CITY TAX  
  
 JUL. 27. 09  
 REAL ESTATE TRANSACTION TAX  
 DEPARTMENT OF REVENUE

REAL ESTATE TRANSFER TAX
13156.50
FP 102805

# 0000006222

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**WHEREAS**, (i) the Original Land description was created based upon construction plans and specifications, (ii) the construction of the building at 1251-59 West Taylor Street is now complete, (iii) a survey of the as-constructed ground floor retail space has been completed, and (iv) the final dimensions of such retail space differ slightly from the Original Land description; and

**WHEREAS**, Landlord and Assignor desire to amend the Ground Lease to delete all references to the Original Land and to insert in lieu thereof the more accurate legal description of the land legally described in Exhibit A-II attached hereto and made a part hereof; and

**WHEREAS**, Assignor desires to assign to the Assignee its interest as tenant under the Ground Lease, and Assignee has agreed to assume the Assignor's interest as tenant and to become the tenant under the Ground Lease.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1. **Definitions.** Capitalized terms not defined herein shall have the meaning ascribed to them in the Ground Lease.
2. **Amendment.** The Ground Lease is hereby amended so that all references to the "Land" therein shall mean the Land as described on Exhibit A-II hereof.
3. **Assignment.** The Assignor hereby assigns to the Assignee all the Assignor's interest and rights as Tenant under the Ground Lease.
4. **Assumption.** The Assignee hereby accepts and agrees to be bound by the Ground Lease and assumes all obligations of the Assignor, as Tenant, thereunder.
5. **Counterparts.** This Assignment may be executed in counterparts, each taken together with the other counterparts shall constitute one instrument, binding and enforceable against each signatory to any counterpart instrument. Any facsimile signature shall be accepted as an original if containing a copy of the original signature notwithstanding that the original has not been received.
6. **Consent.** Landlord hereby acknowledges and consents to the Assignment of the Tenant's interest in the Ground Lease to Assignee as a "Permitted Transfer" under the Ground Lease and releases Grantor and Grantor's respective partners, members, officers, shareholders, directors, and the respective agents and employees of each of them, from any and all obligations and liabilities of Tenant under the Ground Lease arising or accruing from and after the date hereof. The foregoing release of Grantor is a release of Grantor only with respect to obligations of Tenant under the Ground Lease arising or accruing from and after the date hereof, and shall not limit Grantor's obligations under the Ground Lease arising or accruing prior to the date hereof, nor shall it limit any obligations or liabilities of Grantor arising or accruing under this Assignment. Nothing herein shall be deemed to limit, in any manner, the liability of Grantee for all obligations

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and responsibilities of "Tenant" under the Ground Lease arising or accruing from and after the date hereof.

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**IN WITNESS WHEREFORE**, the parties have executed this Assignment or caused this Assignment to be executed as of the day first written above.


**ASSIGNOR:**

ROOSEVELT SQUARE II LIMITED PARTNERSHIP,  
an Illinois limited partnership

BY: ROOSEVELT SQUARE RENTAL II LLC ,  
an Illinois limited liability company

By: LR ABLA LLC,  
a Delaware limited liability company,  
its sole member

By: LR Development Company LLC,  
a Delaware limited liability company d/b/a Related Midwest LLC,  
its sole member

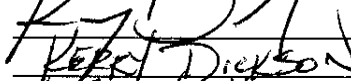
By:   
Name: KERRY DICKSON  
Title: SENIOR VP

**ASSIGNEE:**

RS RETAIL LLC,  
an Illinois limited liability company

By: LR ABLA LLC,  
a Delaware limited liability company,  
its sole member

By: LR Development Company LLC,  
a Delaware limited liability company d/b/a Related Midwest LLC,  
its sole member

By:   
Name: KERRY DICKSON  
Title: SENIOR VP

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LANDLORD:

CHICAGO HOUSING AUTHORITY

By: Lewis A. Jordan  
Name: Lewis A. Jordan  
Title: Chief Executive Officer

STATE OF ILLINOIS )  
) SS  
COUNTY OF COOK )

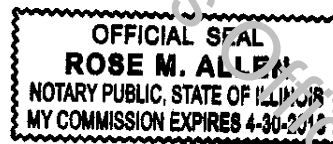
I, Rose M. Allen, a Notary Public in and for the County and State aforesaid, do hereby certify that Lewis A. Jordan, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she/they signed and delivered such instrument as his/her/their own free and voluntary act, and as the free and voluntary act of such municipal corporation, on behalf of such municipal corporation, for the uses and purposes therein set forth.

GIVEN, under my hand and notarial seal this \_\_\_\_\_ day of June, 2009.

Rose M. Allen  
Notary Public

My Commission Expires:

4-30-2013



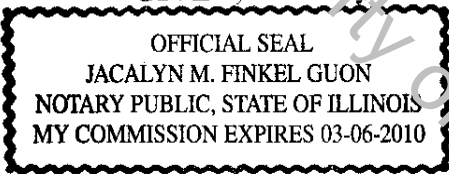


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STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF COOK     )

I, Jacalyn M. Guon, a Notary Public in and for the County and State aforesaid, do hereby certify that Kerry Dickson, as Senior Vice President of LR Development Company LLC d/b/a Related Midwest LLC, as sole member of LR ABLA LLC, as manager of Roosevelt Square Rental II LLC, as General Partner of Roosevelt Square II Limited Partnership, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered such instrument as his own free and voluntary act, and as the free and voluntary act of such limited liability company, on behalf of such limited liability company, on behalf of such limited liability company, on behalf of such limited partnership for the uses and purposes therein set forth.

GIVEN, under my hand and notarial seal this 26th day of June, 2009.



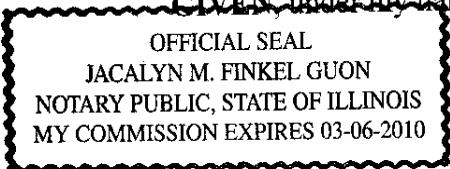
*Jacalyn M. Guon*  
\_\_\_\_\_  
Notary Public

My Commission Expires: March 6, 2010

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF COOK     )

I, Jacalyn M. Guon, a Notary Public in and for the County and State aforesaid, do hereby certify that Kerry Dickson, as Senior Vice President of LR Development Company LLC d/b/a Related Midwest LLC, as sole member of LR ABLA LLC, as sole member of RS Retail LLC, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered such instrument as his own free and voluntary act, and as the free and voluntary act of such limited liability company, on behalf of such limited liability company, on behalf of such limited liability company, for the uses and purposes therein set forth.

GIVEN, under my hand and notarial seal this 26th day of June, 2009.



*Jacalyn M. Guon*  
\_\_\_\_\_  
Notary Public

My Commission Expires: March 6, 2010



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## EXHIBIT A-1 LEGAL DESCRIPTION OF ORIGINAL LAND

All that portion of the following described premises lying above Elevation 4.55 and beneath Elevation 12.55 City of Chicago Datum, being a part of said Lot 66 in Roosevelt Square Subdivision Phase Two, Plat One, being a subdivision of part of the East ½ of the Southwest ¼ of Section 17, Township 39 North, Range 14, East of the Third Principal Meridian, according to the plat thereof recorded in Cook County, Illinois:

Commencing at the Northwest corner of said Lot 66, said point also being the Southeast corner of the intersection of West Taylor Street and South Throop Street; thence South 89°58'27" East along the South right-of-way line of said West Taylor Street, a distance of 116.45 feet; thence South 00°01'33" West, a distance of 26.96 feet, to the Point of Beginning of this description; thence South 00°01'33" West, a distance of 22.91 feet; thence North 89°58'27" West, a distance of 64.18 feet; thence North 00°01'33" East, a distance of 22.91 feet; thence South 89°58'27" East, a distance of 64.18 feet to the Point of Beginning, all being situated within the City of Chicago, County of Cook, and State of Illinois.

Also,

All that portion of the following described premises lying above Elevation 14.30 and beneath Elevation 27.76 City of Chicago Datum, being part of said Lot 66, more particularly bounded and described as follows to-wit:

Commencing at the Northwest corner of said Lot 66, said point also being the Southeast corner of the intersection of West Taylor Street and South Throop Street; thence South 89°58'27" East along the South right-of-way line of said West Taylor Street, a distance of 1.57 feet; thence South 00°01'33" West, a distance of 3.37 feet to the Point of Beginning of this description; thence South 89°58'27" East, a distance of 13.75 feet; thence North 00°01'33" East, a distance of 1.56 feet; thence South 89°58'27" East, a distance of 0.94 feet; thence North 00°01'33" East, a distance of 0.49 feet; thence South 89°58'27" East, a distance of 85.33 feet; thence South 00°01'33" West, a distance of 0.49 feet; thence South 89°58'27" East, a distance of 0.94 feet; thence South 00°01'33" West, a distance of 1.56 feet; thence South 89°58'27" East, a distance of 14.42 feet; thence South 00°01'31" West, a distance of 21.97 feet; thence North 89°58'32" West, a distance of 0.49 feet; thence South 00°01'33" West, a distance of 24.53 feet; thence North 89°58'27" West, a distance of 27.91 feet; thence North 00°01'33" East, a distance of 15.43 feet; thence North 89°58'27" West, a distance of 1.32 feet; thence North 00°01'33" East, a distance of 1.94 feet; thence North 89°58'27" West, a distance of 3.54 feet; thence South 00°01'33" West, a distance of 13.02 feet; thence North 89°58'27" West, a distance of 1.71 feet; thence South 00°01'33" West, a distance of 4.34 feet; thence North 89°58'27" West, a distance of 29.70 feet; thence North 00°01'33" East, a distance of 17.47 feet; thence North 89°58'27" West, a distance of 40.22 feet; thence North 00°01'33" East, a distance of 6.41 feet; thence North 89°58'30" West, a distance of 9.99 feet; thence North 00°01'33" East, a distance of 0.66 feet; thence North 89°58'19" West, a distance of 0.49 feet; thence North 00°01'51" East, a distance of

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21.97 feet to the Point of Beginning, all being situated within the City of Chicago, County of Cook, and State of Illinois.

Permanent Index Number: 17-17-333-001

Property Address: 1251-59 West Taylor Street, Chicago, Illinois

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## EXHIBIT A-II LEGAL DESCRIPTION OF LAND

All that portion of the following described premises lying above Elevation 14.36 and beneath Elevation 27.93 City of Chicago Datum, being part of Lot 66 as designated upon Roosevelt Square Subdivision Phase Two, Plat One of part of the East Half of the Southwest Quarter of Section 17, Township 39 North, Range 14 East of the Third Principal Meridian, City of Chicago, County of Cook, and State of Illinois, more particularly bounded and described as follows, to-wit:

Commencing at the Northwest corner of said Lot 66; thence South  $89^{\circ}58'27''$  East along the North line of said Lot 66, a distance of 1.08 feet; thence South  $00^{\circ}18'04''$  East, a distance of 4.28 feet to the Point of Beginning of this description; thence North  $89^{\circ}41'56''$  East, a distance of 13.75 feet; thence North  $00^{\circ}18'04''$  West, a distance of 1.56 feet; thence North  $89^{\circ}41'56''$  East, a distance of 0.94 feet; thence North  $00^{\circ}18'04''$  West, a distance of 0.49 feet; thence North  $89^{\circ}41'56''$  East, a distance of 85.33 feet; thence South  $00^{\circ}18'04''$  East, a distance of 0.49 feet; thence North  $89^{\circ}41'56''$  East, a distance of 0.94 feet; thence South  $00^{\circ}18'04''$  East, a distance of 1.56 feet; thence North  $89^{\circ}41'56''$  East, a distance of 14.42 feet; thence South  $00^{\circ}18'04''$  East, a distance of 21.97 feet; thence South  $89^{\circ}41'56''$  West, a distance of 0.49 feet; thence South  $00^{\circ}18'04''$  East, a distance of 24.53 feet; thence South  $89^{\circ}41'56''$  West, a distance of 23.46 feet; thence North  $00^{\circ}18'04''$  West, a distance of 15.42 feet; thence South  $89^{\circ}41'56''$  West, a distance of 5.78 feet; thence North  $00^{\circ}18'04''$  West, a distance of 1.94 feet; thence South  $89^{\circ}41'56''$  West, a distance of 3.54 feet; thence South  $00^{\circ}18'04''$  East, a distance of 13.02 feet; thence South  $89^{\circ}41'56''$  West, a distance of 1.71 feet; thence South  $00^{\circ}18'04''$  East, a distance of 4.34 feet; thence South  $89^{\circ}41'56''$  West, a distance of 29.70 feet; thence North  $00^{\circ}18'04''$  West, a distance of 17.47 feet; thence South  $89^{\circ}41'56''$  West, a distance of 40.22 feet; thence North  $00^{\circ}18'04''$  West, a distance of 6.41 feet; thence South  $89^{\circ}41'56''$  West, a distance of 9.99 feet; thence North  $00^{\circ}18'04''$  West, a distance of 0.66 feet; thence South  $89^{\circ}41'56''$  West, a distance of 0.49 feet; thence North  $00^{\circ}18'04''$  West, a distance of 21.97 feet to the Point of Beginning, containing 4,420 square feet, more or less, all being situated in the City of Chicago, County of Cook, and State of Illinois.

Also,

All that portion of the following described premises lying above Elevation 4.94 and beneath Elevation 12.71 City of Chicago Datum, being part of Lot 66 as designated upon Roosevelt Square Subdivision Phase Two, Plat One of part of the East Half of the Southwest Quarter of Section 17, Township 39 North, Range 14 East of the Third Principal Meridian, City of Chicago, County of Cook, and State of Illinois, more particularly bounded and described as follows, to-wit:

Commencing at the Northwest corner of said Lot 66; thence South  $89^{\circ}58'27''$  East along the North line of said Lot 66, a distance of 115.96 feet; thence South  $00^{\circ}18'04''$  East, a distance of 27.22 feet to the Point of Beginning of this description; thence South  $00^{\circ}18'04''$  East, a distance of 22.91 feet; thence South  $89^{\circ}41'56''$  West, a distance of 64.18 feet; thence North  $00^{\circ}18'04''$

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West, a distance of 22.91 feet; thence North 89°41'56" East, a distance of 64.18 feet to the Point of Beginning, containing 1,470 square feet, more or less, all being situated in the City of Chicago, County of Cook, and State of Illinois.

Also,

All that portion of the following described premises lying above Elevation 12.71 and beneath Elevation 14.36 City of Chicago Datum, being part of Lot 66 as designated upon Roosevelt Square Subdivision Phase Two, Plat One of part of the East Half of the Southwest Quarter of Section 17, Township 39 North, Range 14 East of the Third Principal Meridian, City of Chicago, County of Cook, and State of Illinois, more particularly bounded and described as follows, to-wit:

Commencing at the Northwest corner of said Lot 66; thence South 89°58'27" East along the North line of said Lot 66, a distance of 1.08 feet; thence South 00°18'04" East, a distance of 4.28 feet; thence North 89°41'56" East, a distance of 13.75 feet; thence North 00°18'04" West, a distance of 1.56 feet; thence North 89°41'56" East, a distance of 0.94 feet; thence North 00°18'04" West, a distance of 0.49 feet; thence North 89°41'56" East, a distance of 85.33 feet; thence South 00°18'04" East, a distance of 0.49 feet; thence North 89°41'56" East, a distance of 0.94 feet; thence South 00°18'04" East, a distance of 1.56 feet; thence North 89°41'56" East, a distance of 14.42 feet; thence South 00°18'04" East, a distance of 21.97 feet; thence South 89°41'56" West, a distance of 0.49 feet; thence South 00°18'04" East, a distance of 24.53 feet; thence South 89°41'56" West, a distance of a distance of 24.27 feet to the Point of Beginning of this description; thence continuing South 89°41'56" West, a distance of 3.64 feet; thence North 00°18'04" West, a distance of 14.84 feet; thence North 89°41'56" East, a distance of 3.65 feet; thence South 00°18'04" East, a distance of 14.84 feet to the Point of Beginning, containing 54 square feet, more or less, all being situated in the City of Chicago, County of Cook, and State of Illinois.

Permanent Index No.: 17-17-333-007-0000

Property Address: 1251-59 West Taylor Street, Chicago, Illinois