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~~appurtenances~~
SPECIAL WARRANTY DEED

Doc#: 1000844065 Fee: \$48.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 01/08/2010 12:41 PM Pg: 1 of 7

PREPARED BY:
Michael J. Martin
Martin & Mathewson, P.C.
30 N. LaSalle St., Suite 1726
Chicago, IL 60602

AFTER RECORDING, MAIL TO:
Gregory Fix, Esq.
The Harlem Irving Companies, Inc.
4104 N. Harlem
Chicago, IL 60634

NAME and ADDRESS of TAXPAYER:
c/o The Harlem Irving Companies, Inc
4104 N. Harlem
Chicago, IL 60634

RECORDER'S STAMP

THE GRANTOR, JEWEL FOOD STORES, INC., an OHIO CORPORATION, duly authorized to transact business in the State of Illinois, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEYS AND SPECIALLY WARRANTS, to HUBBARD'S CAVE, LLC, an Illinois limited liability company, as Grantee, all the estate, right, title and interest in the following tract of land (but excluding and reserving unto Grantor the building, building service facilities, site improvements, and all other improvements on said tract of land), situated in the County of Cook, State of Illinois, legally described on Exhibit A attached hereto, subject to the matters set forth on Exhibit B attached hereto.

To have and to hold same, together with all rights and appurtenances to same belonging unto Grantee, its successors and assigns forever (but subject to the foregoing exclusion and reservation by Grantor with respect to the building, building service facilities, site improvements, and other improvements on the land conveyed), and the Grantor for itself and its assigns and successors, covenants and agrees with the Grantee and its assigns and successors, that at the time of the making and delivery of such deed the Grantor was the lawful owner in fee simple, in and to the premises herein described, and had good right and full power to convey the same; that the premises were then free from all encumbrances made, done or suffered by Grantor; and that it will forever warrant and defend the title to the land against the lawful claims and demands of all persons or entities claiming or to claim the same by, through or under the Grantor.

IN WITNESS WHEREOF, said Grantor has executed this Deed this 25th day November of 2009.

Jewel Food Stores, Inc., an Ohio Corporation

BY: [Signature]
Name: _____
Title: _____

Box 400-CTCC

10-5
8231920
Kuros

7CB

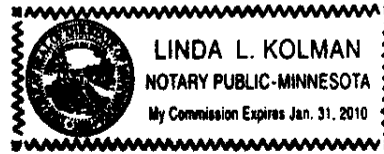
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State of MN)
) ss.
County of Hennepin)

I, Linda L. Kolman, a Notary Public, in and for said County and State aforesaid, do hereby certify that John P. Breedlove, Vice President of Jewel Food Stores, Inc., who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such John P. Breedlove, Vice President, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument of writing as his/her free and voluntary act, and as the free and voluntary act of said Corporation for the uses and purposes therein set forth, pursuant to authority given by the Board of Directors of said Corporation.

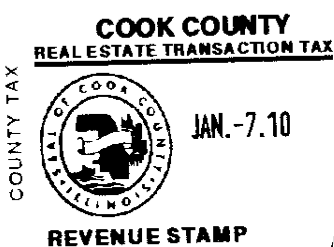
Given under my hand and Notarial Seal this 25th day of November, 2009.

Linda L. Kolman
Notary Public



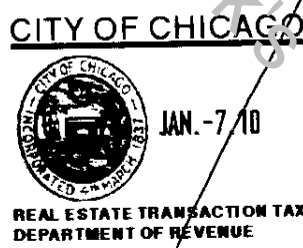
REAL ESTATE TRANSFER TAX
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REAL ESTATE TRANSFER TAX
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FP 103023

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Property of Cook County Clerk's Office

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EXHIBIT A

PARCEL 1:

LOTS 1 TO 11, BOTH INCLUSIVE, IN BLOCK 59 IN CANAL TRUSTEES' SUBDIVISION OF LOTS AND BLOCKS IN THE ORIGINAL TOWN OF CHICAGO IN THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOTS 12 TO 22, BOTH INCLUSIVE, IN BLOCK 59 IN CANAL TRUSTEES' SUBDIVISION OF LOTS AND BLOCKS IN THE ORIGINAL TOWN OF CHICAGO IN THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE INTEREST ACCRUING TO SAID LOTS IN AND TO VACATED CARROLL AVENUE SOUTH AND ADJOINING SAID LOTS, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THE PROPERTY AND SPACE LYING WITHIN THE VERTICAL PROJECTIONS OF THE BOUNDARIES OF THAT PART OF VACATED WEST CARROLL STREET, LYING NORTH OF AND ADJOINING THE NORTH LINE OF LOTS 1 THROUGH 11 IN BLOCK 62 AND LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOTS 12 THROUGH 22 IN BLOCK 59 OF CANAL TRUSTEES SUBDIVISION OF BLOCKS AND LOTS IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID PROPERTY AND SPACE LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 21.5 FEET ABOVE THE HIGHEST RAIL, EXCEPTING THEREFROM THAT PART OF SAID PROPERTY AND SPACE LYING NORTH OF AND ADJOINING LOTS 1 THROUGH 11 IN BLOCK 62 AFORESAID, LYING WITHIN THE VERTICAL PROJECTION OF THE BOUNDARIES DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 11 IN SAID BLOCK 62, RUNNING THENCE NORTH ALONG A NORTHWARD EXTENSION OF THE WEST LINE OF SAID LOT 11, A DISTANCE OF 8.04 FEET; THENCE EAST ALONG A STRAIGHT LINE, A DISTANCE OF 317.51 FEET TO A POINT ON THE NORTHWARD EXTENSION OF THE EAST LINE OF LOT 1 IN SAID BLOCK 62 WHICH IS 8.02 FEET NORTH TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH ALONG SAID NORTHWARD EXTENSION SAID DISTANCE OF 8.02 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, AND THENCE WEST ALONG THE NORTH LINE OF LOTS 1 TO 11, BOTH INCLUSIVE, IN SAID BLOCK 62 A DISTANCE OF 317.51 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THE PROPERTY AND SPACE IN THAT PART OF THE SOUTH HALF OF VACATED WEST CARROLL STREET (AS VACATED BY ORDINANCE OF THE CITY OF CHICAGO, ILLINOIS, RECORDED OCTOBER 6, 1914 AS DOCUMENT NUMBER 5507201) LYING NORTH OF AND ADJOINING LOTS 1 THROUGH 11 IN BLOCK 62 OF CANAL TRUSTEES' SUBDIVISION OF BLOCKS AND LOTS IN TH SOUTHWEST QUARTER (SW 1/4) OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID PROPERTY AND SPACE LYING ABOVE A HORIZONTAL PLANE 21 AND ONE-HALF FEET ABOVE THE HIGHEST RAIL AND LYING WITHIN THE VERTICAL PROJECTION OF THE BOUNDARIES DESCRIBED AS FOLLOWS:

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BEGINNING AT THE NORTHWEST CORNER OF LOT 11 IN SAID BLOCK 62, AND RUNNING THENCE NORTH ALONG A NORTHWARD EXTENSION OF THE WEST LINE OF SAID LOT 11, A DISTANCE OF 8.04 FEET; THENCE EAST ALONG A STRAIGHT LINE, A DISTANCE OF 317.51 FEET TO A POINT ON THE NORTHWARD EXTENSION OF THE EAST LINE OF LOT 1 IN SAID BLOCK 62 WHICH IS 8.02 FEET NORTH FROM THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH ALONG SAID NORTHWARD EXTENSION SAID DISTANCE OF 8.02 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, AND THENCE WEST ALONG THE NORTH LINE OF LOTS 1 TO 11, BOTH INCLUSIVE, IN SAID BLOCK 62 A DISTANCE OF 317.51 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

THE PROPERTY AND SPACE IN THAT PART OF LOTS 1 THROUGH 11 IN BLOCK 62 IN CANAL TRUSTEES' SUBDIVISION OF BLOCKS AND LOTS IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID PROPERTY AND SPACE LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 21 AND ONE-HALF FEET ABOVE THE HIGHEST RAIL AND LYING WITHIN THE VERTICAL PROJECTION OF THE BOUNDARIES DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 11, AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 11, A DISTANCE OF 6.96 FEET; THENCE EAST ALONG A STRAIGHT LINE A DISTANCE OF 317.52 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1 WHICH IS 6.98 FEET SOUTH FROM THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH ALONG SAID EAST LINE OF LOT 1 A DISTANCE OF 6.98 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, AND THENCE WEST LONG THE NORTH LINE OF SAID LOTS 1 TO 11, BOTH INCLUSIVE, A DISTANCE OF 317.51 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

ALL OF THE EAST-WEST 21.80 FOOT PUBLIC ALLEY LYING SOUTH OF THE SOUTH LINE OF LOTS 1 TO 11, BOTH INCLUSIVE, LYING NORTH OF THE NORTH LINE OF LOTS 12 TO 22, BOTH INCLUSIVE, LYING WEST OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 1 TO THE NORTHEAST CORNER OF LOT 22, LYING EAST OF A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 11 TO THE NORTHWEST CORNER OF LOT 12, ALL IN BLOCK 59 IN CANAL TRUSTEES SUBDIVISION OF LOTS AND BLOCKS IN THE ORIGINAL TOWN OF CHICAGO IN THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO ORDINANCE GRANTED AS DOCUMENT 0621518009, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 370 N. DES PLAINES, CHICAGO, ILLINOIS

PARCEL INDEX NUMBER: 17-09-301-002
 17-09-301-005
 17-09-301-006
 17-09-501-005
 17-09-501-007

UNOFFICIAL COPY**EXHIBIT B
Title Exceptions**

A 7.

1. TAXES FOR THE YEAR(S) 2009

2009 FIRST INSTALLMENT TAXES ARE NOT DUE UNTIL MARCH 1, 2010

2009 2ND INSTALLMENT TAXES ARE NOT YET DUE OR PAYABLE.

PINS: 17-09-301-002-0000
 17-09-301-005-0000
 17-09-301-006-0000
 17-09-501-005-0000
 17-09-501-007-0000

~~8. SURFACE AND ABOVE SURFACE EASEMENTS FOR GAS LINES AND OVERHEAD WIRES, IF ANY, FOR UTILITY AND QUASI-UTILITY PURPOSES AS DISCLOSED BY SURVEY MADE BY WEBSTER, MCGRATH AND AHLBERG, NUMBER 40446, DATED NOVEMBER 17, 2009 AND REVISED 11, 2009.~~

~~9. RIGHTS OF THE PUBLIC AND QUASI-PUBLIC UTILITIES, IF ANY, IN SAID VACATED W. CARROLL AVENUE FOR MAINTENANCE THEREIN OF POLES, CONDUITS, SEWERS AND OTHER FACILITIES, AS SHOWN ON SURVEY MADE BY WEBSTER, MCGRATH AND AHLBERG, NUMBER 40446, DATED NOVEMBER 17, 2009 AND REVISED 11, 2009.~~

AN 10. TERMS, PROVISIONS, COVENANTS, CONDITIONS AND RESTRICTIONS, EASEMENTS CONTAINED IN THE AIR RIGHTS AGREEMENT MADE BY AND BETWEEN THE COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY (METRA) AND CMC REAL ESTATE CORPORATION RECORDED AS DOCUMENT 87495657

WHICH PROVIDES INTERALIA FOR RESTRICTIONS RELATING TO COMMENCING ANY CONSTRUCTION, MAINTENANCE, REPAIR, REPLACEMENT OF IMPROVEMENTS ON PARCEL 3 OR THE CONSTRUCTION OF ANY FACILITIES, MODIFICATION OF THE CLEARANCE BETWEEN THE TRACKS AND, OR IMPROVEMENTS, PROVISIONS RELATING TO ANY STREETS AND VACATIONS, AND PAYMENT EVENTS RELATING TO AIR RIGHTS CONSIDERATION

PROVISIONS RELATING TO PAYMENT TO THE COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY (METRA) OF "AIR RIGHTS CONSIDERATION" UPON THE OCCURANCE OF A "PAYMENT EVENT" ARE ALSO PROVIDED IN THE AGREEMENT. THE AGREEMENT FURTHER CONTAINS PROVISIONS RELATING TO APPROVAL FROM THE COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY (METRA) OF ALL FACILITIES TO BE LOCATED AND CONSTRUCTED ON PARCEL 3 AND OTHER PROPERTY NOT NOW IN QUESTION AND RESTRICTIONS RELATING TO THE LOCATION, EXPENSES AND COMPLIANCE WITH SAFETY CODES OF THE FACILITIES, INSURANCE PROVISIONS, INDEMNIFICATIONS, RELEASES.

ASSIGNMENT AND ASSUMPTION OF AIR RIGHTS AGREEMENT RECORDED AS DOCUMENT 94342679 MADE BY CMC REAL ESTATE CORPORATION, ASSIGNOR, TO CHICAGO MILWAUKEE CORPORATION, ASSIGNEE

ASSIGNMENT AND ASSUMPTION OF AIR RIGHTS AGREEMENT RECORDED AS DOCUMENT 94342681 MADE BY CHICAGO MILWAUKEE CORPORATION, ASSIGNOR TO CMC HEARTLAND PARTNERS, ASSIGNEE

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PARTIAL ASSIGNMENT OF AIR RIGHTS AND EASEMENT AGREEMENT DATED MARCH 16, 2006 AND RECORDED MARCH 31, 2006, AS DOCUMENT NUMBER 0609018100 BY AND AMONG COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY (METRA), CMC HEARTLAND PARTNERS, A DELAWARE GENERAL PARTNERSHIP AND JEWEL FOOD STORES, INC., A NEW YORK CORPORATION.

(NOTE: THE "PAYMENT EVENT" TOOK PLACE AND THERE IS NOTHING OWING TO METRA)

(AFFECTS PARCEL 3)

- AO 11. RIGHT, TITLE AND INTEREST OF CONRAIL IN AND TO PARCEL 3 AS DISCLOSED BY THE EASEMENT AGREEMENT RECORDED AS DOCUMENT 87495657 AND ALL PARTIES CLAIMING THEREUNDER.
(AFFECTS PARCEL 3)
- AR 12. FIBER OPTICS AGREEMENT RECORDED SEPTEMBER 9, 1987 AS DOCUMENT 87495658 MADE BY AND BETWEEN CMC REAL ESTATE CORPORATION AND THE COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY RELATING TO ANY OPTICS CONTRACT ENTERED INTO BY CONSOLIDATED RAIL CORPORATION WITH CONRAIL AS SHOWN ON SURVEY MADE BY WEBSTER, MCGRATH & AHLBERG LTD., NUMBER 40446, DATED NOVEMBER 17, 2009.. RELATIVE THERETO WE NOTE THE RIGHT, TITLE AND INTEREST OF CONRAIL IN AND TO ANY CONTRAIL OPTICS CONTRACT AND ALL PARTIES CLAIMING THEREUNDER.
(AFFECTS PARCELS 3, 4 & 5) (AFFECTS GROUND ONLY)
- AX 13. RESERVATION IN FAVOR OF CHICAGO, MILWAUKEE ST. PAUL AND PACIFIC RAILROAD COMPANY IN AND TO THE TRackage AND APPURTENANCES THERETO AS SITUATION ON PARCELS 4 AND 5 AS RESERVED IN THE DEED TO NORTH SUBURBAN MASS TRANSIT, A MUNICIPAL CORPORATION OF THE STATE OF ILLINOIS BY CORRECTIVE QUITCLAIM DEED RECORDED AS DOCUMENT 24716776 AS SHOWN ON SURVEY MADE BY WEBSTER, MCGRATH & AHLBERG LTD., NUMBER 40446, DATED NOVEMBER 17, 2009.
NOTE: CORRECTIVE DEED RECORDED AS DOCUMENT 87495655 DID NOT CONTAIN A RESERVATION.
(AFFECTS PARCELS 4 & 5) (AFFECTS GROUND ONLY)
- AY 14. TERMS, CONDITIONS, COVENANTS, RESTRICTIONS AND EASEMENTS CONTAINED IN THE RECIPROCAL EASEMENT AGREEMENT DATED MARCH 23, 2005 AND RECORDED MARCH 31, 2005 AS DOCUMENT NUMBER 0509033011 MADE BY AND BETWEEN 325 UNION, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY AND CMC HEARTLAND PARTNERS, A DELAWARE LIMITED PARTNERSHIP.

FIRST AMENDMENT TO RECIPRICAL EASEMENT AGREEMENT RECORDED SEPTEMBER 17, 2007 AS DOCUMENT 0726039092.

SECOND AMENDMENT TO RECIPRICAL EASEMENT AGREEMENT RECORDED MAY 18, 2009 AS DOCUMENT 0913803028.
- BO 15. TERMS, CONDITIONS AND EASEMENTS CONTAINED IN THE GRANT OF EASEMENT AND AGREEMENT DATED MARCH 17, 2006 AND RECORDED MARCH 31, 2006 AS DOCUMENT NUMBER 0609018099, AS SHOWN ON SURVEY MADE BY WEBSTER, MCGRATH AND AHLBERG, NUMBER 40446, DATED NOVEMBER 17, 2009 AND REVISED ~, 2009., MADE BY JEWEL FOOD STORES, INC., A NEW YORK CORPORATION GRANTING A PERPETUAL EASEMENT TO THE CITY OF CHICAGO FOR RAILROAD PURPOSES ONLY IN, OVER AND ACROSS THE PORTION OF THE LAND THAT IS LOCATED WITHIN THE EASEMENT LINES AS DEPICTED ON EXHIBIT B ATTACHED THERETO.

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- BP 16. TERMS, PROVISIONS AND CONDITIONS CONTAINED IN THE JEWEL FOOD STORES, INC. REDEVELOPMENT AGREEMENT (RIVER WEST REDEVELOPMENT PROJECT AREA) DATED MARCH 17, 2006 AND RECORDED MARCH 31, 2006, AS DOCUMENT NUMBER 0609018098 BY AND BETWEEN THE CITY OF CHICAGO AND JEWEL FOOD STORES, INC., A NEW YORK CORPORATION.
- ~~BT 17. COVENANT RECORDED SEPTEMBER 19, 2006 AS DOCUMENT 0626231087, BY 325 UNION LLC WHEREBY THE LLC AGREES FOR ITSELF, ITS SUCCESSORS AND ASSIGNS THAT THE MAINTENANCE AND REPAIR OF THE COMMON LINES LOCATED ANYWHERE ON THE PROPERTY FROM THE POINT OF CONNECTION TO THE SEWER MAIN IN THE PUBLIC STREET SHALL BE THE RESPONSIBILITY OF THE OWNERS OF 650, 660 AND 670 WEST WAYMAN STREET AND 328, 330, 332, 334 AND 336 NORTH DES PLAINES STREET, CHICAGO, ILLINOIS TO BE CONSTRUCTED AS APPROVED BY THE CITY OF CHICAGO AS AMENDED FROM TIME TO TIME AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF CHICAGO.~~
- BS 18. GRANT OF COMMUNICATIONS SYSTEM EASEMENT/RELEASE RECORDED DECEMBER 10, 2008 AS DOCUMENT 0834515094, MADE BY AND BETWEEN JEWEL FOOD STORES, INC. AND AT&T CORP., AS SHOWN ON SURVEY MADE BY WEBSTER, MCGRATH AND AHLBERG, NUMBER 40446, DATED NOVEMBER 27, 2009 AND REVISED -, 2009.
- CG 19. MEMORANDUM OF GROUND LEASE RECORDED ~ AS DOCUMENT ~ MADE BY AND BETWEEN HUBBARD'S CAVE LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, LANDLORD, AND JEWEL FOOD STORES, INC., AN OHIO CORPORATION, TENANT.