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Doc#: 1233245036 Fee: \$54.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 11/27/2012 10:51 AM Pg: 1 of 9

SPECIAL WARRANTY DEED

THIS INDENTURE, dated as of
November 13, 2012, DOMINICK'S
FINER FOODS, LLC, a Delaware limited
liability company, fully authorized to
transact business in the State of Illinois,
Grantor, and Gemelli Real Estate, LLC, an Illinois limited liability company, Grantee;

WITNESSETH, that the 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 the Grantee, the receipt whereof is hereby acknowledged, and pursuant to authority of the Board of Directors of said corporation, by these presents does REMISE, RELEASE, ALIEN and CONVEY unto the Grantee, and to its heirs and assigns, FOREVER, all the following described real estate, situated in the County of Cook and State of Illinois known and described as follows, to wit:

See Exhibit A attached hereto and made a part hereof.

Permanent Real Estate Index Numbers: 06-07-302-073-0000, 06-07-309-021-0000, 06-07-309-025-0000 and 06-07-302-080-0000 .

Address of Real Estate: 860 E. Summit, Elgin, IL;

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 the Grantor, either in law or equity, of, in and to the above described, with the appurtenances, unto the Grantee, its heirs and assigns forever;

And the Grantor, for itself, and its successors, does covenant, promise and agree, to and with the Grantee, its heirs and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and that the said premises, against all persons lawfully claiming, or to claim the same, by, through or under it, it WILL WARRANT and DEFEND, subject to those matters set forth in Exhibit B attached hereto and incorporated herein by reference.

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1 of 1
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Elgin, IL

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IN WITNESS WHEREOF, said party for the first part has caused its name to be signed to these presents the day and year first above written.

DOMINICK'S FINER FOODS, LLC,
a Delaware limited liability company

By: Dominick's Supermarkets, Inc.,
a Delaware corporation

Its: Member

By: *[Signature]*
Assistant Vice President

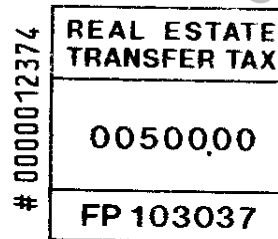
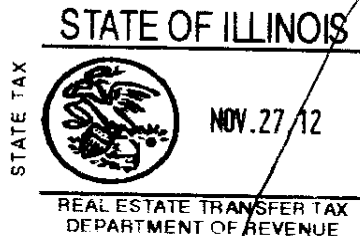
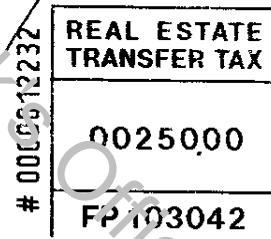
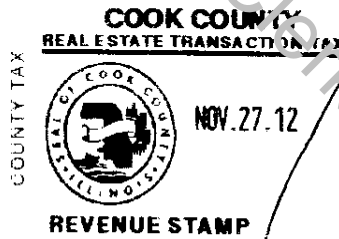
By: *K. Elliott*
Assistant Secretary

Form Approved: *[Signature]*

Prepared by:
Safeway Inc.
Real Estate Law Division
5918 Stoneridge Mall Road
Pleasanton, CA 94588

After Recording Return To:
John J. Butera
John J. Butera, Ltd.
1033 W. Golf Road
Hoffman Estates, IL 60169

Mail Tax Bills:
Gemelli Real Estate, LLC
c/o Butera Market
One Clock Tower Plaza
Elgin, IL 60120



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ACKNOWLEDGMENT

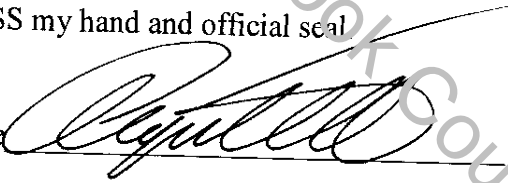
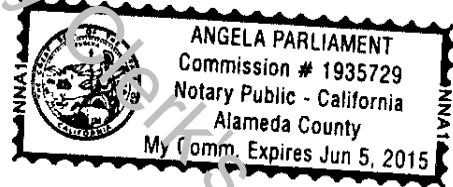
STATE OF CALIFORNIA)
)
 County of Alameda) ss.

On **November 13, 2012** before me, **Angela Parliament**, Notary Public, personally appeared **Denise M. Roman** and **Karen Elliott**, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature

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EXHIBIT A LEGAL DESCRIPTION

PARCEL 1:

THAT PART OF THE SOUTH 1/2 OF THE GOVERNMENT LOT 1 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 01 DEGREE, 42 MINUTES, 37 SECONDS EAST MEASURED (NORTH 02 DEGREES, 00 MINUTE, EAST RECORD) ON THE LINE BETWEEN THE LANDS OF STARRETT AND WALBAUM, A DISTANCE OF 1322.0 FEET TO A POINT 25.0 SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF GOVERNMENT LOT 1 OF THE SOUTHWEST 1/4 OF SAID SECTION 7, FOR A POINT OF BEGINNING; THENCE SOUTH 88 DEGREES, 00 MINUTE, WEST, PARALLEL WITH AND 25.0 FEET SOUTH OF THE NORTH LINE, A DISTANCE OF 252.82 FEET; THENCE SOUTH 01 DEGREE, 42 MINUTES, 27 SECONDS EAST MEASURED (SOUTH 02 DEGREES, 00 MINUTE, WEST RECORD) A DISTANCE OF 654.5 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF EVANSTON HIGHWAY (STATE ROUTE 58); THENCE SOUTH 89 DEGREES, 24 MINUTES, 02 SECONDS EAST MEASURED (SOUTH 89 DEGREES, 39 MINUTES, EAST RECORD) ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 397.65 FEET; THENCE NORTH 01 DEGREE, 42 MINUTES 37 SECONDS EAST, A DISTANCE OF 245.58 FEET; THENCE NORTH 23 DEGREES, 30 MINUTES, 15 SECONDS WEST, A DISTANCE OF 17.60 FEET; THENCE NORTH 01 DEGREE, 42 MINUTES, 37 SECONDS EAST, A DISTANCE OF 410.59 FEET TO A POINT IN A LINE PARALLEL WITH AND 25.0 FEET SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF GOVERNMENT LOT 1 OF THE SOUTHWEST 1/4 OF SAID SECTION 7; THENCE SOUTH 88 DEGREES, 00 MINUTE, WEST ALONG SAID LINE, A DISTANCE OF 138.08 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PART DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 02 DEGREES, 00 MINUTE, EAST ON THE LINE BETWEEN THE LANDS OF STARRETT AND WALBAUM, A DISTANCE OF 1322.0 FEET TO A POINT 25.0 SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF GOVERNMENT LOT 1 OF THE SOUTHWEST 1/4 OF SAID SECTION 7, FOR A POINT OF BEGINNING; THENCE SOUTH 88 DEGREES, 00 MINUTE WEST, (SOUTH 87 DEGREES, 47 MINUTES, 33 SECONDS, MEASURED) PARALLEL WITH AND 25.0 FEET SOUTH OF THE NORTH LINE, A DISTANCE OF 252.82 FEET; THENCE SOUTH 02 DEGREES, 00 MINUTES, WEST (SOUTH 01 DEGREE, 29 MINUTES, 43 SECONDS WEST MEASURED), A DISTANCE OF 654.5

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FEET (654.91 FEET MEASURED) TO THE NORTHERLY RIGHT OF WAY LINE OF EVANSTON HIGHWAY (STATE ROUTE 58); THENCE SOUTH 89 DEGREES, 39 MINUTES, EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 229.64 FEET; THENCE NORTH 00 DEGREES, 21 MINUTES, 00 SECONDS EAST, A DISTANCE OF 62.11 FEET; THENCE SOUTH 89 DEGREES, 39 MINUTES, 00 SECOND EAST, A DISTANCE OF 37.66 FEET; THENCE NORTH 00 DEGREE, 20 MINUTES, 55 SECONDS EAST, A DISTANCE OF 604.02 FEET TO A POINT IN A LINE PARALLEL WITH AND 25.0 FEET SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF GOVERNMENT LOT 1 OF THE SOUTHWEST 1/4 OF SAID SECTION 7; THENCE SOUTH 88 DEGREES, 00 MINUTE, WEST (SOUTH 87 DEGREES, 47 MINUTES, 33 SECONDS WEST, MEASURED) ALONG SAID LINE, A DISTANCE OF 1.63 FEET TO THE POINT OF BEGINNING, ALL IN THE CITY OF ELGIN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF THE SOUTH 1/2 OF GOVERNMENT LOT 1 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 01 DEGREE, 42 MINUTES, 37 SECONDS EAST MEASURED (NORTH 02 DEGREES, 00 MINUTE, EAST RECORD) ON THE LINE BETWEEN THE LANDS OF STARRETT AND WALBAUM, A DISTANCE OF 1322.0 FEET TO A POINT 25.0 FEET SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF GOVERNMENT LOT 1 OF THE SOUTHWEST 1/4 OF SAID SECTION 7, FOR A POINT OF COMMENCING; THENCE NORTH 88 DEGREES, 00 MINUTE, 00 SECOND EAST ALONG A LINE OF 25.0 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTH 1/2 OF GOVERNMENT LOT 1, A DISTANCE OF 138.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES, 00 MINUTE, 00 SECOND EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 263.00 FEET; THENCE SOUTH 01 DEGREE, 42 MINUTES, 37 SECONDS WEST, A DISTANCE OF 683.16 FEET, MEASURED (681.5 FEET, RECORD) TO THE NORTHERLY RIGHT OF WAY LINE OF THE EVANSTON ELGIN HIGHWAY (STATE ROUTE 58); THENCE NORTH 89 DEGREES, 24 MINUTES, 02 SECONDS WEST, MEASURED (NORTH 89 DEGREES, 39 MINUTES, 00 SECONDS WEST, RECORD), A DISTANCE OF 255.00 FEET; THENCE NORTH 01 DEGREE, 42 MINUTES, 37 SECONDS EAST, A DISTANCE OF 245.58 FEET; THENCE NORTH 23 DEGREES, 30 MINUTES, 15 SECONDS WEST A DISTANCE OF 17.60 FEET; THENCE NORTH 01 DEGREE, 42 MINUTES, 37 SECONDS EAST, A DISTANCE OF 410.59 FEET TO THE POINT OF BEGINNING; ALL IN THE CITY OF ELGIN, COOK COUNTY, ILLINOIS.

PARCEL 3:

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LOT 9 AND THAT PART OF LOT 8 LYING NORTH OF THE FOLLOWING DESCRIBED LINE BEGINNING AT A POINT IN THE WEST LINE OF SAID LOT 8 A DISTANCE OF 160.37 FEET NORTH OF THE SOUTHWEST CORNER THEREOF) AS MEASURED ALONG SAID WEST LINE), AND TERMINATING AT A POINT IN THE EAST LINE OF SAID LOT 8, A DISTANCE OF 159.75 FEET NORTH OF THE SOUTHEAST CORNER THEREOF) (AS MEASURED ALONG SAID EAST LINE) IN HIGHFIELD PLACE SUBDIVISION, BEING A SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 17, 1980, AS DOCUMENT 25393343 AND AS AMENDED JANUARY 2, 1981 AS CONTAINED IN 25723114, IN COOK COUNTY, ILLINOIS.

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GENERAL REAL ESTATE TAXES FOR THE YEAR(S) 2012 AND SUBSEQUENT YEARS.

PERMANENT INDEX NUMBER: 06-07-302-080-0000 (VOLUME NUMBER 060) (AFFECTS PARCEL 1)

GENERAL REAL ESTATE TAXES FOR THE YEAR(S) 2012 AND SUBSEQUENT YEARS.

PERMANENT INDEX NUMBER: 06-07-302-073-0000 (VOLUME NUMBER 060) (AFFECTS PARCEL 2)

GENERAL REAL ESTATE TAXES FOR THE YEAR(S) 2012 AND SUBSEQUENT YEARS.

PERMANENT INDEX NUMBER: 06-07-309-021-0000 (VOLUME NUMBER 060) (AFFECTS PART OF PARCEL 3)

GENERAL REAL ESTATE TAXES FOR THE YEAR(S) 2011, 2012 AND SUBSEQUENT YEARS.

PERMANENT INDEX NUMBER: 06-07-309-025-0000 (VOLUME NUMBER 060) (AFFECTS PART OF PARCEL 3)

TERMS AND PROVISIONS OF EASEMENT AGREEMENT FOR DEVELOPMENT OF PROPERTY MADE BY AND BETWEEN DOMINICK'S FINER FOODS, INC. AND 860 SUMMIT (ELGIN), L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY RECORDED AUGUST 9: 2001 AS DOCUMENT 0010731564.

(FOR FURTHER PARTICULARS, SEE RECORD.)

(AFFECTS THE LAND AND OTHER PROPERTY)

UNDERGROUND CABLE RIGHT ON CORPORATE PROPERTY MADE BY AND BETWEEN THE FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF ELGIN AND THE COMMONWEALTH EDISON COMPANY AND THE ILLINOIS BELL TELEPHONE COMPANY THEIR SUCCESSORS AND ASSIGNS THE RIGHT TO INSTALL, MAINTAIN, OPERATE, RENEW, RELOCATE AND REMOVE UNDERGROUND CABLES, INCLUDING ABOVE GROUND TRANSFORMER PAD MOUNTS, SECTIONALIZING CENTERS, PEDESTALS AND RELATED EQUIPMENT WITH THE NECESSARY APPURTENANCES, FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY TO USED FOR HEAT, LIGHT, POWER, TELEPHONE, AND OTHER PURPOSES, WITH THE RIGHT OF ACCESS TO THE SAME FOR THE MAINTENANCE, REPAIR AND OPERATION OF SAID FACILITIES, INCLUDING THE RIGHT TO CLEAR AND KEEP CLEARED ANY AND ALL OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE NECESSARY SAID ELECTRICAL FACILITIES TO BE LOCATED IN, UPON, UNDER AND ACROSS THE EASTERLY 10 FEET OF THE UNDERLYING LAND OF LOTS 7, 8 AND 9.

(MAY AFFECTS THE UNDERLYING OF LOTS 8, AND 9 OF PARCEL 3)

(AFFECTS PARCEL 1)

A 15 FOOT BUILDING LINE ACCORDING TO THE PLAT OF SUBDIVISION RECORDED MARCH 17, 1980 AS DOCUMENT 25393343 AND RERECORDED JANUARY 2, 1981 AS DOCUMENT 25723114 OVER THE FOLLOWING:

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EAST LINE OF LOTS 8 AND 9.

(AFFECTS PARCEL 3).

A 10 FOOT PUBLIC UTILITIES EASEMENT ACCORDING TO THE PLAT OF SUBDIVISION RECORDED MARCH 17, 1980 AS DOCUMENT 25393343 AND RERECORDED JANUARY 2, 1981 AS DOCUMENT 25723114 OVER THE FOLLOWING:

WEST AND SOUTH LINES OF 8 WEST LINE OF LOT 9

(AFFECTS PARCEL 3).

A 20 FOOT WATER MAIN AND PUBLIC UTILITIES EASEMENT ON THE NORTH LINE OF LOT 9 ACCORDING TO THE PLAT OF SUBDIVISION RECORDED MARCH 17, 1980 AS DOCUMENT 25393343 AND RERECORDED JANUARY 2, 1981 AS DOCUMENT 25723114.

(AFFECTS PARCEL 3).

A 25 FOOT EASEMENT FOR INGRESS AND EGRESS ON THE WEST LINE OF LOT 7 ACCORDING TO THE PLAT OF SUBDIVISION RECORDED MARCH 17, 1980 AS DOCUMENT NUMBER 25393343 AND RERECORDED JANUARY 2, 1981 AS DOCUMENT NUMBER 25723114.

(AFFECTS PARCEL 3).

EASEMENT OVER THE PROPERTY SHOWN WITHIN THE DOTTED LINES ON THE PUT AND MARKED "EASEMENT" OF THE UND FOR THE PURPOSE OF INSTALLING AND MAINTAINING ALL EQUIPMENT NECESSARY TO SERVE THE SUBDIVISION AND OTHER LAND WITH TELEPHONE AND ELECTRICAL SERVICE, TOGETHER WITH THE RIGHT TO OVERHANG AERIAL SERVICE WIRES AND THE RIGHT OF ACCESS TO SUCH WIRES, AS CREATED BY GRANT TO THE ILLINOIS BELL TELEPHONE COMPANY AND THE COMMONWEALTH EDISON COMPANY AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS AND AS SHOWN ON THE PUT OF SUBDIVISION RECORDED MARCH 17, 1980 AS DOCUMENT 25393343 AND RERECORDED JANUARY 2, 1981 AS DOCUMENT 25723114.

(AFFECTS PARCEL 3)

EASEMENT RESERVED FOR AND GRANTED TO NORTHERN ILLINOIS GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, IN ALL PLATTED AREAS, STREETS, ALLEYS, OR OTHER PUBLIC WAYS AND PLACES SHOWN ON THE PUT OF SUBDIVISION RECORDED MARCH 17, 1980 AS DOCUMENT 25393343 AND RERECORDED JANUARY 2, 1981 AS DOCUMENT 25723114 SAID EASEMENT TO BE FOR THE INSTALLATION, MAINTENANCE, RELOCATION, RENEWAL AND REMOVAL OF GAS MAINS AND APPURTENANCES.

(AFFECTS PARCEL 3).

GRANT OF EASEMENT DATED MARCH 13, 1961 AND RECORDED APRIL 4, 1961 AS DOCUMENT 18126085 FROM VERNON RADDE AND GERTRUDE RADDE, HIS WIFE TO NORTHERN ILLINOIS GAS COMPANY, A CORPORATION OF ILLINOIS, OF THE RIGHT TO CONSTRUCT, REPAIR, RENEW, AND REMOVE NECESSARY GAS FACILITIES IN THE EAST 10 FEET OF THE UNDERLYING LAND OF LOTS 7, 8 AND 9.

(AFFECTS PARCEL 3)

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EASEMENT IN FAVOR OF MCHENRY STATE BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 17, 1990 AND KNOWN AS TRUST NUMBER 12348 FOR THE PURPOSE OF DRIVEWAY ENTRANCEWAY RECORDED/FILED SEPTEMBER 20, 1996 AS DOCUMENT NO. 96723214 AFFECTING THE LOT 9 AND THAT PART OF LOT 8 OF THE UND, AND THE TERMS AND PROVISIONS CONTAINED THEREIN. (AFFECTS PARCEL 3)

GRANT OF EASEMENT DATED JUNE 14, 2007 AND RECORDED JULY 25, 2007 AS DOCUMENT 0720656162 FROM DOMINICK'S FINER FOODS, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND NORTHERN TRUST COMPANY AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 15, 2003 KNOWN AS TRUST NUMBER 10060, THE RIGHT, BUT NOT THE OBLIGATION, TO LOCATE, USE, MAINTAIN, ALTER, INSPECT, REPAIR, REPLACE, RELOCATE, REMOVE OR OTHERWISE OPERATE THE STORM WATER SEWER LINES AND APPURTENANCES THERETO FOR THE PURPOSES OF CONVEYING STORM WATER ACROSS AND THROUGH THE LAND INTO DETENTION TANK(S) AND POND(S) LOCATED THEREON; RIGHT OF INGRESS AND EGRESS; MAINTENANCE, REPAIR, AND REPLACE STORM WATER IMPROVEMENTS; AMONG OTHER THINGS. (AFFECTS ALL)

MATTERS OF SURVEY AS SHOWN ON ALTA/ACSM SURVEY PREPARED BY LAND DIVISIONS, INC., COURTNEY W. SHROPSHIRE IV, LICENSE NUMBER 35-2783, DATED NOVEMBER 2, 2012, RELATIVE THERETO WE NOTE THE FOLLOWING:

- A) GORE M 0.35 FEET AT THE SOUTHEAST CORNER OF PARCEL 2 AND M 0.07 FEET AT THE SOUTHWEST CORNER OF LOT 9, PARCEL 3.

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