



Doc#: 1005615044 Fee: \$92.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 02/25/2010 02:13 PM Pg: 1 of 29

THIS INSTRUMENT PREPARED  
BY AND AFTER RECORDATION  
SHOULD BE RETURNED TO:

Mark C. Simon, Esq.  
Katten Muchin Rosenman LLP  
525 West Monroe Street, Suite 1900  
Chicago, Illinois 60661-3693

Portfolio Title Company (1 of 2)

**FIRST AMENDMENT TO  
EASEMENT AND PARTY WALL AGREEMENT**

THIS FIRST AMENDMENT TO EASEMENT AND PARTY WALL AGREEMENT (this "Amendment") is made and entered into as of February 3, 2010 by and between **AQUA AT LAKESHORE EAST LLC**, an Illinois limited liability company ("Aqua"), and **BRE/SWISS L.P.**, a Delaware limited partnership, successor by conversion to BRE/Swiss L.L.C., a Delaware limited liability company ("BRE").

**RECITALS:**

A. Aqua and BRE entered into that certain Easement and Party Wall Agreement (the "Agreement") dated October 24, 2008 and recorded with the Cook County Recorder of Deeds on October 27, 2008 as document number 0830145051, with respect to (i) that certain real property owned by Aqua and more particularly described on **Exhibit A** attached hereto (the "Aqua Parcel"), (ii) that certain real property owned by BRE and more particularly described on **Exhibit B** attached hereto (the "Ballroom Parcel") and (iii) that certain real property owned by BRE and more particularly described on **Exhibit C** attached hereto (the "Hotel Parcel"). Capitalized terms used but not defined in this Amendment shall have the meanings ascribed to such terms in the Agreement.

B. Aqua and BRE desire to amend certain of the covenants, conditions and restrictions set forth in the Agreement.

**AGREEMENT:**

NOW, THEREFORE, in consideration of the foregoing recitals, the covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Incorporation of Recitals.** The recitals set forth above are true and correct and are incorporated herein by reference.

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2. **Amendments.** The Agreement is hereby amended as follows:

(A) The last sentence of Section 1(A)(ii) of the Agreement is deleted and replaced with the following:

“Aqua and BRE further agree and covenant to maintain in good condition and repair the Access Road, the Drop-Off Area and the surrounding areas, provided that such maintenance and repair obligations shall be limited to (A) surface cleaning, (B) snow removal, (C) landscaping (as applicable), and (D) superficial repair and maintenance (including, without limitation, painting, patching, sealing and topcoat resurfacing), as follows:

(1) BRE, at its sole cost and expense, shall maintain and repair the Drop-Off Area and certain other areas located on and around the Ballroom Parcel to the West and North of the Access Road, as more particularly shown on Exhibit E attached hereto (the “BRE Maintenance Area”);

(2) Aqua, at its sole cost and expense, shall maintain and repair certain areas located to the East and South of the Access Road, as more particularly shown on Exhibit E attached hereto; and

(3) Aqua shall maintain and repair the Access Road, as more particularly shown on Exhibit E attached hereto. BRE shall reimburse Aqua for thirty-three percent (33%) of the actual third party costs and expenses incurred by Aqua in performing such maintenance and repair of the Access Road within thirty (30) days after delivery by Aqua to BRE of an invoice therefor, which invoices will be delivered by Aqua periodically, as Aqua may elect, but in no event more frequently than once per calendar quarter.

Aqua hereby grants to BRE a non-exclusive easement on, over and through the BRE Maintenance Area to the extent reasonably necessary for BRE to perform its maintenance and repair obligations in accordance herewith. Nothing contained in this Section 1(A)(ii) shall in any way diminish, alter or affect Aqua’s or BRE’s obligations with respect to any subsurface, non-superficial or structural facilities or areas pursuant to this Agreement or otherwise, including

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without limitation, the maintenance, repair, replacement and/or insuring of any structural, sub-surface, water-tight membrane, Party Wall, or Pipe Stem Wall areas pursuant to Section 5 of this Agreement.”

(B) The reference in Section 1(I) of the Agreement to “intermediate East Wacker Drive” is hereby deleted and replaced with “lower East Wacker Drive.”

(C) The references in Sections 8(A) and 8(B) of the Agreement to “A.M. Best’s Rating of A+ or better” are hereby deleted and replaced with “A.M. Best’s Rating of A or better”.

(D) Aqua’s address for notice set forth in Section 11(E) of the Agreement is deleted and replaced with the following:

“To Aqua:

Aqua at Lakeshore East LLC  
c/o Magellan Development Group LLC  
225 N. Columbus Drive, Suite 100  
Chicago, IL 60601  
Attention: Joel M. Carlins and David Carlins  
Facsimile No.: 312-642-2773

with a copy to:

Katten Muchin Rosenman LLP  
525 W. Monroe Street, Suite 1900  
Chicago, IL 60661  
Attention: Mark C. Simon, Esq.  
Facsimile No.: 312-577-4517”

(E) The following is inserted at the end of Section 11(L) of the Agreement:

“All amounts owed under the Declaration with respect to Parcels 3, 3A, 3B, 3C, 3D and 4 (collectively, the “Aqua/BRE Parcels”) shall be the sole responsibility of Aqua, and not of BRE, and Aqua shall pay all such amounts in a timely manner and otherwise in full compliance with the terms of the Declaration. Aqua hereby covenants and agrees, at its sole cost and expense, to indemnify, defend and hold harmless BRE from and against any and all claims, including any actions or proceedings, against BRE, for losses, liabilities, liens, damages, judgments, costs and expenses by or on behalf of BRE with respect to any amounts owed under the Declaration with respect to the Aqua/BRE Parcels. In

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consideration for the foregoing, pursuant to Section 8.3 of the Declaration, BRE and Aqua, as the Owners of the Aqua/BRE Parcels, hereby designate Aqua, or such party as Aqua may designate from time to time, as the Voting Member with respect to such Aqua/BRE Parcels. For purposes of this paragraph only, the terms "Owners", "Parcels" and "Voting Member" shall have the meanings ascribed to such terms in the Declaration."

(F) **Exhibit D** attached hereto is attached to the Agreement as Exhibit E thereof.

(G) **Exhibit E** attached hereto is attached to the Agreement as Exhibit F thereof.

(H) The following new Section 1(M) is hereby added to the Agreement:

(M) **Fire Sprinkler Drain Lines.** A non-exclusive easement for fire sprinkler drain line purposes over and through such portions of the Parking Garage and those portions of the Aqua Parcel immediately adjacent to or below the Ballroom Parcel where fire sprinkler drain line improvements are currently, or shall be, located; provided that (1) such fire sprinkler drain line improvements, and BRE's easement for the use thereof, shall be located so as to preserve a minimum clearance of 7'0", except in the Drain Line Column Area, and (2) if such fire sprinkler drain line improvements have not been constructed as of the Effective Date, then such fire sprinkler drain line improvements, and BRE's easement for the use thereof, shall be located in a location reasonably acceptable to Aqua. The fire sprinkler drain line easement granted herein shall include the right of BRE to run its fire sprinkler drain line improvements down through the Parking Garage and those portions of the Aqua Parcel adjacent to the Ballroom Parcel and connect such improvements to Aqua's existing or future sanitary sewer improvements and use, at no cost to BRE, the sanitary sewer facilities located in the Aqua Improvements for the discharge of the fire sprinkler drain line serving the Ballroom Improvements. For purposes of this Section 11(M), "Drain Line Column Area" shall mean that area of the Parking Garage depicted on Exhibit F attached hereto, which is immediately adjacent to a column and not located in any drive aisle or parking stall"

(I) New Section 1(M) of the Agreement created above shall be deemed a Ballroom Systems Easement for all purposes under the Agreement.

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(J) The following new Section 11(R) is hereby added to the Agreement:

“(R) NFR Letter. Aqua and BRE agree and acknowledge that the Ballroom Parcel and certain portions of the Aqua Parcel are subject to that certain No Further Remediation Letter dated May 21, 2009 issued by the Illinois Environmental Protection Agency and recorded with the Cook County Recorder of Deeds on August 10, 2009 as document number 0922216034 (“NFR Letter”). Aqua hereby covenants and agrees, at its sole cost and expense, to comply with all of the terms, covenants and conditions contained in and relating to the NFR Letter, including, without limitation, payment of all fees relating thereto. Aqua hereby further releases and holds BRE harmless from and against any and all obligation and liability related to compliance with the terms, covenant and conditions contained in and relating to the NFR Letter, including, without limitation, payment of all fees relating thereto.”

### 3. Miscellaneous.

(A) Ratification. Except as expressly amended by this Amendment, all of the terms and conditions of the Agreement shall remain unmodified and in full force and effect and are hereby ratified and confirmed.

(B) Successors and Assigns. All of the terms and provisions of this Amendment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns and are intended to be covenants running with the land both as to benefit and burden.

(C) Applicable Laws. The parties hereto acknowledge that this Amendment has been negotiated, executed and delivered in the City of Chicago, County of Cook and State of Illinois. This Amendment shall, in all respects, be governed, construed, applied and enforced in accordance with the laws of the State of Illinois, including, without limitation, matters affecting title to all real property described herein.

(D) Severability. The illegality, invalidity or unenforceability under law of any covenant, restriction or condition or any other provision of this Amendment shall not impair or affect in any manner the validity, enforceability or effect of the remaining provisions of this Amendment.

(E) Notices. Any notice, request, demand, consent, approval, and other communication provided for under this Amendment shall be given or made in accordance with the terms and conditions of Section 11(E) of Agreement.

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(F) Section Headings. The headings of the Sections in this Amendment are for convenience of reference only and shall not in any way limit or define the content, substance or effect of the provisions hereof.

(G) Counterparts. This document may be executed by execution of separate counterpart signature pages which are compiled and attached hereto to constitute a binding agreement.

[SIGNATURE PAGES FOLLOW]

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## CONSENT AND SUBORDINATION TO FIRST AMENDMENT TO EASEMENT AND PARTY WALL AGREEMENT

The undersigned, PNC Bank, National Association, as successor to National City Bank, as administrative agent for the Lenders (in such capacity, together with its successors in such capacity the "Administrative Agent"), holder of that Mortgage, Security Agreement and Fixture Filing executed by AQUA AT LAKESHORE EAST LLC, an Illinois limited liability company ("Owner"), in favor of PNC Bank, as successor to National City Bank, dated August 24, 2007, recorded with the Cook County, Illinois Recorder of Deeds on August 29, 2007 as Document No. 0724134061 (as amended, the "Mortgage"), does hereby agree that the lien and charge of the Mortgage shall be, and is hereby made subordinate to, junior to and subject to the foregoing "First Amendment to Easement and Party Wall Agreement", which instrument is being recorded concurrently herewith, and annexations thereto and the entire effect thereof. Administrative Agent is executing this Consent and Subordination to First Amendment to Easement and Party Wall Agreement solely as an accommodation to Owner.

Dated: January 4, 2010

**ADMINISTRATIVE AGENT:**

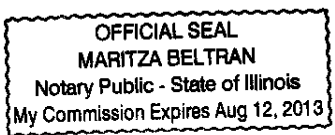
**PNC BANK,**  
a national banking association

By: [Signature]  
Name: TRACY S. LARSON  
Its: Senior Vice President

STATE OF ILLINOIS                    )  
  )  
COUNTY OF COOK                    )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that the above named Tracy S. Larson, the Senior vice president of PNC BANK, a national banking association, 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/she signed and delivered the said instrument as his/her free and voluntary act and as the free and voluntary act of said company for the uses and purposes herein set forth.

Given under my hand and Notary Seal this 4th day of January, 2010.



Maritza Beltran  
Notary Public

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## EXHIBIT A

### Legal Description of Aqua Parcel

#### PARCEL 1:

A PARCEL OF LAND COMPRISED OF A PART OF LOT 1, ALL OF LOT 1A, ALL OF LOT 2, ALL OF LOTS 3, 3A, 3B, 3C AND 3D; A PART OF LOT 4 AND A PART OF LOT 15; ALL IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, SAID PARCEL OF LAND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID LOT 2 IN LAKESHORE EAST SUBDIVISION WITH THE EAST LINE OF N. COLUMBUS DRIVE, AS SAID N. COLUMBUS DRIVE WAS DEDICATED AS A PUBLIC STREET BY DOCUMENT 21925615, RECORDED JUNE 5, 1972, SAID POINT OF INTERSECTION BEING ALSO THE NORTHWEST CORNER OF SAID LOT 2;

THENCE EAST ALONG THE NORTH LINE OF SAID LOT 2, SAID NORTH LINE BEING PERPENDICULAR TO THE EAST LINE OF N. COLUMBUS DRIVE, A DISTANCE OF 160.57 FEET TO THE SOUTHWEST CORNER OF LOT 3A IN SAID LAKESHORE EAST SUBDIVISION;

THENCE NORTH ALONG THE WEST LINE OF LOTS 3A AND 3B, SAID WEST LINE BEING PERPENDICULAR TO SAID NORTH LINE OF LOT 2, A DISTANCE OF 146.62 FEET TO THE NORTHWEST CORNER OF SAID LOT 3B;

THENCE EAST ALONG THE NORTH LINE OF LOTS 3B AND 3C, SAID NORTH LINE BEING PERPENDICULAR TO THE WEST LINE OF LOTS 3A AND 3B, A DISTANCE OF 221.17 FEET TO AN INTERSECTION WITH THE WEST LINE OF LOT 4, SAID POINT OF INTERSECTION BEING ALSO THE NORTHEAST CORNER OF SAID LOT 3C;

THENCE NORTH ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 141.11 FEET TO THE NORTHWEST CORNER OF SAID LOT 4;

THENCE SOUTHEASTWARDLY ALONG THE NORTHERLY LINE OF SAID LOT 4, SAID LOT 4, SAID NORTHERLY LINE BEING ALSO THE SOUTHERLY LINE OF E. WACKER DRIVE, AS DEDICATED BY DOCUMENT 21925615, RECORDED JUNE 5, 1972, A DISTANCE OF 60.19 FEET TO AN INTERSECTION WITH A LINE WITH IS 60.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE OF LOT 4;

THENCE SOUTH ALONG THE LAST DESCRIBED PARALLEL LINE, A DISTANCE OF 207.07 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID LOT 4;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 60.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4, BEING ALSO THE NORTHEAST CORNER OF SAID LOT 3D;

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THENCE SOUTH ALONG THE EAST LINE OF LOT 3D, A DISTANCE OF 75.84 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID LOT 15, SAID POINT OF INTERSECTION BEING ALSO THE SOUTHEAST CORNER OF SAID LOT 3D;

THENCE EAST ALONG THE NORTH LINE OF SAID LOT 15, A DISTANCE OF 18.40 FEET TO AN INTERSECTION WITH A LINE WHICH IS 41.60 FEET, MEASURED PERPENDICULARLY, WEST OF AND PARALLEL WITH THE EAST LINE OF LOT 15;

THENCE SOUTH ALONG THE LAST DESCRIBED PARALLEL LINE A DISTANCE OF 62.16 FEET TO THE NORTH LINE OF E. SOUTH WATER STREET, AS DEDICATED BY SAID PLAT OF LAKESHORE EAST SUBDIVISION;

THENCE WEST ALONG SAID NORTH LINE, A DISTANCE OF 55.14 FEET TO AN INTERSECTION WITH THE WEST LINE OF N. PARK DRIVE, AS SAID N. PARK DRIVE WAS DEDICATED BY SAID PLAT OF LAKESHORE EAST SUBDIVISION;

THENCE SOUTH ALONG SAID WEST LINE, SAID WEST LINE BEING ALSO THE EAST LINE OF LOT 15, A DISTANCE OF 311.53 FEET TO AN INTERSECTION WITH A LINE WHICH IS 95.18 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINES OF LOT 1 AND 15;

THENCE WEST ALONG THE LAST DESCRIBED PARALLEL LINE, A DISTANCE OF 345.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID LOT 1, SAID WEST LINE BEING ALSO THE EAST LINE OF N. COLUMBUS DRIVE AS DEDICATED;

THENCE NORTH ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 66.00 FEET;

THENCE EAST ALONG A LINE PERPENDICULAR TO SAID WEST LINE OF LOT 1, A DISTANCE OF 90.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1A IN LAKESHORE EAST SUBDIVISION;

THENCE NORTH ALONG THE WEST LINE OF LOT 1A, A DISTANCE OF 160.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1A;

THENCE WEST ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED LINE, A DISTANCE OF 90.00 FEET TO THE WEST LINE OF SAID LOT 2, SAID WEST LINE BEING ALSO THE EAST LINE OF N. COLUMBUS DRIVE;

THENCE NORTH ALONG SAID WEST LINE OF LOT 2, A DISTANCE OF 147.70 FEET TO THE POINT OF BEGINNING.

ALSO THAT PART OF THE PROPERTY AND SPACE LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 44.00 FEET ABOVE CHICAGO CITY DATUM AND LYING WITHIN THE BOUNDARIES, PROJECTED VERTICALLY, OF THAT PART OF SAID LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON SAID EAST LINE OF N. COLUMBUS DRIVE AS DEDICATED BY DOCUMENT 21925615, RECORDED JUNE 5, 1972 WHICH POINT IS 147.70 FEET, AS MEASURED ALONG SAID EAST LINE, SOUTH OF THE NORTHWEST CORNER OF SAID LOT 2 IN LAKESHORE EAST SUBDIVISION;

THENCE EAST ALONG A LINE PERPENDICULAR TO SAID EAST LINE OF N. COLUMBUS DRIVE, A DISTANCE OF 90.00 FEET;

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THENCE SOUTH ALONG A LINE PARALLEL WITH SAID EAST LINE OF N. COLUMBUS DRIVE, A DISTANCE OF 160.00 FEET;

THENCE WEST ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED LINE, A DISTANCE OF 90.00 FEET TO SAID EAST LINE OF N. COLUMBUS DRIVE;

THENCE NORTH ALONG SAID EAST LINE, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

(APPURTENANT TO AND BURDENS ALL LOTS IN LAKESHORE EAST SUBDIVISION.)

NON-EXCLUSIVE EASEMENT APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1, INCLUDING EASEMENTS FOR ACCESS TO IMPROVEMENTS BEING CONSTRUCTED OVER TEMPORARY CONSTRUCTION EASEMENT AREAS, FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS ON, OVER THROUGH AND ACROSS THE STREETS, AND TO UTILIZE THE UTILITIES AND UTILITY EASEMENTS, IN AND UPON LOTS AND PARTS OF LOTS IN LAKESHORE EAST SUBDIVISION AFOREMENTIONED, ALL AS MORE PARTICULARLY DEFINED, DESCRIBED AND CREATED BY DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKESHORE EAST MADE BY AND BETWEEN LAKESHORE EAST LLC, LAKESHORE EAST PARCEL P LLC, AND ASN LAKESHORE EAST LLC DATED AS OF JUNE 26, 2002 AND RECORDED JULY 2, 2002 AS DOCUMENT 0020732020 AND AS AMENDED BY FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKESHORE EAST EXECUTED BY LAKESHORE EAST LLC DATED AS OF MARCH 3, 2003 AND RECORDED MARCH 7, 2003 AS DOCUMENT 0030322531, AND AS AMENDED BY SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKESHORE EAST EXECUTED BY LAKESHORE EAST LLC DATED AS OF NOVEMBER 12, 2004 AND RECORDED NOVEMBER 19, 2004 AS DOCUMENT 0432427091, AND RE-RECORDED JANUARY 19, 2005 AS DOCUMENT NUMBER 0501919098, AND FURTHER AMENDED BY THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR LAKESHORE EAST EXECUTED BY LAKESHORE EAST LLC DATED AS OF FEBRUARY 24, 2005 AND RECORDED FEBRUARY 25, 2005 AS DOCUMENT 0505632009 AND FURTHER AMENDED BY FOURTH AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS, AND EASEMENTS FOR LAKESHORE EAST EXECUTED BY LAKESHORE EAST LLC DATED AS OF FEBRUARY 24, 2005 AND RECORDED FEBRUARY 25, 2005 AS DOCUMENT 0505632012, AND FURTHER AMENDED BY FIFTH AMENDMENT TO THE DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR LAKESHORE EAST EXECUTED BY LAKESHORE EAST LLC DATED AS OF OCTOBER 27, 2006 AND RECORDED NOVEMBER 9, 2006 AS DOCUMENT 063133304 AND ALSO RE-RECORDED ON FEBRUARY 9, 2007 AS DOCUMENT 0704044062, AND AS SUPPLEMENTED BY NOTICE OF SATISFACTION OF CONDITIONS RELATED TO FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKESHORE EAST LLC, DATED AS OF FEBRUARY 9, 2007 AND RECORDED MAY 22, 2007 AS DOCUMENT 00714222037.

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## PARCEL 3:

(APPURTENANT TO AND BURDENS LOTS 1 AND 2 IN LAKESHORE EAST SUBDIVISION)

EXCLUSIVE AND NON-EXCLUSIVE EASEMENTS APPURTENANT INCLUDING PARKING AND USE EASEMENT AND MAINTENANCE EASEMENT ALL MORE PARTICULARLY DEFINED IN THE FIRST AMENDMENT TO PARCELS 1 AND 2 DEVELOPMENT AND EASEMENT AGREEMENT DATED OCTOBER 27, 2006 AND RECORDED NOVEMBER 9, 2006 AS DOCUMENT 061333002 AND AS SUPPLEMENTED BY NOTICE OF SATISFACTION OF CONDITIONS RELATING TO FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKESHORE EAST AND FIRST AMENDMENT TO PARCELS 1 AND 2 DEVELOPMENT AND EASEMENT AGREEMENT RECORDED MAY 22, 2007 AS DOCUMENT NUMBER 0714222037.

## PARCEL 4:

COMMONWEALTH EDISON EASEMENT DATED AS OF JUNE 26, 2002 AND RECORDED JULY 2, 2002 AS DOCUMENT 0020732345 AND AS AMENDED AND RESTATED BY FIRST AMENDMENT TO AND RESTATEMENT OF COM ED SUPPORT EASEMENT RECORDED JUNE 11, 2007 AS DOCUMENT 0716240042.

## PARCEL 5:

EASEMENTS FOR UTILITIES, EXCLUSIVE PARKING SPACES, MAINTENANCE OF EXISTING ENCROACHMENTS, ACCESS EMERGENCY PEDESTRIAN EGRESS AND AIR INTAKE VERTICALLY WITHIN THE COM ED UTILITY EASEMENT AREA, THE COM ED PARKING AND ACCESS EASEMENT AREA, AND OTHER DEFINED AREAS, AS CONTAINED IN COM ED EASEMENT AGREEMENT DATED AS OF JUNE 26, 2002 AND RECORDED JULY 2, 2002 AS DOCUMENT 0020732346 MADE BY AND BETWEEN ASN LAKESHORE EAST LLC, LAKESHORE EAST PARCEL P LLC, AND COMMONWEALTH EDISON COMPANY, AND AS AMENDED BY FIRST AMENDMENT TO AND RESTATEMENT OF COM ED EASEMENT AGREEMENT RECORDED JUNE 11, 2007 AS DOCUMENT 0716240043.

(APPURTENANT TO LOTS 1, 2 AND UNDERLYING EASEMENT PARCEL 2 AND 3)

## LESS AND EXCEPT:

SWISSOTEL BALLROOM:

(UPPER LEVEL):

THAT PART OF LOT 3 IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF

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57.25 FEET ABOVE CHICAGO CITY DATUM, AND BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 100.00 FEET ABOVE CHICAGO CITY DATUM, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 3 IN SAID LAKESHORE EAST SUBDIVISION;

THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 107.20 FEET TO A LINE 39.42 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 3;

THENCE WEST ALONG SAID PARALLEL LINE, PERPENDICULAR TO THE EAST LINE OF SAID LOT 3, A DISTANCE OF 206.32 FEET TO A LINE 14.85 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 3;

THENCE NORTH ALONG SAID PARALLEL LINE, PERPENDICULAR TO THE LAST DESCRIBED COURSE, 107.20 FEET TO THE NORTH LINE OF LOT 3 AFORESAID;

THENCE EAST ALONG THE NORTH LINE OF SAID LOT 3, AND PERPENDICULAR TO THE WEST LINE OF LOTS 3A AND 3B, A DISTANCE OF 206.32 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH

(LOWER LEVEL):

THAT PART OF LOTS 3, 3A, 3B, 3C AND 3D IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, AND LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 57.25 FEET ABOVE CHICAGO CITY DATUM, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LOTS 3 AND 3B IN SAID LAKESHORE EAST SUBDIVISION, 13.51 FEET EAST OF THE NORTHWEST CORNER OF SAID LOTS 3 AND 3B;

THENCE EAST ALONG THE NORTH LINE OF SAID LOTS 3, 3B AND 3C, AND ITS EASTERLY EXTENSION, A DISTANCE OF 207.66 TO THE NORTHEAST CORNER OF LOTS 3 AND 3C AFORESAID;

THENCE SOUTH ALONG THE EAST LINE OF SAID LOTS, 146.62 FEET TO THE SOUTHEAST CORNER OF SAID LOTS 3 AND 3D;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOTS 3, 3D AND 3A, A DISTANCE OF 105.36 FEET TO A LINE 115.81 FEET EAST FROM AND PARALLEL WITH THE WEST LINE OF SAID LOTS 3, 3A AND 3B;

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THENCE NORTH ALONG SAID PARALLEL LINE, 39.42 FEET TO A LINE 39.42 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOTS 3, 3A AND 3B;

THENCE WEST ALONG SAID PARALLEL LINE, 102.30 FEET TO A LINE 13.51 FEET EAST FROM AND PARALLEL WITH THE WEST LINE OF SAID LOTS 3, 3A AND 3B, BEING ALSO THE CENTERLINE OF AN INTERIOR STRUCTURAL WALL;

THENCE NORTH ALONG SAID PARALLEL LINE AND THE CENTERLINE OF SAID STRUCTURAL WALL, 107.20 FEET TO THE NORTH LINE OF LOTS 3 AND 3B AFORESAID AND THE POINT OF BEGINNING;

ALSO

THAT PART OF LOTS 3 AND 3A IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, AND LYING BELOW THE CENTER LINE OF THE STRUCTURAL SLAB OF THE ROADWAY AT THE PLAZA LEVEL, BEING AN INCLINE PLANE HAVING AN ELEVATION OF 57.25 FEET ABOVE CHICAGO CITY DATUM ALONG THE EAST LINE AND AN ELEVATION OF 53.17 FEET ABOVE CHICAGO CITY DATUM ALONG THE WEST LINE OF THE FOLLOWING PARCEL, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH LINE OF LOTS 3 AND 3A AFORESAID AT A POINT 53.17 FEET EAST OF THE SOUTHWEST CORNER THEREOF;

THENCE NORTH PERPENDICULAR TO THE SOUTH LINE OF LOTS 3 AND 3A AFORESAID, 39.42 FEET TO A LINE 39.42 FEET NORTH FROM AND PARALLEL WITH SAID SOUTH LINE OF LOTS;

THENCE EAST ALONG SAID PARALLEL LINE, 62.64 FEET TO A LINE 115.81 FEET EAST FROM AND PARALLEL WITH THE WEST LINE OF SAID LOTS 3 AND 3A;

THENCE SOUTH ALONG SAID PARALLEL LINE, 39.42 FEET TO THE SOUTH LINE OF SAID LOTS 3 AND 3A;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOTS, 62.64 FEET TO THE POINT OF BEGINNING;

ALSO

THAT PART OF LOTS 3 AND 3A IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS

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DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, AND LYING BELOW THE CENTER LINE OF THE STRUCTURAL SLAB OF THE ROADWAY AT THE PLAZA LEVEL, BEING AN INCLINE PLANE HAVING AN ELEVATION OF 53.17 FEET ABOVE CHICAGO CITY DATUM AT THE NORTHEAST CORNER AND AN ELEVATION OF 52.42 FEET ABOVE CHICAGO CITY DATUM AT THE SOUTHWEST CORNER OF THE FOLLOWING PARCEL, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH LINE OF LOTS 3 AND 3A AFORESAID AT A POINT 13.51 FEET EAST OF THE SOUTHWEST CORNER THEREOF, BEING ALSO THE CENTERLINE OF AN INTERIOR STRUCTURAL WALL;

THENCE NORTH ALONG SAID CENTERLINE, BEING ALSO A LINE 13.51 EAST FROM AND PARALLEL WITH THE WEST LINE OF LOTS 3 AND 3A AFORESAID, 39.42 FEET TO A LINE 39.42 FEET NORTH FROM AND PARALLEL WITH SAID SOUTH LINE OF LOTS;

THENCE EAST ALONG SAID PARALLEL LINE, 39.66 FEET TO A LINE 53.17 FEET EAST FROM AND PARALLEL WITH THE WEST LINE OF SAID LOTS 3 AND 3A;

THENCE SOUTH ALONG SAID PARALLEL LINE, 39.42 FEET TO THE SOUTH LINE OF SAID LOTS 3 AND 3A;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOTS, 39.66 FEET TO THE POINT OF BEGINNING;

AND ALSO

THE WEST 60.00 FEET OF LOT 4 LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 3 IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, AND LYING BELOW THE CENTER LINE OF THE STRUCTURAL SLAB OF THE ROADWAY AT THE PLAZA LEVEL, BEING AN INCLINE PLANE HAVING AN ELEVATION OF 55.33 FEET ABOVE CHICAGO CITY DATUM ALONG SAID THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 3 AND AN ELEVATION OF 57.25 FEET ABOVE CHICAGO CITY DATUM ALONG THE SOUTH LINE OF SAID LOT 4;

AND TOGETHER WITH THE "SWISSOTEL ELEVATOR", SWISSOTEL ESCALATOR" AND "SWISSOTEL ENTRANCE" PARCELS, HEREINAFTER DESCRIBED;

ALL IN COOK COUNTY, ILLINOIS.



# UNOFFICIAL COPY

## SWISSOTEL ELEVATOR:

(BELOW LOWER LEVEL)

THAT PART OF LOT 3C IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 31.75 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB OF LEVEL P-2 IN "THE AQUA", AND BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 20.06 FEET SOUTH FROM THE NORTH LINE AND 23.48 FEET WEST FROM THE EAST LINE OF LOT 3C AFORESAID;

THENCE WEST, PERPENDICULAR TO SAID EAST LINE OF LOT 3C, A DISTANCE OF 8.92 FEET; THENCE SOUTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 4.60 FEET; THENCE WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 9.90 FEET; THENCE NORTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 17.10 FEET; THENCE EAST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 18.82 FEET; THENCE SOUTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 12.50 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY ILLINOIS.

## SWISSOTEL ESCALATOR:

(BELOW LOWER LEVEL)

THAT PART OF LOTS 3C AND 3D IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 37.05 FEET ABOVE CHICAGO CITY DATUM, AND BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 70.36 FEET SOUTH FROM THE NORTH LINE AND 16.86 FEET WEST FROM THE WEST LINE OF LOT 3C AFORESAID;

THENCE SOUTH, PARALLEL WITH THE EAST LINE OF LOTS 3C AND 3D AFORESAID, 35.00 FEET; THENCE WEST, PERPENDICULAR TO SAID EAST LINE OF LOT 3D, 1.50 FEET; THENCE NORTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 9.85 FEET; THENCE WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 10.95 FEET; THENCE SOUTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 9.85

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FEET; THENCE WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 1.50 FEET;  
THENCE NORTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 35.00 FEET;  
THENCE EAST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 1.50 FEET;  
THENCE SOUTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 7.45 FEET;  
THENCE EAST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 10.95 FEET;  
THENCE NORTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 7.45 FEET;  
THENCE EAST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 1.50 FEET TO THE  
POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

SWISSOTEL ENTRANCE:

(UPPER LEVEL)

THAT PART OF LOT 3 IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION  
OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION  
TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER  
OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL  
MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID  
LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT  
0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF  
53.43 FEET ABOVE CHICAGO CITY DATUM, AND BELOW A HORIZONTAL PLANE  
HAVING AN ELEVATION OF 66.43 FEET ABOVE CHICAGO CITY DATUM, BOUNDED  
AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 31.12 FEET NORTH FROM THE SOUTH LINE AND 14.85  
FEET EAST FROM THE WEST LINE OF LOT 3 AFORESAID;

THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID LOT 3, A DISTANCE OF  
7.30 FEET; THENCE EAST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 32.00  
FEET; THENCE SOUTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 7.30  
FEET; THENCE WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 32.00 FEET  
TO THE POINT OF BEGINNING, IN COOK COUNTY ILLINOIS.

PROPERTY COMMON ADDRESS: 225 North Columbus Drive, Chicago, Illinois 60601

TAX PARCEL ID NUMBER: 17-10-318-040-0000, 17-10-318-041-0000,  
17-10-318-042-0000, 17-10-318-060-0000

**UNOFFICIAL COPY****EXHIBIT B**Legal Description of Ballroom Parcel

(UPPER LEVEL):

THAT PART OF LOT 3 IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 57.25 FEET ABOVE CHICAGO CITY DATUM, AND BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 100.00 FEET ABOVE CHICAGO CITY DATUM, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 3 IN SAID LAKESHORE EAST SUBDIVISION;

THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 107.20 FEET TO A LINE 39.42 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 3;

THENCE WEST ALONG SAID PARALLEL LINE, PERPENDICULAR TO THE EAST LINE OF SAID LOT 3, A DISTANCE OF 206.32 FEET TO A LINE 14.85 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 3;

THENCE NORTH ALONG SAID PARALLEL LINE, PERPENDICULAR TO THE LAST DESCRIBED COURSE, 107.20 FEET TO THE NORTH LINE OF LOT 3 AFORESAID;

THENCE EAST ALONG THE NORTH LINE OF SAID LOT 3, AND PERPENDICULAR TO THE WEST LINE OF LOTS 3A AND 3B, A DISTANCE OF 206.32 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH

(LOWER LEVEL):

THAT PART OF LOTS 3, 3A, 3B, 3C AND 3D IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, AND LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 57.25 FEET ABOVE CHICAGO CITY DATUM, BOUNDED AND DESCRIBED AS FOLLOWS:

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BEGINNING AT A POINT ON THE NORTH LINE OF LOTS 3 AND 3B IN SAID LAKESHORE EAST SUBDIVISION, 13.51 FEET EAST OF THE NORTHWEST CORNER OF SAID LOTS 3 AND 3B;

THENCE EAST ALONG THE NORTH LINE OF SAID LOTS 3, 3B AND 3C, AND ITS EASTERLY EXTENSION, A DISTANCE OF 207.66 TO THE NORTHEAST CORNER OF LOTS 3 AND 3C AFORESAID;

THENCE SOUTH ALONG THE EAST LINE OF SAID LOTS, 146.62 FEET TO THE SOUTHEAST CORNER OF SAID LOTS 3 AND 3D;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOTS 3, 3D AND 3A, A DISTANCE OF 105.36 FEET TO A LINE 115.81 FEET EAST FROM AND PARALLEL WITH THE WEST LINE OF SAID LOTS 3, 3A AND 3B;

THENCE NORTH ALONG SAID PARALLEL LINE, 39.42 FEET TO A LINE 39.42 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOTS 3, 3A AND 3B;

THENCE WEST ALONG SAID PARALLEL LINE, 102.30 FEET TO A LINE 13.51 FEET EAST FROM AND PARALLEL WITH THE WEST LINE OF SAID LOTS 3, 3A AND 3B, BEING ALSO THE CENTERLINE OF AN INTERIOR STRUCTURAL WALL;

THENCE NORTH ALONG SAID PARALLEL LINE AND THE CENTERLINE OF SAID STRUCTURAL WALL, 107.20 FEET TO THE NORTH LINE OF LOTS 3 AND 3B AFORESAID AND THE POINT OF BEGINNING;

ALSO

THAT PART OF LOTS 3 AND 3A IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, AND LYING BELOW THE CENTER LINE OF THE STRUCTURAL SLAB OF THE ROADWAY AT THE PLAZA LEVEL, BEING AN INCLINE PLANE HAVING AN ELEVATION OF 57.25 FEET ABOVE CHICAGO CITY DATUM ALONG THE EAST LINE AND AN ELEVATION OF 53.17 FEET ABOVE CHICAGO CITY DATUM ALONG THE WEST LINE OF THE FOLLOWING PARCEL, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH LINE OF LOTS 3 AND 3A AFORESAID AT A POINT 53.17 FEET EAST OF THE SOUTHWEST CORNER THEREOF;

THENCE NORTH PERPENDICULAR TO THE SOUTH LINE OF LOTS 3 AND 3A AFORESAID, 39.42 FEET TO A LINE 39.42 FEET NORTH FROM AND PARALLEL WITH SAID SOUTH LINE OF LOTS;

THENCE EAST ALONG SAID PARALLEL LINE, 62.64 FEET TO A LINE 115.81 FEET EAST FROM AND PARALLEL WITH THE WEST LINE OF SAID LOTS 3 AND 3A;

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THENCE SOUTH ALONG SAID PARALLEL LINE, 39.42 FEET TO THE SOUTH LINE OF SAID LOTS 3 AND 3A;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOTS, 62.64 FEET TO THE POINT OF BEGINNING;

ALSO

THAT PART OF LOTS 3 AND 3A IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, AND LYING BELOW THE CENTER LINE OF THE STRUCTURAL SLAB OF THE ROADWAY AT THE PLAZA LEVEL, BEING AN INCLINE PLANE HAVING AN ELEVATION OF 53.17 FEET ABOVE CHICAGO CITY DATUM AT THE NORTHEAST CORNER AND AN ELEVATION OF 52.42 FEET ABOVE CHICAGO CITY DATUM AT THE SOUTHWEST CORNER OF THE FOLLOWING PARCEL, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH LINE OF LOTS 3 AND 3A AFORESAID AT A POINT 13.51 FEET EAST OF THE SOUTHWEST CORNER THEREOF, BEING ALSO THE CENTERLINE OF AN INTERIOR STRUCTURAL WALL;

THENCE NORTH ALONG SAID CENTERLINE, BEING ALSO A LINE 13.51 EAST FROM AND PARALLEL WITH THE WEST LINE OF LOTS 3 AND 3A AFORESAID, 39.42 FEET TO A LINE 39.42 FEET NORTH FROM AND PARALLEL WITH SAID SOUTH LINE OF LOTS;

THENCE EAST ALONG SAID PARALLEL LINE, 39.66 FEET TO A LINE 53.17 FEET EAST FROM AND PARALLEL WITH THE WEST LINE OF SAID LOTS 3 AND 3A;

THENCE SOUTH ALONG SAID PARALLEL LINE, 39.42 FEET TO THE SOUTH LINE OF SAID LOTS 3 AND 3A;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOTS, 39.66 FEET TO THE POINT OF BEGINNING;

AND ALSO

THE WEST 60.00 FEET OF LOT 4 LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 3 IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, AND LYING ABOVE A HORIZONTAL PLANE HAVING AN

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ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, AND LYING BELOW THE CENTER LINE OF THE STRUCTURAL SLAB OF THE ROADWAY AT THE PLAZA LEVEL, BEING AN INCLINE PLANE HAVING AN ELEVATION OF 55.33 FEET ABOVE CHICAGO CITY DATUM ALONG SAID THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 3 AND AN ELEVATION OF 57.25 FEET ABOVE CHICAGO CITY DATUM ALONG THE SOUTH LINE OF SAID LOT 4;

AND TOGETHER WITH THE "SWISSOTEL ELEVATOR", SWISSOTEL ESCALATOR" AND "SWISSOTEL ENTRANCE" PARCELS, HEREINAFTER DESCRIBED;

ALL IN COOK COUNTY, ILLINOIS.

SWISSOTEL ELEVATOR:

(BELOW LOWER LEVEL)

THAT PART OF LOT 3C IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 31.75 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB OF LEVEL P-2 IN "THE AQUA", AND BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 20.06 FEET SOUTH FROM THE NORTH LINE AND 23.48 FEET WEST FROM THE EAST LINE OF LOT 3C AFORESAID;

THENCE WEST, PERPENDICULAR TO SAID EAST LINE OF LOT 3C, A DISTANCE OF 8.92 FEET; THENCE SOUTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 4.60 FEET; THENCE WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 9.90 FEET; THENCE NORTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 17.10 FEET; THENCE EAST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 18.82 FEET; THENCE SOUTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 12.50 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY ILLINOIS.

SWISSOTEL ESCALATOR:

(BELOW LOWER LEVEL)

THAT PART OF LOTS 3C AND 3D IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS

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DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 37.05 FEET ABOVE CHICAGO CITY DATUM, AND BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 41.00 FEET ABOVE CHICAGO CITY DATUM, BEING THE UPPER SURFACE OF THE FLOOR SLAB IN THE LOWER LEVEL OF THE SWISSOTEL BALLROOM, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 70.36 FEET SOUTH FROM THE NORTH LINE AND 16.86 FEET WEST FROM THE WEST LINE OF LOT 3C AFORESAID;

THENCE SOUTH, PARALLEL WITH THE EAST LINE OF LOTS 3C AND 3D AFORESAID, 35.00 FEET; THENCE WEST, PERPENDICULAR TO SAID EAST LINE OF LOT 3D, 1.50 FEET; THENCE NORTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 9.85 FEET; THENCE WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 10.95 FEET; THENCE SOUTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 9.85 FEET; THENCE WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 1.50 FEET; THENCE NORTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 35.00 FEET; THENCE EAST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 1.50 FEET; THENCE SOUTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 7.45 FEET; THENCE EAST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 10.95 FEET; THENCE NORTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 7.45 FEET; THENCE EAST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 1.50 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

SWISSOTEL ENTRANCE:

(UPPER LEVEL)

THAT PART OF LOT 3 IN LAKESHORE EAST SUBDIVISION, BEING A SUBDIVISION OF PART OF LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, SAID ADDITION BEING IN THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID LAKESHORE EAST SUBDIVISION, RECORDED MARCH 4, 2003 AS DOCUMENT 0030301045, LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 53.43 FEET ABOVE CHICAGO CITY DATUM, AND BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 66.43 FEET ABOVE CHICAGO CITY DATUM, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 31.12 FEET NORTH FROM THE SOUTH LINE AND 14.85 FEET EAST FROM THE WEST LINE OF LOT 3 AFORESAID;

THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID LOT 3, A DISTANCE OF 7.30 FEET; THENCE EAST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 32.00 FEET; THENCE SOUTH, PERPENDICULAR TO THE LAST DESCRIBED LINE, 7.30 FEET; THENCE WEST, PERPENDICULAR TO THE LAST DESCRIBED LINE, 32.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY ILLINOIS.

PROPERTY COMMON ADDRESS: 323 East Wacker Drive, Chicago, IL 60601

TAX PARCEL ID NUMBER: 17-10-318-059-0000

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## EXHIBIT C

### Legal Description of Hotel Parcel

A parcel of land, being a part of the lands lying East of and adjoining Fort Dearborn Addition to Chicago, being the whole of the Southwest Fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County Illinois, located and described as follows:

Commencing on the East line of North Columbus Drive, 110 feet wide (as said North Columbus Drive was dedicated and conveyed to the City of Chicago by instrument recorded in the Recorder's Office of Cook County, Illinois, on June 5, 1972 as Document Number 21925615) at a point which is 758.878 feet, measured along said East line, North from the point of intersection of said East line (extended South) with the North line of East Randolph Street (as said East Randolph Street was dedicated and conveyed to the City of Chicago by instrument recorded in said Recorder's Office on December 11, 1979 as Document Number 25276446) and running thence East along a line perpendicular to said East line of North Columbus Drive (said perpendicular line being also the North line of the Arcade Level Park as said Arcade Level Park is located and defined in the Ammendatory Lake Front Ordinance passed by the City Council of the City of Chicago on September 17, 1969) a distance of 381.738 feet; thence North along a line perpendicular to said last described course, a distance of 146.625 feet, to the Point of Beginning for the parcel of land hereinafter described; thence continuing North along said last described perpendicular line, a distance of 141.107 feet to an intersection with the Southerly line of East Wacker Drive as said East Wacker Drive was dedicated and conveyed to the City of Chicago by the aforesaid instrument recorded as Document Number 21925615; thence Westwardly along said Southerly line of East Wacker Drive (said Southerly line being here a straight line deflecting 85 degrees 24 minutes 29 seconds to the left from a Northward extension of the last described course) a distance of 12.571 feet; thence continuing Westwardly along said Southerly line of East Wacker Drive, said Southerly line being here the arc of a circle which is tangent to the last described course, is convex to the South and has a radius of 1840.486 feet, a distance of 162.710 feet; thence continuing Westwardly along said Southerly line of East Wacker Drive, said Southerly line being here a straight line which is tangent to the last described course, a distance of 47.914 feet to an intersection with a line 160.571 feet, measured perpendicularly, East from and parallel with said East line, and Northward extension thereof, of North Columbus Drive; thence South along said parallel line a distance of 170.325 feet to a point which is 146.625 feet North from the aforementioned North line of the Arcade Level Park; thence East along a line perpendicular to said last described course, a distance of 221.167 feet, to the Point of Beginning in Cook County, Illinois.

PROPERTY COMMON ADDRESS: 323 East Wacker Drive, Chicago, IL 60601

TAX PARCEL ID NUMBER: 17-10-318-025-0000



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## EXHIBIT D

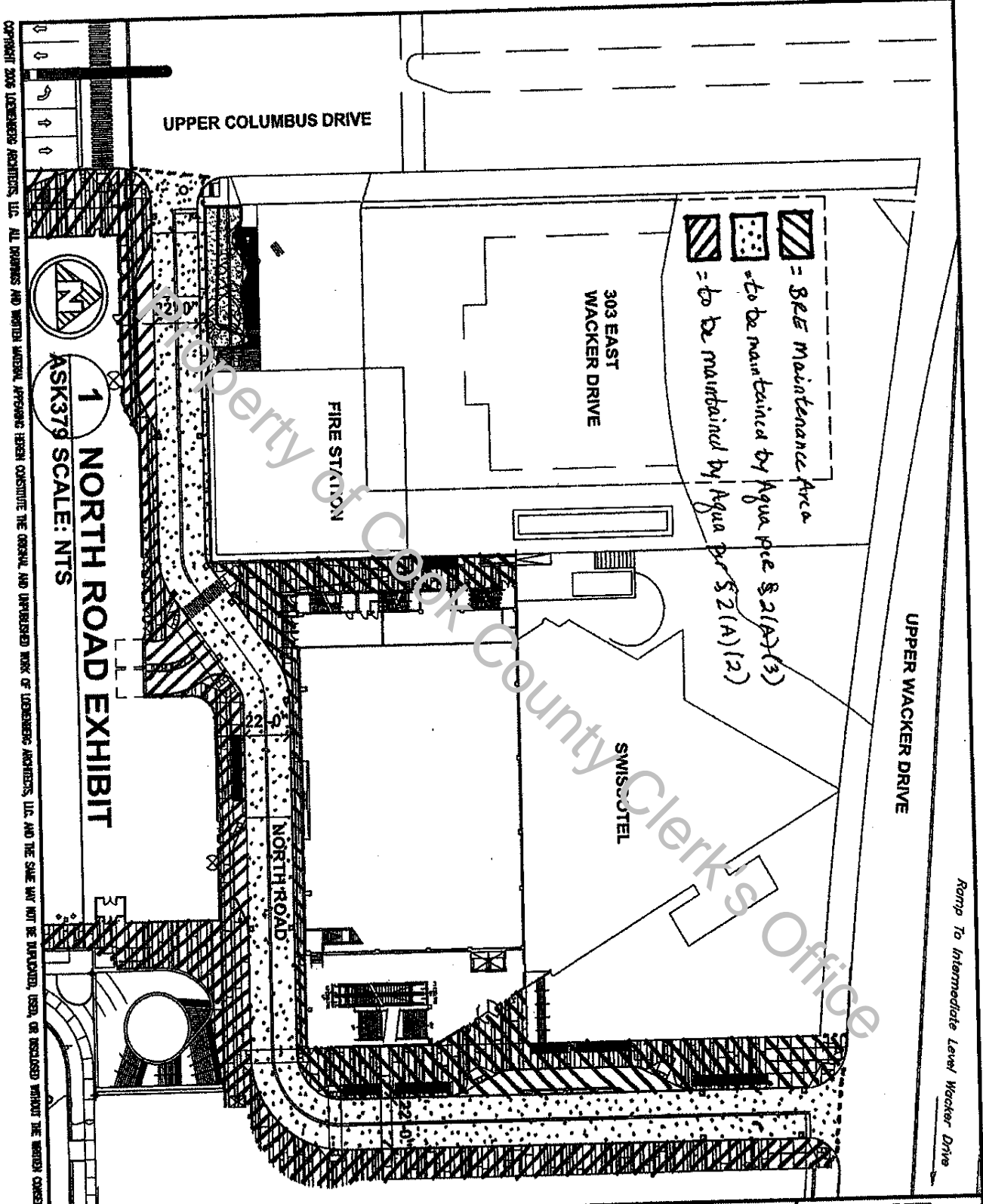
### BRE/Aqua Maintenance Areas

(see attached)

Property of Cook County Clerk's Office

The page contains several large, handwritten black scribbles that appear to be 'X' marks or similar symbols. There is also a faint, rectangular stamp or mark in the upper right quadrant of the page, which is partially obscured by the scribbles.

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**AQUA NORTH ROAD EXHIBIT**  
 LOEWENBERG/MAGELLAN  
 OFFICE AT AQUA  
 225 N. COLUMBUS DR  
 CHICAGO, IL 60601

PROJECT NO:	01123
DATE:	12/15/2008
SCALE:	NTS
DRAWN BY:	GB

DRAWING REF:	<b>C103</b>
ASK NO:	<b>379</b>


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## EXHIBIT E

### Drain Line Column Area

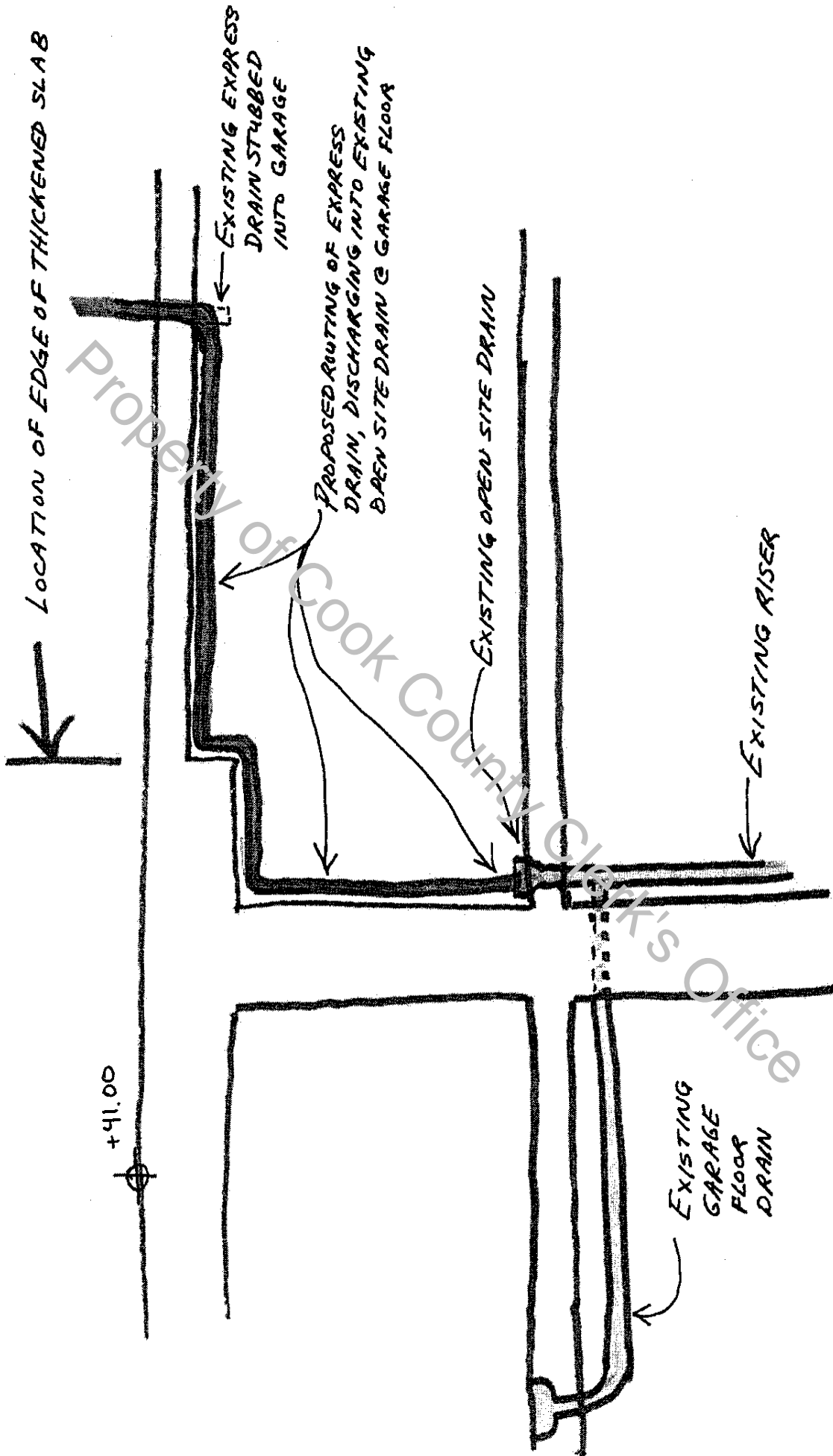
(see attached)

Property of Cook County Clerk's Office

The page contains several handwritten scribbles in black ink, including a large 'X' and several loops. There is also a faint, rectangular stamp or mark in the upper right quadrant of the page.



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VERTICAL SECTION

SECTION LOOKING WEST

RHS0826-09