

UNOFFICIAL COPY



Doc#: 1218131057 Fee: \$74.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 06/29/2012 03:13 PM Pg: 1 of 19

**SPECIAL WARRANTY DEED**

This Instrument Prepared By:

Gibson Dunn & Crutcher, LLP  
200 Park Avenue  
New York, NY 10166  
Attention: Andrew A. Lance, Esq.

When Recorded Return To:

Cleary Gottlieb Steen & Hamilton LLP  
One Liberty Plaza  
New York, NY 10006  
Attention:

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made as of the 28<sup>th</sup> day of June, 2012, by W2007 Golub JHC Realty, L.L.C., a Delaware limited liability company (the "Grantor"), with an office located at c/o Northstar Realty Finance Corporation, 399 Park Avenue, 18<sup>th</sup> Floor, New York, NY 10022 to and in favor of Montparnasse 56 Chicago LLC, a Delaware limited liability company, with an office located at c/o Cleary Gottlieb Steen & Hamilton LLP, One Liberty Plaza, New York, NY 10006 (the "Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid by Grantee, the receipt and sufficiency whereof is hereby acknowledged, by these presents does hereby GRANT, SELL, ALIEN, REMISE, RELEASE AND CONVEY unto Grantee, and to its successors and assigns, FOREVER, all of Grantor's right, title, interest and estate in and to the land legally described on Exhibit A attached hereto and made a part hereof (the "Property"), which Property is situated in the County of Cook and State of Illinois, together with all of Grantor's right, title, interest and estate in and to: (i) all buildings, structures, improvements and (except as set forth on Exhibit C attached hereto) fixtures located at the Property, (ii) all privileges, rights, easements, hereditaments, and appurtenances belonging to the Property, and (iii) all streets, alleys, passages and other rights-of-way included in the Property or adjacent thereto (the Property, together with the items included in clauses (i) through (iii) (inclusive) above is collectively referred to herein as, the "Transferred Property"); but EXPRESSLY EXCLUDING AND RETAINING UNTO GRANTOR, all of Grantor's right, title, interest and estate in and to the property described on Exhibit C attached hereto and made a part hereof.

TO HAVE AND TO HOLD the Transferred Property unto Grantee and its successors and assigns forever.

And Grantor does hereby covenant, promise and agree to and with the Grantee, and its successors and assigns, that the Grantor has not done or suffered to be done anything whereby the Transferred Property hereby granted and conveyed hereby is or may be, in any manner, encumbered or charged, except for those title exceptions listed on Exhibit B attached hereto and made a part hereof (the "Permitted Exceptions"), and that Grantor will WARRANT AND FOREVER DEFEND the Transferred Property unto Grantee and its successors and assigns, against all persons or entities making any claims or

3 of 7 AP  
First American Title Order # NCS-532666


19



# UNOFFICIAL COPY

demands concerning the Transferred Property by, through or under the Grantor (but not otherwise), subject, however, to the Permitted Exceptions.

This Special Warranty Deed, and all of Grantee's rights to the Property, are subject to that certain Declaration of Covenants, Conditions, Restrictions and Easements dated as of June 25, 2012 and recorded on June 27, 2012 against the Property in the public records of Cook County as document 1217926135 (the "Declaration").

[SIGNATURE PAGE FOLLOWS]

<b>REAL ESTATE TRANSFER</b>	06/29/2012
	<b>CHICAGO:</b> \$136,500.00
	<b>CTA:</b> \$54,600.00
	<b>TOTAL:</b> \$191,100.00
17-03-220-018-0000   20120601606679   4Q1YS1	

<b>REAL ESTATE TRANSFER</b>	06/29/2012
 	<b>COOK:</b> \$9,100.00
	<b>ILLINOIS:</b> \$18,200.00
	<b>TOTAL:</b> \$27,300.00
17-03-220-018-0000   20120601606679   FES2HIL	

# UNOFFICIAL COPY

IN WITNESS WHEREOF, Grantor has caused its name to be signed to this Special Warranty Deed as of the day and year first above written.

## GRANTOR:

**W2007 GOLUB JHC REALTY, L.L.C.**, a Delaware limited liability company

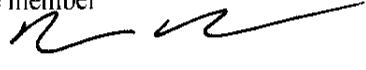
By: W2007 Golub JHC Senior Mezz, L.L.C., a Delaware limited liability company, its managing member

By: W2007 Golub JHC Intermediate Mezz, L.L.C., a Delaware limited liability company, its managing member

By: W2007 Golub JHC Sub Mezz, L.L.C., a Delaware limited liability company, its managing member

By: NRFC JH Holdings II, LLC, a Delaware limited liability company, its managing member

By: NRFC Sub-REIT Corp., a Maryland corporation, its sole member

By:   
Name: **Daniel R. Gilbert**  
Title: **Co-President & Chief Investment Officer**

STATE OF New York )  
 ) SS.  
COUNTY OF New York )

I, Dana Duprey, a Notary Public in and for the said County, in the State aforesaid, do hereby certify that Daniel R. Gilbert personally known to me (or proved to me on the basis of sufficient evidence) to be the Co-President & CIO of NRFC Sub-Reit Corp., a Maryland corporation and sole member of NRFC JH Holdings II, LLC, a Delaware limited liability company and managing member of W2007 Golub JHC Sub Mezz, L.L.C., a Delaware limited liability company and managing member of W2007 Golub JHC Intermediate Mezz, L.L.C., a Delaware limited liability company and managing member of **2007 Golub JHC Realty, L.L.C.**, a Delaware limited liability company, and personally known to me to be the same person whose name is subscribed to the within instrument, appeared before me this day in person, and acknowledged to me that he/she executed the said instrument as his/her free and voluntary act as such Co-President & CIO of said corporation, and as the free and voluntary act of said company, for the uses and purposes set forth therein.

Given under my hand and official seal this 20 day of June, 2012.

DANA JENELLE DUPREY  
Notary Public, State of New York  
No. 01DU6220822  
Qualified in New York County  
Commission Expires 4/19/2014

  
Notary Public

Commission Expires: 4-19-2014

[SIGNATURE PAGE TO SPECIAL WARRANTY DEED (OBSERVATION DECK)]

# UNOFFICIAL COPY

## EXHIBIT A TO SPECIAL WARRANTY DEED

### THE PROPERTY

#### **JHC BASE PARCEL:**

**THOSE PARTS OF THE LAND, PROPERTY AND SPACE, BELOW, AT AND ABOVE THE SURFACE OF THE EARTH, LOCATED WITHIN THE BOUNDARIES PROJECTED VERTICALLY UPWARD AND DOWNWARD FROM THE SURFACE OF THE EARTH, OF A PARCEL OF LAND COMPRISED OF LOT 17 (EXCEPT THE EAST 16 FEET THEREOF) AND ALL OF LOTS 18 TO 28 INCLUSIVE, IN THE LAKE SHORE DRIVE ADDITION TO CHICAGO, A SUBDIVISION OF PART OF BLOCKS 14 AND 20 IN CANAL TRUSTEES' SUBDIVISION OF THE SOUTH FRACTIONAL QUARTER OF FRACTIONAL SECTION 3, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN; ALSO LOTS 1 TO 4 INCLUSIVE IN COUNTY CLERK'S DIVISION OF THE WEST 300 FEET OF THAT PART OF LOTS 16, 17, 18 AND 19 OF BLOCK 14 LYING EAST OF THE LINCOLN PARK BOULEVARD IN THE CANAL TRUSTEES' SUBDIVISION OF THE SOUTH FRACTIONAL QUARTER OF FRACTIONAL SECTION 3, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND CONTAINED WITHIN THE PARCELS OF LAND, PROPERTY AND SPACE DESCRIBED AS FOLLOWS, LYING WITHIN AND ADJOINING THE BUILDING SITUATED ON SAID PARCEL OF LAND AND KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS**

# UNOFFICIAL COPY

## **JHC OBSERVATORY PARCEL:**

**BEING THAT PART OF THE PROPERTY AND SPACE WITHIN SAID BUILDING KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS; SAID PART OF SAID PROPERTY AND SPACE BEING IN THE FORM OF A TRUNCATED PYRAMID WHICH LIES BETWEEN THE LOWER SURFACE OF THE FLOOR SLAB OF THE 94<sup>TH</sup> FLOOR IN SAID BUILDING AND THE LOWER SURFACE OF THE FLOOR SLAB OF THE 95<sup>TH</sup> FLOOR IN SAID BUILDING; AND WHICH LIES BETWEEN AND IS ENCLOSED BY FOUR TRAPEZOIDAL INCLINED PLANES WHICH EXTEND UPWARD FROM THE EXTERIOR BUILDING FACE AT THE LOWER SURFACE OF THE FLOOR SLAB OF THE 94<sup>TH</sup> FLOOR IN SAID BUILDING TO THE SIMILARLY LOCATED BOUNDARIES OF THE LOWER SURFACE OF THE FLOOR SLAB OF THE 95<sup>TH</sup> FLOOR IN SAID BUILDING;**

**SAID LOWER SURFACE OF THE FLOOR SLAB OF THE 94<sup>TH</sup> FLOOR BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1041.46 FEET ABOVE CHICAGO CITY DATUM;**

**AND SAID LOWER SURFACE OF THE FLOOR SLAB OF THE 95<sup>TH</sup> FLOOR BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1054.48 FEET ABOVE CHICAGO CITY DATUM;**

**TOGETHER WITH**

### **CONCOURSE QUEUING AREA**

**THAT PART OF THE PROPERTY AND SPACE WITHIN SAID BUILDING KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS; SAID PART OF SAID PROPERTY AND SPACE WITHIN SAID BUILDING LYING BETWEEN THE UPPER SURFACE OF THE FLOOR SLAB OF THE CONCOURSE LEVEL (SAID UPPER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 2.03 FEET BELOW CHICAGO CITY DATUM), AND THE LOWER SURFACE OF THE FLOOR SLAB OF THE 1<sup>ST</sup> FLOOR (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 11.64 FEET ABOVE CHICAGO CITY DATUM); AND LYING WITHIN THE BOUNDARIES, PROJECTED VERTICALLY UPWARD FROM THE UPPER SURFACE OF THE FLOOR SLAB OF THE CONCOURSE LEVEL, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT WHICH IS 16.16 FEET MEASURED PERPENDICULARLY, EAST FROM THE NORTH AND SOUTH CENTER LINE, HEREINAFTER DEFINED, AND 43.23 FEET, MEASURED PERPENDICULARLY, NORTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF SAID BUILDING, AND RUNNING THENCE ALONG THE CENTERLINE OF INTERIOR WALLS WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES, THE FOLLOWING COURSES AND DISTANCES;**

**NORTH 5.05 FEET;**

**EAST 1.98 FEET;**

**NORTH 37.40 FEET;**

**WEST 0.75 OF A FOOT;**

# UNOFFICIAL COPY

NORTH 16.57 FEET;  
 EAST 20.42 FEET;  
 NORTH 5.81 FEET;  
 EAST 19.45 FEET;  
 NORTH 11.87 FEET  
 EAST 47.37 FEET;  
 SOUTH 32.12 FEET;  
 WEST 27.36 FEET;  
 SOUTH 53.06 FEET;  
 WEST 37.81 FEET;  
 NORTH 8.48 FEET; AND THENCE WEST 23.30 FEET TO THE POINT OF  
 BEGINNING;

TOGETHER WITH

## CONCOURSE QUEUING ENTRANCE

THAT PART OF THE PROPERTY AND SPACE WITHIN SAID BUILDING  
 KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS; SAID PART OF  
 SAID PROPERTY AND SPACE WITHIN SAID BUILDING LYING BETWEEN THE  
 UPPER SURFACE OF THE FLOOR SLAB OF THE CONCOURSE LEVEL (SAID UPPER  
 SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 2.03  
 FEET BELOW CHICAGO CITY DATUM) AND THE LOWER SURFACE OF THE  
 FLOOR SLAB OF THE 1<sup>ST</sup> FLOOR (SAID LOWER SURFACE BEING A HORIZONTAL  
 PLANE WHICH IS AT AN ELEVATION OF 11.64 FEET ABOVE CHICAGO CITY  
 DATUM); AND LYING WITHIN THE BOUNDARIES, PROJECTED VERTICALLY  
 UPWARD FROM THE UPPER SURFACE OF THE FLOOR SLAB OF THE CONCOURSE  
 LEVEL, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND  
 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS 32.69 FEET MEASURED  
 PERPENDICULARLY, EAST FROM THE NORTH AND SOUTH CENTER LINE,  
 HEREINAFTER DEFINED, AND 34.75 FEET, MEASURED PERPENDICULARLY,  
 NORTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF  
 SAID BUILDING, AND RUNNING THENCE ALONG THE CENTERLINE OF INTERIOR  
 WALLS WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES, THE  
 FOLLOWING COURSES AND DISTANCES;

EAST 19.88 FEET;  
 SOUTH 11.68 FEET;  
 WEST 1.15 FEET;  
 SOUTH 3.34 FEET;  
 WEST 8.43 FEET;  
 SOUTH 40.67 FEET;  
 WEST 9.53 FEET;  
 NORTH 47.91 FEET;  
 WEST 0.77 FEET; AND THENCE NORTH 7.78 FEET TO THE POINT OF  
 BEGINNING;

# UNOFFICIAL COPY

**AND TOGETHER WITH THE FOLLOWING DESCRIBED ELEVATOR PARCEL:**

**ELEVATOR NO. 1:**

**BEING THAT PART OF THE PROPERTY AND SPACE WITHIN SAID BUILDING KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS, OCCUPIED BY ELEVATORS NUMBERED 1, AND 3, AND BY THE ROOMS HOUSING THE MACHINERY AND EQUIPMENT NECESSARY FOR THE OPERATION OF SAID ELEVATORS; SAID PART OF SAID PROPERTY AND SPACE WITHIN SAID BUILDING LYING BETWEEN THE UPPER SURFACE OF THE FLOOR IN THE ELEVATOR PITS NUMBERED 1, 2 AND 3 (SAID UPPER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 21.55 FEET BELOW CHICAGO CITY DATUM), AND THE LOWER SURFACE OF THE ROOF SLAB IN SAID BUILDING (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1118.49 FEET ABOVE CHICAGO CITY DATUM); AND LYING WITHIN THE BOUNDARIES, PROJECTED VERTICALLY UPWARD FROM THE FLOOR IN SAID ELEVATOR PITS, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT WHICH IS 39.46 FEET MEASURED PERPENDICULARLY, EAST FROM THE NORTH AND SOUTH CENTER LINE, HEREINAFTER DEFINED, AND 15.87 FEET, MEASURED PERPENDICULARLY, SOUTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF SAID BUILDING, AND RUNNING THENCE ALONG LINES WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES THE FOLLOWING COURSES AND DISTANCES;**

**WEST 7.22 FEET;**

**NORTH 11.64 FEET;**

**EAST 6.72 FEET;**

**SOUTH 2.16 FEET;**

**EAST 0.50 OF A FOOT; AND THENCE**

**SOUTH 9.48 FEET TO THE POINT OF BEGINNING;**

**ALL IN COOK COUNTY, ILLINOIS.**

**AND EXCEPTING THEREFROM THE FOLLOWING ELEVATOR PARCELS, HEREINAFTER DESCRIBED:**

**ELEVATOR NOS. 2, 3 AND 4**

**ELEVATOR NO. 2 (JHC Office):**

**BEING THAT PART OF THE PROPERTY AND SPACE WITHIN SAID BUILDING KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS, OCCUPIED BY ELEVATORS NUMBERED 1, AND 3, AND BY THE ROOMS HOUSING THE**



# UNOFFICIAL COPY

**MACHINERY AND EQUIPMENT NECESSARY FOR THE OPERATION OF SAID ELEVATORS; SAID PART OF SAID PROPERTY AND SPACE WITHIN SAID BUILDING LYING BETWEEN THE UPPER SURFACE OF THE FLOOR IN THE ELEVATOR PITS NUMBERED 1, 2 AND 3 (SAID UPPER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 21.55 FEET BELOW CHICAGO CITY DATUM), AND THE LOWER SURFACE OF THE ROOF SLAB IN SAID BUILDING (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1118.49 FEET ABOVE CHICAGO CITY DATUM); AND LYING WITHIN THE BOUNDARIES, PROJECTED VERTICALLY UPWARD FROM THE FLOOR IN SAID ELEVATOR PITS, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND DESCRIBED AS FOLLOWS:**

**COMMENCING AT A POINT WHICH IS 30.65 FEET MEASURED PERPENDICULARLY, EAST FROM THE NORTH AND SOUTH CENTER LINE, HEREINAFTER DEFINED, AND 15.95 FEET, MEASURED PERPENDICULARLY, NORTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF SAID BUILDING, AND RUNNING THENCE ALONG LINES WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES, THE FOLLOWING COURSES AND DISTANCES;**

**EAST 8.81 FEET;  
SOUTH 9.49 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 9.49 FEET;  
WEST 0.50 OF A FOOT;  
SOUTH 1.20 FEET;  
WEST 8.31 FEET;  
NORTH 10.69 FEET; AND THENCE  
EAST 8.81 FEET TO THE POINT OF BEGINNING;**

**ALL IN COOK COUNTY, ILLINOIS.**

**ELEVATOR NO. 3 (JHC Restaurant):**

**BEING THAT PART OF THE PROPERTY AND SPACE WITHIN SAID BUILDING KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS, OCCUPIED BY ELEVATORS NUMBERED 1, AND 3, AND BY THE ROOMS HOUSING THE MACHINERY AND EQUIPMENT NECESSARY FOR THE OPERATION OF SAID ELEVATORS; SAID PART OF SAID PROPERTY AND SPACE WITHIN SAID BUILDING LYING BETWEEN THE UPPER SURFACE OF THE FLOOR IN THE ELEVATOR PITS NUMBERED 1, 2 AND 3 (SAID UPPER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 21.55 FEET BELOW CHICAGO CITY DATUM), AND THE LOWER SURFACE OF THE ROOF SLAB IN SAID BUILDING (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1118.49 FEET ABOVE CHICAGO CITY DATUM); AND LYING WITHIN THE BOUNDARIES, PROJECTED VERTICALLY UPWARD FROM THE FLOOR IN SAID ELEVATOR PITS, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND DESCRIBED AS FOLLOWS:**



# UNOFFICIAL COPY

**BEGINNING AT A POINT WHICH IS 30.65 FEET MEASURED PERPENDICULARLY, EAST FROM THE NORTH AND SOUTH CENTER LINE, HEREINAFTER DEFINED, AND 15.95 FEET, MEASURED PERPENDICULARLY, NORTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF SAID BUILDING, AND RUNNING THENCE ALONG LINES WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES, THE FOLLOWING COURSES AND DISTANCES;**

**EAST 8.81 FEET;**

**SOUTH 9.49 FEET;**

**WEST 8.81 FEET; AND THENCE**

**NORTH 9.49 FEET TO THE POINT OF BEGINNING;**

**ALL IN COOK COUNTY, ILLINOIS.**

**ELEVATOR NO. 4 (JHC Office):**

**BEING THAT PART OF THE PROPERTY AND SPACE WITHIN SAID BUILDING KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS, OCCUPIED BY ELEVATOR NUMBER 4, AND BY THE ROOMS HOUSING THE MACHINERY AND EQUIPMENT NECESSARY FOR THE OPERATION OF SAID ELEVATOR; SAID PART OF SAID PROPERTY AND SPACE WITHIN SAID BUILDING LYING BETWEEN THE UPPER SURFACE OF THE FLOOR IN ELEVATOR PIT NUMBER 4 (SAID UPPER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 21.55 FEET BELOW CHICAGO CITY DATUM), AND THE LOWER SURFACE OF THE CEILING OF SAID MACHINE ROOM (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1122.49 FEET ABOVE CHICAGO CITY DATUM); AND LYING WITHIN THE BOUNDARIES, PROJECTED VERTICALLY UPWARD FROM THE FLOOR IN SAID ELEVATOR PIT, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT WHICH IS 12.04 FEET MEASURED PERPENDICULARLY, WEST FROM THE NORTH AND SOUTH CENTER LINE, HEREINAFTER DEFINED, AND 6.13 FEET, MEASURED PERPENDICULARLY, SOUTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF SAID BUILDING, AND RUNNING THENCE ALONG LINES WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES, THE FOLLOWING COURSES AND DISTANCES;**

**SOUTH 9.41 FEET;**

**WEST 7.93 FEET;**

**NORTH 9.12 FEET;**

**EAST 1.01 FEET;**

**NORTH 0.29 OF A FOOT; AND THENCE**

**EAST 6.92 FEET TO THE POINT OF BEGINNING;**

**ALL IN COOK COUNTY, ILLINOIS.**

# UNOFFICIAL COPY

**ALSO EXCEPTING THEREFROM THAT PORTION OF THE WEST TRANSMISSION LINE SHAFT (JHC BROADCAST PARCEL), HEREINAFTER DESCRIBED, WHICH LIES ABOVE AN ELEVATION OF 1054.48 FEET ABOVE CHICAGO CITY DATUM AND BELOW AN ELEVATION OF 1077.81 FEET ABOVE CHICAGO CITY DATUM;**

## **WEST TRANSMISSION LINE SHAFT:**

**BEING THAT PART OF THE PROPERTY AND SPACE WITHIN SAID BUILDING KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS, OCCUPIED BY THE WEST TRANSMISSION LINE SHAFT; SAID PART OF SAID PROPERTY AND SPACE WITHIN SAID BUILDING LYING BETWEEN THE UPPER SURFACE OF THE FLOOR SLAB OF THE 97<sup>TH</sup> FLOOR IN SAID BUILDING (SAID UPPER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1078.19 FEET ABOVE CHICAGO CITY DATUM), AND THE LOWER SURFACE OF THE WEST TRANSMISSION LINE CYLINDER IN SAID BUILDING (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1114.02 FEET ABOVE CHICAGO CITY DATUM); AND LYING WITHIN THE BOUNDARIES, PROJECTED VERTICALLY UPWARD FROM THE UPPER SURFACE OF FLOOR SLAB OF THE 97<sup>TH</sup> FLOOR, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT WHICH IS 48.53 FEET MEASURED PERPENDICULARLY, WEST FROM THE NORTH AND SOUTH CENTER LINE, HEREINAFTER DEFINED, AND 4.97 FEET, MEASURED PERPENDICULARLY, NORTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF SAID BUILDING, AND RUNNING THENCE ALONG LINES WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES, THE FOLLOWING COURSES AND DISTANCES;**

**SOUTH 10.00 FEET;**

**WEST 8.00 FEET;**

**NORTH 10.00 FEET; AND THENCE**

**EAST 8.00 FEET TO THE POINT OF BEGINNING;**

## **TOGETHER WITH**

**THAT PART OF SAID PROPERTY AND SPACE WITHIN SAID BUILDING LYING BETWEEN THE UPPER SURFACE OF THE FLOOR SLAB OF THE 93<sup>RD</sup> FLOOR IN SAID BUILDING (SAID UPPER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1028.94 FEET ABOVE CHICAGO CITY DATUM), AND THE UPPER SURFACE OF THE FLOOR SLAB OF THE 97<sup>TH</sup> FLOOR IN SAID BUILDING (SAID UPPER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1078.19 FEET ABOVE CHICAGO CITY DATUM); AND LYING WITHIN THE BOUNDARIES, PROJECTED VERTICALLY UPWARD FROM THE UPPER SURFACE OF FLOOR SLAB OF THE 93<sup>RD</sup> FLOOR, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND DESCRIBED AS FOLLOWS:**

# UNOFFICIAL COPY

**BEGINNING AT A POINT WHICH IS 48.53 FEET MEASURED PERPENDICULARLY, WEST FROM THE NORTH AND SOUTH CENTER LINE, HEREINAFTER DEFINED, AND 2.97 FEET, MEASURED PERPENDICULARLY, NORTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF SAID BUILDING, AND RUNNING THENCE ALONG LINES WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES, THE FOLLOWING COURSES AND DISTANCES;**

**SOUTH 8.00 FEET;**

**WEST 8.00 FEET;**

**NORTH 8.00 FEET; AND THENCE**

**EAST 8.00 FEET TO THE POINT OF BEGINNING;**

**ALL IN COOK COUNTY, ILLINOIS.**

**AND ALSO EXCEPTING THEREFROM ALL THAT PART OF "THE 175 EAST DELAWARE PLACE CONDOMINIUM" RECORDED IN AUGUST, SEPTEMBER, OCTOBER AND NOVEMBER, 1973 WITH THE COOK COUNTY, ILLINOIS RECORDER OF DEEDS AS DOCUMENT NO. 22134263, BEING THE FOLLOWING ELEVATOR PARCELS:**

**ELEVATOR NOS. 32, 33, 34, 35 AND 36**

**PARCEL 11 (elevators 32-33):**

**BEING THAT PART OF THE PROPERTY AND SPACE WITHIN SAID BUILDING KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS, OCCUPIED BY ELEVATORS NUMBERED 32 AND 33 LYING ABOVE THE 92ND FLOOR IN SAID BUILDING, AND OF THE MACHINE ROOM APPURTENANT TO SAID ELEVATORS; SAID PART OF SAID PROPERTY AND SPACE OCCUPIED BY SAID ELEVATORS LYING BETWEEN THE LOWER SURFACE OF THE FLOOR SLAB OF THE 93RD FLOOR IN SAID BUILDING (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1028.45 FEET ABOVE CHICAGO CITY DATUM) AND THE UPPER SURFACE OF THE FLOOR IN SAID MACHINE ROOM (SAID UPPER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1115.05 FEET ABOVE CHICAGO CITY DATUM); AND LYING WITHIN THE BOUNDARIES PROJECTED VERTICALLY UPWARD FROM SAID LOWER SURFACE OF THE FLOOR SLAB OF SAID 93RD FLOOR, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT WHICH IS 19.93 FEET, MEASURED PERPENDICULARLY, WEST FROM THE NORTH AND SOUTH CENTER LINE, HEREINAFTER DEFINED, AND 15.95 FEET, MEASURED PERPENDICULARLY, NORTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF**

# UNOFFICIAL COPY

**SAID-BUILDING, AND RUNNING THENCE ALONG LINES WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES, THE FOLLOWING COURSES AND DISTANCES:**

**SOUTH 15.55 FEET;**

**WEST 10.57 FEET;**

**NORTH 15.55 FEET; AND THENCE EAST 10.57 FEET TO THE POINT OF BEGINNING;**

**AND SAID PART OF SAID PROPERTY AND SPACE OCCUPIED BY SAID MACHINE ROOM, LYING BETWEEN THE UPPER SURFACE OF THE FLOOR IN SAID MACHINE ROOM (SAID UPPER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1115.05 FEET ABOVE CHICAGO CITY DATUM, AND THE LOWER SURFACE OF THE CEILING IN SAID MACHINE ROOM (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1122.49 FEET ABOVE CHICAGO CITY DATUM), AND LYING WITHIN THE BOUNDARIES PROJECTED VERTICALLY UPWARD FROM SAID UPPER SURFACE OF THE FLOOR IN SAID MACHINE ROOM, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT WHICH IS 20.48 FEET, MEASURED PERPENDICULARLY, WEST FROM THE NORTH AND SOUTH CENTER LINE, HEREINAFTER DEFINED, AND 16.78 FEET, MEASURED PERPENDICULARLY NORTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF SAID BUILDING, AND RUNNING THENCE ALONG LINES WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES, THE FOLLOWING COURSES AND DISTANCES:**

**SOUTH 15.60 FEET;**

**WEST 12.92 FEET;**

**NORTH 15.60 FEET; AND THENCE EAST 12.92 FEET TO THE POINT OF BEGINNING.**

**PARCEL 12 (elevator 34):**

**BEING THAT PART OF THE PROPERTY AND SPACE WITHIN SAID BUILDING KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS, OCCUPIED BY ELEVATOR NUMBER 34, AND BY THE ROOMS HOUSING THE MACHINERY, AND EQUIPMENT NECESSARY FOR THE OPERATION OF SAID ELEVATOR; SAID PART OF SAID PROPERTY LYING BETWEEN THE LOWER SURFACE OF THE FLOOR SLAB OF THE 93<sup>RD</sup> FLOOR IN SAID BUILDING (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1028.45 FEET ABOVE CHICAGO CITY DATUM) AND THE LOWER SURFACE OF THE FLOOR SLAB OF THE 98TH FLOOR IN SAID BUILDING (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1089.88 FEET ABOVE CHICAGO CITY DATUM); AND LYING WITHIN THE BOUNDARIES PROJECTED VERTICALLY UPWARD FROM SAID LOWER SURFACE OF THE FLOOR SLAB OF SAID 93RD FLOOR, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND DESCRIBED AS FOLLOWS:**

# UNOFFICIAL COPY

**BEGINNING AT A POINT WHICH IS 8.35 FEET, MEASURED PERPENDICULARLY, WEST FROM THE NORTH AND SOUTH CENTER LINE, HEREINAFTER DEFINED, AND 6.13 FEET, MEASURED PERPENDICULARLY, SOUTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF SAID BUILDING, AND RUNNING THENCE ALONG LINES WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES THE FOLLOWING COURSES AND DISTANCES;**

**EAST 7.31 FEET;**

**SOUTH 0.29 OF A FOOT;**

**EAST 0.60 OF A FOOT;**

**SOUTH 9.44 FEET;**

**WEST 7.91 FEET; AND THENCE NORTH 9.73 FEET TO THE POINT OF BEGINNING.**

**PARCEL 13 (elevators 35-36):**

**BEING THAT PART OF THE PROPERTY AND SPACE WITHIN SAID BUILDING KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS, OCCUPIED BY ELEVATORS NUMBERED 35 AND 36, AND BY THE ROOMS HOUSING THE MACHINERY AND EQUIPMENT NECESSARY FOR THE OPERATION OF SAID ELEVATORS; SAID PART OF SAID PROPERTY AND SPACE LYING BETWEEN THE LOWER SURFACE OF THE FLOOR SLAB OF THE 93RD FLOOR IN SAID BUILDING (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1028.45 FEET ABOVE CHICAGO CITY DATUM, AND THE LOWER SURFACE OF THE FLOOR SLAB OF THE 98TH FLOOR IN SAID BUILDING (SAID LOWER SURFACE BEING A HORIZONTAL PLANE WHICH IS AT AN ELEVATION OF 1089.88 FEET ABOVE CHICAGO CITY DATUM; AND LYING WITHIN THE BOUNDARIES PROJECTED VERTICALLY UPWARD FROM SAID LOWER SURFACE OF THE FLOOR SLAB OF SAID 93RD FLOOR, OF THAT PART OF SAID PROPERTY AND SPACE BOUNDED AND DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT WHICH IS 9.32 FEET, MEASURED PERPENDICULARLY, WEST FROM THE NORTH AND SOUTH CENTER LINE, HEREINAFTER DEFINED, AND 15.95 FEET, MEASURED PERPENDICULARLY, NORTH FROM THE EAST AND WEST CENTER LINE, HEREINAFTER DEFINED, OF SAID BUILDING, AND RUNNING THENCE ALONG LINES WHICH ARE PARALLEL WITH SAID BUILDING CENTER LINES THE FOLLOWING COURSES AND DISTANCES:**

**EAST 8.88 FEET;**

**SOUTH 18.94 FEET;**

**WEST 0.60 OF A FOOT;**

**SOUTH 0.25 OF A FOOT;**

**WEST 8.28 FEET; AND THENCE NORTH 19.19 FEET TO THE POINT OF BEGINNING.**

**ALL IN COOK COUNTY, ILLINOIS.**

# UNOFFICIAL COPY

***BUILDING CENTER LINE DEFINITION:***

***THE NORTH AND SOUTH CENTER LINE OF SAID BUILDING KNOWN AS 875 NORTH MICHIGAN AVENUE, CHICAGO, ILLINOIS, SITUATED UPON THE PARCEL OF LAND HERINAFTER DESCRIBED, IS A LINE 224.92 FEET, MEASURED ALONG THE SOUTH LINE OF SAID PARCEL OF LAND, EAST FROM AND PARALLEL WITH THE WEST LINE OF SAID PARCEL OF LAND; AND THE EAST AND WEST CENTER LINE OF SAID BUILDING IS A LINE, PERPENDICULAR TO THE WEST LINE OF SAID PARCEL OF LAND, WHICH INTERSECTS SAID WEST LINE AT A POINT 110.52 FEET, MEASURED ALONG SAID WEST LINE, NORTH FROM THE SOUTHWEST CORNER OF SAID PARCEL OF LAND.***

Property Address: 875 North Michigan Avenue, Chicago, Illinois

PIN: 17-03-220-018 and 17-03-220-019



# UNOFFICIAL COPY

## EXHIBIT B TO SPECIAL WARRANTY DEED

### PERMITTED EXCEPTIONS

1. General real estate taxes for the 2011 final installment, 2012 and subsequent years, a lien not yet due and payable.

Permanent Index Number: 17-03-220-018-0000 Vol. 496 (affects Land and other property)

Permanent Index Number: 17-03-220-019-0000 Vol. 496 (affects Land and other property)

2. The land lies within the boundaries of a special service area as disclosed by ordinance recorded as document 91075841, and is subject to additional taxes under the terms of said ordinance and subsequent related ordinances.

3. Covenants and restrictions contained in Deed from John Hancock Mutual Life Insurance Company, a corporation of Massachusetts, to LaSalle National Bank, a national banking association, as Trustee under Trust Agreement dated February 15, 1973 known as Trust Number 45450 dated July 27, 1973 and recorded July 30, 1973 as document 22418957, as follows:

(A) No building or other structure (other than window-washing equipment and temporary repair facilities) shall be constructed or maintained on that portion of the Grantor's fee lying between two planes, the first located at an elevation of plus 557.92 feet above Chicago City Datum and the second located at an elevation of 1,028.41 feet above Chicago City Datum.

(B) No building or other structure which extends more than 10 feet beyond the outer limits of the building shall be constructed or maintained on that portion of the Grantor's fee lying between two planes, the first located at an elevation of plus 1,028.45 feet above Chicago City Datum and the second located at an elevation of 1,120.0 feet above Chicago City Datum.

Note: Said instrument contains no provision for a forfeiture of or reversion of title in case of Breach of Condition.

4. Grant of the following easements by the Deed from John Hancock Mutual Life Insurance Company, a corporation of Massachusetts, to LaSalle National Bank, a national banking association, as Trustee under Trust Agreement dated February 15, 1973 and known as Trust Number 45450 dated July 27, 1973 and recorded July 30, 1973 as document 22418957:

(A) An easement in and to all structural members, footings, caissons, foundations, columns and exterior beams shown on the plans and located within the Grantor's fee for the support of (1) All structures located on or within the condominium property and (2) Any facility with respect to which trustee and the unit owners are granted an easement under this instrument.

(B) An easement for the use and replacement of all plumbing, electrical, telephone, water, heating, cooling, ventilating, communication, exhaust, and other piping, lines, ducts, conduits and equipment and for the use of all other facilities of whatsoever nature shown on the plans located within the Grantor's fee and serving or benefiting;

(1) The condominium property and

# UNOFFICIAL COPY

(2) Any facility with respect to which trustee and the unit owners are granted an easement under this instrument.

(C) An easement for operation, maintenance, repair, replacement, inspection, testing, cleaning and painting (all of which is herein referred to as "Condominium Maintenance") of any facility located within the Grantor's fee which serves or benefits the condominium property and also as to which trustee and the unit owners are granted an easement under this instrument.

5. Grant of the following easements for ingress and egress by the Deed from John Hancock Mutual Life Insurance Company, a corporation of Massachusetts, to LaSalle National Bank, a national banking association, as Trustee under Trust Agreement dated February 15, 1973 and known as Trust Number 45450 dated July 27, 1973 and recorded July 30, 1973 as document 22418957:

(1) For entry upon and for ingress and egress through the Grantor's fee for men, material and equipment to the extent reasonably necessary in the performance of the condominium maintenance of any facility whether or not located within the Grantor's fee, which facility serves or benefits the condominium property and which is otherwise required or permitted thereunder to be performed by trustee or the unit owners.

(2) For ingress and egress between the Loading Docks on the Concourse Level of the Building and Freight Elevators Nos. 4, 5 and 6 through the security gate as shown on the plans.

(3) For ingress and egress over, on and through the stairways located in the Grantor's fee as shown on the plans connecting the condominium property with corridors located on the ground floor of the building. The owner of the Grantor's fee shall have the right to make such changes in such stairways as do not unreasonably interfere with their uses by the unit owners.

(4) For ingress and egress between the Kitchen Grease-Traps located on the sixth floor of the building and the adjoining public streets.

6. Grant of Easements by the Deed from John Hancock Mutual Life Insurance Company, corporation of Massachusetts, to LaSalle National Bank, a national banking association, as Trustee under Trust Agreement dated February 15, 1973 known as Trust Number 45450 dated July 27, 1973 and recorded July 30, 1973 as document 22418957 for the maintenance, repair, operation, use and replacement of, and access to, the following equipment and facilities:

(1) Common area HV AC Supply system consisting of the equipment and facilities described on Appendix A-1 attached to the Condominium Operating Agreement described in the following Sub-Section C and made a part thereof for the furnishing of heated and chilled water used in heating and cooling the corridors and common areas of the condominium property.

(2) Water supply system consisting of two tank-fill pumps located on the concourse level with necessary piping and electric connections.

(3) Emergency electrical system consisting of emergency diesel generator located on the parking ramp structure portion of the building with necessary electrical connections.

(4) Fire protection system consisting of: 3 fire pumps and 3 jockey pumps located on the concourse level. 3 fire pumps and 3 jockey pumps located on the 37th floor and 2 fire tanks located on the 38th floor with necessary piping and electrical connections.

# UNOFFICIAL COPY

(5) Freight elevator system consisting of Freight Elevators No. 5 and No. 6 and Passenger Elevator No. 1 and No. 2.

(6) Loading dock system consisting of loading docks located on the concourse level together with the ramps leading to Seneca Street and the related security post.

(7) Window cleaning system consisting of window-washing platform, hoisting equipment and controls, and vertical guide rails on the side of the building.

7. Provision contained in the Deed from John Hancock Mutual Life Insurance Company, a corporation of Massachusetts, to LaSalle National Bank, a national banking association, as Trustee under Trust Agreement dated February 15, 1973 known as Trust Number 45450 dated July 27, 1973 and recorded July 30, 1973 as document 22418957 that the creditor owner shall have a lien against the portion of the total property owned by the defaulting owner and any damage insurance proceeds payable to the defaulting owner and any damage insurance proceeds payable to the defaulting owner upon failure of the defaulting owner to pay upon demand any sum of money due the creditor owner pursuant to the provisions in said deed; that said liens shall take precedent over any mortgage or other encumbrance which may be a lien on the portion of the total property owned by the defaulting owner.
8. Declaration of Zoning Restrictions made by John Hancock Mutual Life Insurance Company, a corporation of Massachusetts, dated July 27, 1973 and recorded July 30, 1973 as document 22418956 relative to the building located on Lot 17 (except the East 16 feet thereof) and all of Lots 18 to 28, inclusive, in Lake Shore Drive Addition to Chicago; also Lots 1 to 4, inclusive, in County Clerk's Division of the West 300 feet lying East of the Lincoln Park Boulevard of Lots 16 to 19 in Block 14 in Canal Trustees' Subdivision; the separation of said building into residential parcel and non-residential parcel which parcels constitutes the total property; that both parcels shall constitute a single parcel for building permits; gross floor area of improvements to be constructed on the residential parcel; gross floor area of improvements to be constructed on the non-residential parcel; application for building permits by owners of the respective parcels; and provision for joint execution of necessary documents.

Note: Said instrument contains no provision for a forfeiture of or reversion of title in case of Breach of Condition.

9. Condominium Operating Agreement dated August 8, 1973 and recorded August 10, 1973 as Document 22434264 by and between John Hancock Mutual Life Insurance Company, a corporation of Massachusetts, and 175 East Delaware Place Homeowners Association, an Illinois not-for-profit corporation, providing for the division of the financial and operating responsibilities for the easement facilities described in Section 5 of the deed recorded as document 22418957 and to provide for certain other services relating to building.

First Amendment dated as of March 18, 1991 and recorded March 25, 1991 as document 91132970.

Second Amendment dated May 2, 1992 and recorded June 16, 1992 as document 92430193.

The term of said operating agreement has been extended through August 10, 2005 pursuant to unrecorded letter agreement dated October 3, 2002.

# UNOFFICIAL COPY

Third Amendment dated August 10, 2005 and recorded February 8, 2006 as document 0603939015.

Note: Said instrument contains no provision for a forfeiture of or reversion of title in case of breach of conditions.

10. Terms contained in the Restrictions, Covenants, Retained Rights and Trademark License Agreement made by John Hancock Mutual Life Insurance Company and SRI Michigan Avenue Venture, LLC, recorded December 23, 1998 as document 08169001.
11. Terms, limitation and provisions contained in the Memorandum of Agreement between Commonwealth Edison Company and SRI Michigan Avenue Venture, LLC dated October 19, 2005 and recorded August 30, 2006 as document 0624218004.
12. Terms, conditions and provisions of the document creating the easement described in Schedule A, together with the rights of the adjoining owners in and to the concurrent use of said easement.
13. Rights of the following tenants, as tenants only, with no purchase rights, under unrecorded leases executed prior to the date hereof:  
  
Paperweight, Inc.
14. Declaration of Covenants, Conditions, Restrictions and Easements dated June 25, 2012 and recorded June 27, 2013 as document 121792613 made by W2007 Golub JHC Realty, L.L.C., a Delaware limited liability company, and the terms, provisions, conditions, and lien provisions contained therein, together with the rights of the adjoining owners in and to the concurrent use of said easements.

# UNOFFICIAL COPY

## EXHIBIT C TO SPECIAL WARRANTY DEED

### EXCLUDED PROPERTY

Any Facilities (as defined in the Declaration) located on or within the Property.

Property of Cook County Clerk's Office

