

# UNOFFICIAL COPY



Doc#: 1036341032 Fee: \$56.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 12/29/2010 09:55 AM Pg: 1 of 11

163  
**RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:**

Return to Fidelity Title  
5 Harvard Circle, Ste. 110  
West Palm Beach, FL 33409  
File# 10-03472

**This Document Prepared By  
Kevin L. Chumlea, Esq.  
Simon Property Group  
225 West Washington Street  
Indianapolis, IN 46227**

8496133 use  
1 Sanddal-Canada  
**SPECIAL WARRANTY DEED**

THIS INDENTURE made this 16<sup>th</sup> day of December, 2010, by FOX VALLEY/RIVER OAKS PARTNERSHIP, an Illinois general partnership, 225 W. Washington Street, Indianapolis, Indiana 46204 ("Grantor"), to and in favor of MHR LANDLORD, LLC, an Oklahoma limited liability company ("Grantee");

**WITNESSETH THAT:**

Grantor, for valuable consideration, does hereby grant, with special warranty covenants, unto the Grantee, its successors and assigns, all of the parcel of land lying and being in Cook County, Illinois, consisting of approximately 28,401 square feet, as more fully described in **Exhibit "A"** attached hereto and made a part hereof (hereinafter referred to as the "Parcel");

TOGETHER, with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of Grantor either in law or in equity, of, in and to the Parcel, with the hereditaments and appurtenances;


**BUT SUBJECT TO:**

- (i) all streets and public rights of way;
- (ii) all laws, rules and/or regulations (federal, state and/or local) now in effect;
- (iii) restrictions, encumbrances, reservations, limitations, conditions, easements, agreements and/or other matters affecting the Parcel, if of public record; and
- (iv) all real estate taxes and assessments not due and payable as of the date hereof.

**BOX 333-CT**

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Property

**STATE OF ILLINOIS**  
  
 DEC. 28. 10  
 REAL ESTATE TRANSFER TAX  
 DEPARTMENT OF REVENUE

# 0000006252

REAL ESTATE TRANSFER TAX
00457,00
FP 103032

**COOK COUNTY**  
**REAL ESTATE TRANSACTION TAX**

DEC. 28. 10

REVENUE STAMP

# 0000006264

REAL ESTATE TRANSFER TAX
00228,50
FP 103034

Cook County Clerk's Office

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TO HAVE AND TO HOLD, the same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said Grantee, its successors and assigns, forever.

And Grantor will warrant and defend title to the Parcel against all parties lawfully claiming the same from, through or under it, but against no others.

And Grantor hereby covenants and warrants that it is fully authorized to convey the Parcel as set forth herein.

EXCEPTING AND RESERVING to Grantor, its successors and assigns for the benefit of the Shopping Center Site commonly known as River Oaks Center (the "Center"), described in **Exhibit "B"** attached hereto and made a part hereof, a perpetual, non-exclusive right, privilege and easement

A. over, across and through that area described in **Exhibit "C"** attached hereto and made a part hereof (the "Reserved Access Easement Area"), for the limited purpose of permitting pedestrian and vehicular ingress, egress and regress to and from the Center via the Reserved Access Easement Area, and for no other purpose, and

B. in, under, on and through that area described in **Exhibit "D"** attached hereto and made a part hereof (the "Reserved Utility Easement Area"), together with such rights of access thereto, thereon and therein as are reasonably necessary to fully enjoy such reserved easement rights, for the limited purpose of constructing, installing, operating, inspecting, maintaining, repairing and/or replacing underground general utility facilities and related surface and subsurface appurtenances (the "Reserved Utilities"), and for no other purpose (the "Reserved Utility Easement"). Purchaser shall retain on behalf of itself, its successors and assigns, the perpetual right to landscape, pave and make such other uses of the surface of the Reserved Utility Easement Area as are not inconsistent with the Reserved Utility Easement, but not the right to construct or install any permanent structures thereon or thereto which would or might restrict access to the Reserved Utility Easement Area or access to and use of the Reserved Utilities. If the surface and/or subsurface of the Reserved Utility Easement Area (including any Improvements located thereon and/or therein which are not permanent structures (e.g., paving, curbs, gutters and the like)) are disturbed by any party entitled to do so pursuant to the provisions hereof, such party shall, in consideration of its use and enjoyment of the Reserved Utility Easement and at its sole cost and expense, promptly restore the surface and/or subsurface thereof (and all such improvements located thereon and/or therein) to the same general condition in which they existed immediately prior to such disturbance.

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IN WITNESS WHEREOF, the said Grantor has caused these presents to be duly executed, the day and year first above written.

GRANTOR

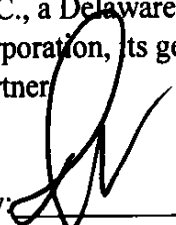
FOX VALLEY/RIVER OAKS PARTNERSHIP, an Illinois general partnership

By SHOPPING CENTER ASSOCIATES, a New York general partnership, its managing partner

By SIMON PROPERTY GROUP (ILLINOIS), L.P., an Illinois limited partnership, its general partner

By CHARLES MALL COMPANY LIMITED PARTNERSHIP, a Maryland limited partnership, its general partner

By SIMON PROPERTY GROUP (DELAWARE), INC., a Delaware corporation, its general partner

By   
David Simon, Chairman of the Board and Chief Executive Officer

REAL ESTATE TRANSFER TAX

40048

12/22/10



Calumet City - City of Homes \$

3,150.00

Tax Bills to:  
MHR Landlord, LLC  
P.O. Box 22775  
Oklahoma City, OK 73123-1775

Property of Cook County Clerk's Office

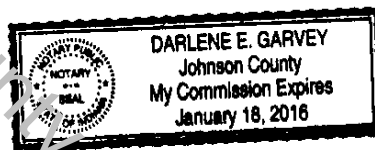
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STATE OF INDIANA        )  
  ) SS:  
COUNTY OF MARION     )

Before me, a Notary Public in and for said County and State, personally appeared David Simon, to me personally known as the Chairman of the Board and Chief Executive Officer of Simon Property Group (Delaware), Inc., a Delaware corporation, general partner of Charles Mall Company Limited Partnership, a Maryland limited partnership, general partner of Simon Property Group (Illinois), L.P., an Illinois limited partnership, general partner of Shopping Center Associates, a New York general partnership, managing partner of Fox Valley/River Oaks Partnership, an Illinois general partnership, who acknowledged his execution of the foregoing instrument for and on behalf of said Corporation by authority of its Board of Directors.

WITNESS my hand and notarial seal this 14<sup>th</sup> day of December, 2010.

*Darlene E. Garvey*  
\_\_\_\_\_  
Notary Public



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Exhibit A to the Deed  
River Oaks Center  
Sonic Parcel Description

LOT 1 IN CALUMET SONIC SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 15 EAST, OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 5, 2010 AS DOCUMENT 1030934049, IN COOK COUNTY, ILLINOIS.

Plat: Vacant Torrence Ave, Calumet City, IL 60409  
Pin: 30-19-100-128 (affects land + other property)

Property of Cook County Clerk's Office

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## EXHIBIT "B" TO THE DEED RIVER OAKS CENTER SHOPPING CENTER DESCRIPTION

### PARCEL 1:

THAT PART OF THE NORTH WEST QUARTER OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES NORTH AND EAST OF THE MARGIN OF THE LITTLE CALUMET RIVER, EXCEPTING THEREFROM THE FOLLOWING:

- (A) THE EAST 660 FEET OF SAID NORTH WEST QUARTER;
- (B) THAT PART TAKEN, USED OR DEDICATED FOR TORRENCE AVENUE;
- (C) THAT PART THEREOF CONVEYED TO THE PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS BY DEEDS DULY RECORDED JULY 24, 1926 AS DOCUMENTS 9349854 AND 9350297;
- (D) THAT PART OF SAID NORTH WEST QUARTER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH WEST CORNER OF SAID QUARTER; THENCE SOUTH ALONG THE WEST LINE OF SAID QUARTER, A DISTANCE OF 230 FEET; THENCE EASTERLY ON A LINE PARALLEL TO THE NORTH LINE OF SAID QUARTER, A DISTANCE OF 250 FEET; THENCE NORTH A DISTANCE OF 230 FEET TO A POINT ON THE NORTH LINE OF SAID QUARTER; THENCE WESTERLY ALONG SAID NORTH LINE A DISTANCE OF 250 FEET TO THE POINT OF BEGINNING.

- (E) THAT PART OF SAID NORTH WEST QUARTER OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH WEST CORNER OF THE EAST 660 FEET OF SAID NORTH WEST QUARTER; THENCE SOUTH 0 DEGREES 09 MINUTES 50 SECONDS WEST ON THE WEST LINE OF THE EAST 660 FEET OF SAID NORTH WEST QUARTER A DISTANCE OF 1635.56 FEET; THENCE NORTH 44 DEGREES 42 MINUTES 30 SECONDS WEST A DISTANCE OF 260.28 FEET; THENCE NORTH 28 DEGREES 30 MINUTES 00 SECONDS EAST A DISTANCE OF 59.87 FEET; THENCE NORTH 44 DEGREES 42 MINUTES 30 SECONDS WEST A DISTANCE OF 519.21 FEET; THENCE SOUTH 45 DEGREES 17 MINUTES 30 SECONDS WEST A DISTANCE OF 24.00 FEET; THENCE NORTH 44 DEGREES 42 MINUTES 30 SECONDS WEST A DISTANCE OF 110.00 FEET; THENCE SOUTH 45 DEGREES 17 MINUTES 30 SECONDS WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 44 DEGREES 42 MINUTES 30 SECONDS WEST A DISTANCE OF 615.00 FEET; THENCE NORTH 0 DEGREES 17 MINUTES 30 SECONDS EAST ON A LINE PERPENDICULAR TO THE NORTH LINE OF SAID NORTH WEST QUARTER, A DISTANCE OF 543.00 FEET TO THE NORTH LINE OF SAID NORTH WEST QUARTER; THENCE SOUTH 89 DEGREES 42 MINUTES 30 SECONDS EAST ON THE NORTH LINE OF

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SAID NORTH WEST QUARTER A DISTANCE OF 1055.93 FEET TO THE PLACE OF BEGINNING.

- (F) THAT PART OF THE NORTH WEST QUARTER OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH WEST CORNER OF SAID SECTION; THENCE SOUTH ALONG THE WEST LINE OF SAID NORTH WEST QUARTER, A DISTANCE OF 1284 FEET TO A POINT; THENCE EAST 71.05 FEET (MEASURED AT RIGHT ANGLE) TO A POINT ON THE EAST LINE OF TORRENCE AVENUE, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING EAST ALONG THE LAST DESCRIBED COURSE A DISTANCE OF 5 FEET TO A POINT; THENCE SOUTH ALONG A LINE PARALLEL TO AND DISTANT 5 FEET FROM SAID EAST LINE OF TORRENCE AVENUE A DISTANCE OF 316.00 FEET TO A POINT; THENCE WEST, FORMING A RIGHT ANGLE WITH THE LAST DESCRIBED COURSE A DISTANCE OF 5 FEET TO A POINT ON SAID EAST LINE OF TORRENCE AVENUE; THENCE NORTH A DISTANCE OF 316.00 FEET TO THE POINT OF BEGINNING.

- (G) THAT PART OF THE NORTH WEST QUARTER OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH WEST CORNER OF SAID NORTH WEST QUARTER; THENCE EAST A DISTANCE OF 250 FEET TO A POINT; THENCE SOUTH A DISTANCE OF 30 FEET (MEASURED AT RIGHT ANGLE) TO A POINT ON THE SOUTH LINE OF 159<sup>TH</sup> STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH ALONG THE LAST DESCRIBED COURSE A DISTANCE OF 30 FEET TO A POINT; THENCE EAST ALONG A LINE PARALLEL TO AND DISTANT 60 FEET FROM THE NORTH LINE OF SAID NORTH WEST QUARTER, A DISTANCE OF 722.77 FEET TO A POINT; THENCE NORTH ALONG A LINE FORMING A RIGHT ANGLE WITH THE LAST DESCRIBED COURSE, A DISTANCE OF 30 FEET TO A POINT ON SAID SOUTH LINE OF 159<sup>TH</sup> STREET; THENCE WEST A DISTANCE OF 722.77 FEET TO THE POINT OF BEGINNING.

- (H) THAT PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING THE NORTH 150 FEET OF THE SOUTH 600 FEET OF THE WEST 150 FEET OF THE EAST 810 FEET OF SAID QUARTER SECTION, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR INGRESS AND EGRESS AND COMMON USE OF PARKING OVER, UNDER, AND ACROSS THOSE PORTIONS OF THE FOLLOWING DESCRIBED LAND:

THAT PART OF SAID NORTH WEST ¼ OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:



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BEGINNING AT THE NORTH WEST CORNER OF THE EAST 660 FEET OF SAID NORTH WEST QUARTER; THENCE SOUTH 0 DEGREES 09 MINUTES 50 SECONDS WEST ON THE WEST LINE OF THE EAST 660 FEET OF SAID NORTH WEST QUARTER A DISTANCE OF 1635.56 FEET; THENCE NORTH 44 DEGREES 42 MINUTES 30 SECONDS WEST A DISTANCE OF 260.28 FEET; THENCE NORTH 28 DEGREES 30 MINUTES 00 SECONDS EAST A DISTANCE OF 59.87 FEET; THENCE NORTH 44 DEGREES 42 MINUTES 30 SECONDS WEST A DISTANCE OF 519.21 FEET; THENCE SOUTH 45 DEGREES 17 MINUTES 30 SECONDS WEST A DISTANCE OF 24.00 FEET; THENCE NORTH 44 DEGREES 42 MINUTES 30 SECONDS WEST A DISTANCE OF 110.00 FEET; THENCE SOUTH 45 DEGREES 17 MINUTES 30 SECONDS WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 44 DEGREES 42 MINUTES 30 SECONDS WEST A DISTANCE OF 615.00 FEET; THENCE NORTH 0 DEGREES 17 MINUTES 30 SECONDS EAST ON A LINE PERPENDICULAR TO THE NORTH LINE OF SAID NORTH WEST QUARTER, A DISTANCE OF 543.00 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 42 MINUTES 30 SECONDS EAST ON THE NORTH LINE OF SAID NORTH WEST QUARTER, A DISTANCE OF 1055.93 FEET TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THE NORTH 30 FEET THEREOF AND ALSO EXCEPTING THEREFROM THAT PART THEREOF CONVEYED IN DEED FROM SEARS ROEBUCK AND COMPANY, TO THE STATE OF ILLINOIS, DEPARTMENT OF PUBLIC WORKS AND BUILDINGS DATED AUGUST 29, 1966, AND RECORDED SEPTEMBER 28, 1966 AS DOCUMENT NUMBER 19955757 AND FILED SEPTEMBER 28, 1966 AS DOCUMENT NUMBER LR2294057, IN COOK COUNTY, ILLINOIS.

AS CREATED BY OPERATING AGREEMENT DATED JUNE 23, 1965, A MEMORANDUM OF WHICH WAS RECORDED JULY 22, 1965 AS DOCUMENT NUMBER 19534723, AS AMENDED BY AMENDMENT DATED JUNE 15, 1984, A MEMORANDUM OF WHICH WAS RECORDED AUGUST 27, 1984 AS DOCUMENT NUMBER 27229390, AND SECOND AMENDMENT DATED FEBRUARY 3, 1993, A MEMORANDUM OF WHICH WAS RECORDED MARCH 2, 1993 AS DOCUMENT NUMBER 93154148.

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Exhibit C to the Deed  
River Oaks Center  
Sonic 12' Reserved Access Easement Area

Part of the Northwest Quarter of Section 19, Township 36 North, Range 15 East of the Third Principal Meridian, Cook County, Illinois, bounded and described as follows, to-wit:

Commencing at the Southwest corner of Lot 1 as designated upon Calumet Sonic Subdivision, the Plat of which is recorded as Document No. 1030934049 in the Cook County Recorder of Deeds Office, being a Subdivision of part of the Northwest Quarter of Section 19, Township 36 North, Range 15 East of the Third Principal Meridian, Cook County, Illinois, point also being on the Easterly Right-of-Way line of Torrence Avenue;

thence North  $02^{\circ}15'04''$  East along the Westerly line of said Lot 1 and the said Easterly Right-of-Way line of Torrence Avenue, a distance of 12.00 feet;

thence North  $87^{\circ}43'03''$  East, a distance of 167.51 feet to the Easterly line of said Lot 1;

thence South  $02^{\circ}16'59''$  East along the said Easterly line of Lot 1, a distance of 12.00 feet, to the Southeasterly corner of said Lot 1;

thence South  $87^{\circ}43'03''$  West along the Southerly line of said Lot 1, a distance of 167.51 feet to the Point of Beginning.

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Exhibit D to the Deed  
River Oaks Center  
Sonic 5' Reserved Utility Easement Area

Part of the Northwest Quarter of Section 19, Township 36 North, Range 15 East of the Third Principal Meridian, Cook County, Illinois, bounded and described as follows, to-wit:

Commencing at the Southwest corner of Lot 1 as designated upon Calumet Sonic Subdivision, the Plat of which is recorded as Document No. 1030934049 in the Cook County Recorder of Deeds Office, being a Subdivision of part of the Northwest Quarter of Section 19, Township 36 North, Range 15 East of the Third Principal Meridian, Cook County, Illinois, point also being on the Easterly Right-of-Way line of Torrence Avenue;

thence North  $02^{\circ}15'04''$  East along the Westerly line of said Lot 1 and the said Easterly Right-of-Way line of Torrence Avenue, a distance of 40.69 feet;

thence North  $02^{\circ}17'34''$  East along the Westerly line of said Lot 1 and the said Easterly Right-of-Way line of Torrence Avenue, a distance of 111.80 feet;

thence leaving said Easterly Right-of-Way line of Torrence Avenue, North  $57^{\circ}43'01''$  East, a distance of 35.56 feet to the Point of Beginning;

thence continuing North  $57^{\circ}43'01''$  East, a distance of 9.50 feet to the northernmost, Northwesterly corner of said Lot 1;

thence North  $89^{\circ}29'05''$  East along the Northerly line of said Lot 1, a distance of 111.67 feet to the northernmost, Northeasterly corner of said Lot 1;

thence South  $32^{\circ}16'59''$  East, a distance of 5.88 feet;

thence South  $89^{\circ}29'05''$  West, a distance of 122.84 feet to the Point of Beginning.