

# UNOFFICIAL COPY



Doc#: 1025131045 Fee: \$48.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 09/08/2010 12:06 PM Pg: 1 of 7

## QUIT CLAIM DEED

THIS INDENTURE made this 2<sup>nd</sup> day  
of JULY, A.D., 2010

WITNESSETH, that the INDIANA

**HARBOR BELT RAILROAD**

COMPANY, an Indiana corporation, ,

with an office at 2721 - 161<sup>st</sup> Street,

Hammond, Indiana 46323-1099,

hereinafter referred to as the "Grantor",

for Ten Dollars (\$10.00) and other good and valuable consideration to it paid, the receipt of

which is hereby acknowledged, quitclaims and conveys unto **HARBOR WAY L.L.C.**, whose

mailing address is Post Office Box A3947, Chicago, Illinois 60690-3947, hereinafter referred to

as the "Grantee", all right, title and interest of the said grantor, of, in and to all appurtenances and

improvements including, but not limited to, the bridge over Cicero Avenue, in and to the

following described real estate:

### WEST PARCEL

THAT PART OF THE RIGHT OF WAY OF THE INDIANA HARBOR BELT RAILROAD COMPANY AS FALLS IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING A STRIP OF LAND 66 FEET WIDE ACROSS THE SAID SOUTHEAST QUARTER, SAID STRIP BEING 33 FEET ON EACH SIDE OF A CENTER LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 9 WHICH IS 856.8 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 9; THENCE WESTERLY 2663.9 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9 WHICH IS 863.8 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 9 (EXCEPT THEREFROM THE WEST 33 FEET THEREOF LYING WITHIN LARAMIE AVENUE) AND (EXCEPT THE EAST 50 FEET THEREOF LYING WITHIN CICERO AVENUE), IN COOK COUNTY, ILLINOIS.

Box 334

C.F.  
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## EAST PARCEL

THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 10 TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF BLOCK 22 IN W.F. KAISER AND COMPANY'S ARDALE SUBDIVISION OF AFORESAID SOUTHWEST QUARTER AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF KEATING AVENUE; THENCE SOUTH 88°38'47" WEST, ALONG SAID SOUTH LINE, 291.98 FEET TO THE EAST LINE OF SOUTH CICERO AVENUE, AS WIDENED PER PLAT RECORDED MAY 25, 1956, AS DOCUMENT NUMBER 16591378; THENCE SOUTH 1°32'49" EAST, PARALLEL WITH THE WEST LINE OF AFORESAID BLOCK 22, A DISTANCE OF 53.59 FEET TO A POINT ON A LINE THAT IS 22.50 FEET NORTH OF AND PARALLEL TO THE CENTER LINE OF THE NORTH TRACK OF THE BELT RAILWAY; THENCE EASTERLY, ALONG SAID PARALLEL LINE, 328.04 FEET TO AFORESAID SOUTHERLY EXTENSION OF THE EAST LINE OF KEATING AVENUE; THENCE NORTH 1 DEGREE 32 MINUTES 31 SECONDS WEST, ALONG SAID EXTENSION, 35.43 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS.

**PROPERTY ADDRESS:** 66' wide vacant strip between  
Laramie and Kilbourne Avenues - Chicago, Cook County, Illinois

**PIN NUMBERS:** 19-09-501-001-0000 Laramie to Cicero Avenue (W)  
19-10-500-002-0000 Cicero to Kilbourne (E)

**UNDER and SUBJECT**, however, to (1) whatever rights the public may have to the use of any roads, alleys, bridges or streets crossing the premises herein described, (2) any easements or agreements of record or otherwise affecting the land hereby conveyed, and to the state of facts which a personal inspection or accurate survey would disclose, and to any pipes, wires, poles, cables, culverts, drainage courses or systems and their appurtenances now existing and remaining in, on, under, over, across and through the premises herein described, together with the right to maintain, repair, renew, replace, use and remove same.

**THIS INSTRUMENT** is executed and delivered by Grantor, and is accepted by Grantee, subject to the covenants set forth below, which shall be deemed part of the consideration of this conveyance and which shall run with the land and be binding upon, and inure to the benefit of, the respective heirs, personal representatives, successors and assigns of Grantor and Grantee. Grantee hereby knowingly, willingly, and voluntarily waives the benefit of any rule, law, custom, or statute of the State of Indiana now or hereafter in force with respect to the covenants set forth below.

(1) Grantee shall indemnify and defend Grantor against, and hold Grantor harmless from, all claims, actions, proceedings, judgments and awards, for death, injury, loss, or damage to any person or property, brought by any person, firm, corporation, or governmental entity, caused by, resulting to, arising from, or in connection with, the active or passive effects of existence of any physical substance of any nature or character, on, under, or in the land, water, air, structures, fixtures, or personal property comprising the premises, from and after the date of delivery of this

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deed. However, Grantee's indemnity under this Item (1) shall not apply to conditions created prior to the date of this Deed unless caused by Grantee.

(2) Should a claim adverse to the title hereby quitclaimed be asserted and/or proved, no recourse shall be had against the Grantor herein.

(3) Grantor shall neither be liable or obligated to construct or maintain any fence or similar structure between the land herein before described and adjoining land of Grantor nor shall Grantor be liable or obligated to pay for any part of the cost or expense of constructing or maintaining any fence or similar structure, and Grantee hereby forever releases Grantor from any loss or damage, direct or consequential, that may be caused by or arise from the lack or failure to maintain any such fence or similar structure.

(4) Grantee hereby forever releases Grantor from all liability for any loss or damage, direct or consequential, to the land herein before described and to any buildings or improvements now or hereafter erected thereon and to the contents thereof, which may be caused by or arise from the normal operation, maintenance, repair, or renewal of Grantor's railroad, or which may be caused by or arise from vibration resulting from the normal operation, maintenance, repair or renewal thereof.

(5) In the event the tracks or land of Grantor are elevated or depressed, or the grades of any streets, avenues, roads, lanes, highways or alleys over such railroad in the vicinity of the land herein before described are changed so that they shall pass overhead or underneath such tracks or land, or in the event any grade crossing is vacated and closed, Grantee forever releases Grantor from all liability for any loss or damage, direct or consequential, caused by or arising from the separation or change of grades of such railroad or such streets, avenues, roads, lanes, highways, or alleys, or from the vacating and closing of any grade crossing.

**THE** words "Grantor and "Grantee" used herein shall be construed as if they read "Grantors" and "Grantees", respectively, whenever the sense of this instrument so requires and whether singular or plural, such words shall be deemed to include at all times and in all cases the heirs, legal representatives or successors and assigns of the Grantor and Grantee.

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IN WITNESS WHEREOF, INDIANA HARBOR BELT RAILROAD COMPANY, Grantor,  
pursuant to due corporate authority, has caused its name to be signed hereto by its officers  
hereunto duly authorized and its corporate seal duly attested, to be hereunto affixed as of the day  
and year first above written.

WITNESS:

*Abhatyich*

INDIANA HARBOR BELT  
RAILROAD COMPANY

By: *Michael Wheeler*  
MICHAEL J. WHEELER, President

WITNESS:

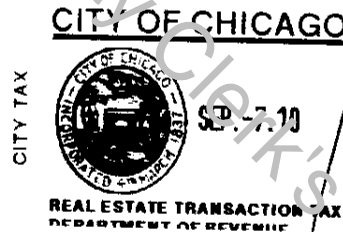
*Carol Putiri*

ATTEST:

*John K. Enright*  
JOHN K. ENRIGHT, Secretary

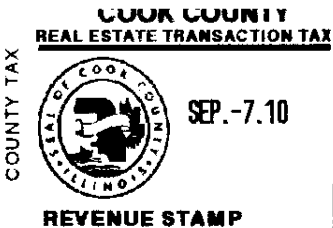
**THIS INSTRUMENT PREPARED BY:**

Roger A. Serpe, General Counsel  
Indiana Harbor Belt Railroad Company  
Law Department  
55 West Monroe Street  
Suite 1600  
Chicago, IL 60603-5001  
(312) 827-2680



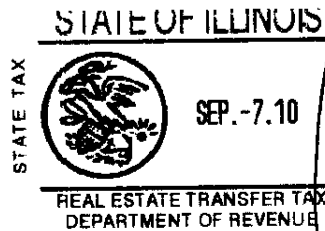
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REAL ESTATE TRANSFER TAX
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FP 102802

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REAL ESTATE TRANSFER TAX
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FP 102808

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Property of Cook County Clerk's Office

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COMMONWEALTH OF VIRGINIA )  
 ) SS:  
COUNTY OF NORFOLK CITY )

**BEFORE ME**, the undersigned, a Notary Public in and for said Commonwealth and County, personally appeared **MICHAEL J. WHEELER**, President of **INDIANA HARBOR BELT RAILROAD COMPANY**, and acknowledged the execution of the foregoing Instrument to be the voluntary act and deed of said **INDIANA HARBOR BELT RAILROAD COMPANY**, and his voluntary act and deed as such officer.

WITNESS my hand and notarial seal, this 28 day of JUNE, A. D. 2010.

  
Notary Public

**THIS INSTRUMENT PREPARED BY:**

Roger A. Serpe, General Counsel  
Indiana Harbor Belt Railroad Company  
Law Department  
55 West Monroe Street  
Suite 1600  
Chicago, IL 60603-5001  
(312) 827-2680



Property of Cook County Clerk's Office

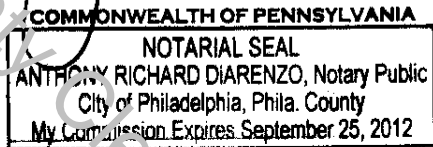
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COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF PHILADELPHIA )

**BEFORE ME**, the undersigned, a Notary Public in and for said Commonwealth and County, personally appeared **JOHN K. ENRIGHT**, Secretary of **INDIANA HARBOR BELT RAILROAD COMPANY**, and acknowledged the execution of the foregoing Instrument to be the voluntary act and deed of said **INDIANA HARBOR BELT RAILROAD COMPANY**, and his voluntary act and deed as such officer.

WITNESS my hand and notarial seal, this 2nd day of July, A. D. 2010.

*[Handwritten Signature]*  
Notary Public



**THIS INSTRUMENT PREPARED BY:**

Roger A. Serpe, General Counsel  
Indiana Harbor Belt Railroad Company  
Law Department  
55 West Monroe Street  
Suite 1600  
Chicago, IL 60603-5001  
(312) 827-2680

**MAIL TO:**

Mr. Glenn M. Azuma  
Harbor Way, L.L.C.  
Post Office Box A3947  
Chicago, Illinois 60690-3947

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## PLAT ACT AFFIDAVIT

State of Illinois

} SS.

County of COOK

ROGER A. SERPE, being duly sworn on oath, states that HE resides at 55 W. Monroe St., #1600, Chicago, IL. That the attached deed is not in violation of 765 ILCS 205/1 for one of the following reasons:

1. Said Act is not applicable as the grantors own no adjoining property to the premises described in said deed;  
- 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 the land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
3. The divisions of lots or blocks of less than one 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 two parts and not involving any new streets or easements of access.
10. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois registered surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land. Amended by P.A. 80-318, 1 eff. October 1, 1977.

CIRCLE THE NUMBER ABOVE WHICH IS APPLICABLE TO THE ATTACHED DEED.

Affiant further state 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.

Roger A. Serpe

SUBSCRIBED and SWORN to before me

this 3rd day of September, 2010.

Deborah D. Lacey

