

UNOFFICIAL COPY

AGREEMENT

Prepared by and
Return to:
Lawrence Adelson
Chico & Nunes, P.C.
333 W. Wacker Dr.
Suite #1800
Chicago, IL 60606



Doc#: 1335444052 **Fee:** \$52.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 12/20/2013 12:51 PM Pg: 1 of 8

AGREEMENT FOR REMOVAL OF TRACKAGE

Entered into by and between Foundry Buzz LLC, Foundry Glassberg LLC, Foundry Meyer, LLC, Jacquin Foundry LLC, Urban Financial Foundry LLC, and Foundry Wineman LLC. (collectively "Lakewest"), each an Illinois limited liability company, and Chicago Terminal Railroad Company ("Chicago Terminal"), an Illinois corporation and dated October 18, 2013.

The legal description of the property is set forth on Exhibit A, hereto.

This Agreement relates to the property commonly known as:

2070-2112 N. Clybourn Ave., Chicago, IL 60614

The PINs for the Property are:

14-32-128-027-0000, 14-32-128-030-0000 and 14-32-132-014-0000.

It affects the Quitclaim Deed dated September 30, 1987 and recorded as Document No. 87660309.

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AGREEMENT FOR REMOVAL OF TRACKAGE

This agreement ("Agreement") is entered into by and between Foundry Buzz LLC, Foundry Glassberg LLC, Foundry Meyer, LLC, Jacquin Foundry LLC, Urban Financial Foundry LLC, and Foundry Wineman LLC. (collectively "Lakewest"), each an Illinois limited liability company, and Chicago Terminal Railroad Company ("Chicago Terminal"), an Illinois corporation and is dated effective October 18, 2013.

Whereas:

- A. Lakewest is the owner of the property ("Property") commonly known as 2070-2112 N. Clybourn Avenue in Cook County, Chicago, Illinois. The Property is described on Exhibit A attached hereto and depicted on the survey attached hereto as Exhibit B (the "Survey"). The Property is operated as the Foundry Shopping Center.
- B. The Property is subject to an easement reserved in that certain Quit Claim Deed from CMC Real Estate Corporation to Sheffield Foundry Company, dated September 30, 1987, and recorded December 15, 1987 with the Cook County Recorder of Deeds as Document No. 87660309 ("Easement") for existing railroad tracks ("Rails") within an area of the Property (Easement Area). The Rails end at N. Clybourn Avenue. The Easement is shown on the Survey.
- C. The Chicago Terminal has a common carrier obligation to provide rail service on the Easement, if requested. Chicago Terminal is not required to provide rail service north of the Property.
- D. There is no demand for rail service to, or through, the Property, and none is foreseen.
- E. Lakewest wishes to remove the Rails from the Easement Area and repave the Easement Area in order to improve the safety and efficiency of the Property.
- F. Chicago Terminal is able to provide service to its existing customers without the Rails, and wishes to recover the Rails for reuse.
- G. Chicago Terminal is willing to permit the removal of the Rails and the paving over of the Easement Area on the terms and conditions of this agreement.

Therefore, in consideration of the payment of Ten Dollars (\$10.00) and the mutual promises herein, it is agreed that:

1. Lakewest will pay Chicago Terminal Twelve Thousand Five Hundred Dollars (\$12,500.00) on execution of this agreement.

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2. Chicago Terminal agrees that Lakewest may remove the Rails and repave the Easement Area. Chicago Terminal will not use the Easement unless required to do so in connection with providing common carrier rail service.
3. Lakewest will remove the Rails from the Easement Area and will place them on Chicago Terminal right-of way adjoining the Property.
4. Lakewest releases any claim it might have to ownership of the Rails.
5. Lakewest agrees that it will not request rail service to the Property.
6. Chicago Terminal agrees that, if it is required to use the Easement to provide common carrier rail service in the future, Chicago Terminal will pay Lakewest Twelve Thousand Five Hundred Dollars (\$12,500) and that any restoration of the rail line in the Easement will be at Chicago Terminal's sole cost.


Signature Page Follows

Property of Cook County Clerk's Office

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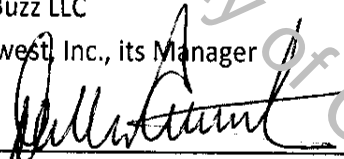
Agreed:

Chicago Terminal Railroad Company

by: 
Name: Todd W. Cecil
Its: VP - Real Estate Development

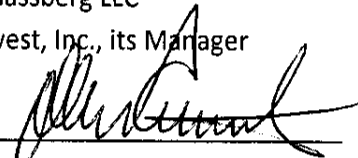
Foundry Buzz LLC

By: Lakewest, Inc., its Manager

By: 
Name: David W. Ruttenberg
Its: President


Foundry Glassberg LLC

By: Lakewest, Inc., its Manager

By: 
Name: David W. Ruttenberg
Its: President

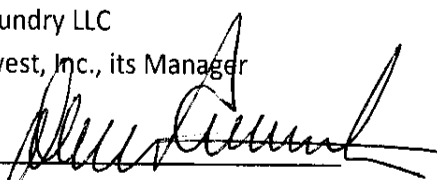
Foundry Meyer, LLC

By: Lakewest, Inc., its Manager

By: 
Name: David W. Ruttenberg
Its: President

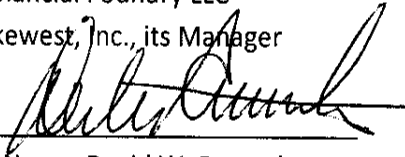
Jacquin Foundry LLC

By: Lakewest, Inc., its Manager

By: 
Name: David W. Ruttenberg
Its: President

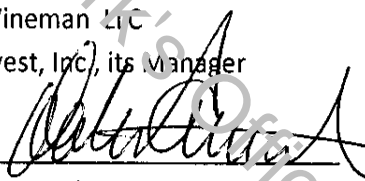
Urban Financial Foundry LLC

by Lakewest, Inc., its Manager

by: 
Name: David W. Ruttenberg
Its: President

Foundry Wineman LLC

By: Lakewest, Inc., its Manager

By: 
Name: David W. Ruttenberg
Its: President

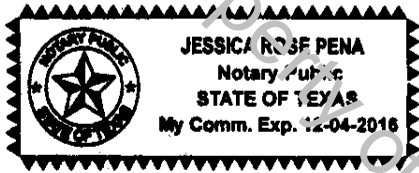
PROPERTY OF COOK COUNTY CLERK'S OFFICE

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State of TEXAS)
) ss
County of BEXAR)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT TODD N. CECIL, 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 signed and delivered this instrument as VP- REAL ESTATE of Chicago Terminal Railroad Company, as a free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 9 day of DECEMBER, 2013.



Jessica R Pena
Notary Public

Commission expires: 12-04-2016

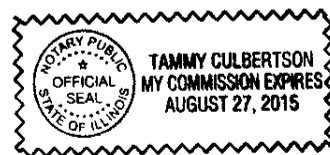
State of Illinois)
) ss
County of Cook)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT David W. Ruttenberg, 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 signed and delivered this instrument as President of Lakewest, Inc. the manager of Jacquin Foundry LLC, Foundry Buzz LLC, Urban Financial Foundry LLC, Foundry Glassberg LLC, Foundry Meyer, LLC, Foundry Wineman LLC, as a free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 13th day of November, 2013.

Tammy Culbertson
Notary Public

Commission expires: August 27, 2015



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EXHIBIT A

LEGAL DESCRIPTION

Parcel 1:

Lots 14 to 22, inclusive, in Sub-Lot 3 in Sheffield's Nursery Subdivision of Block 13 in Sheffield's Addition to the City of Chicago, Cook County, Illinois.

Excepting therefrom,

All that portion of Lots 14 to 19, both inclusive, of Sub-Lot 3 in Sheffield's Nursery Subdivision of Block 13 in Sheffield's Addition to Chicago, Cook County, Illinois which is described as follows:

Start at the Northeastery corner of said lot 14; Thence Northwestery along the Northerly line of said lots 14 to 19 which coincides with the Southerly line of Clybourn Avenue 147.57 feet to a point in a line which is parallel to and 12.5 feet Easterly, measured at right angles, from the center line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company's most Easterly track; Thence Southerly along said parallel line which makes an angle of 44° 31' 15" with said Southerly line of Clybourn Avenue 143.03 feet to the beginning of a curve to the left with a radius of 469.84 feet; Thence Southerly along said curve 55.66 feet, more or less, to a point in the Easterly line of said lot 14 distant 132 feet Southerly of the Northeastery corner thereof; Thence Northerly along said Lot line 132 feet to the place of beginning, in Cook County, Illinois.

Parcel 2:

Lots 1 to 5, both inclusive in Sub-Block 2 in Subdivision of Block 13 in Sheffield's Addition to Chicago;

Also

All that part of the Northwestery 33 feet of that part of Herndon Street Southeastery of and adjoining the Southeastery line of Lot 1, Block 2 in Sheffield's Nursery Subdivision of Block 13 in Sheffield's Addition to Chicago, in Sections 29, 31, 32 and 33, Township 40 North, Range 14, East of the Third Principal Meridian, said part of said street being further described as the Northwestery 33 feet of that part of Herndon Street extending Southwestery from the Southwestery line of Clybourn Avenue a distance of 133 feet more or less in Cook County, Illinois.

Parcel 3:

That part of the Southeastery 33 feet of that part of North Lake Road Avenue (formerly Herndon Street) lying Northwestery of the Northwestery line of Lot 22 in the Subdivision of Block 3 in the Subdivision of Block 13 of Sheffield's Addition to Chicago in Section 32, Township 40 North, Range 14, East of the Third Principal Meridian, situated in the City of Chicago, County of Cook and State of Illinois.

Parcel 4:

Lots 6 to 14 inclusive, in the Subdivision of Block 2 of Block 13 in Sheffield's Addition to Chicago in Section 32, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Containing a total of 73,059 sq ft or 1.6771 acres, more or less.

Tax Numbers applicable to property: 14-32-128-027-0000
14-32-128-030-0000
14-32-132-014-0000

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EXHIBIT B

SURVEY

(SEE ATTACHED)

Property of Cook County Clerk's Office



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GREMLEY & BIEDERMANN

License No. 04-00291

PROFESSIONAL LAND SURVEYORS

4500 NORTH ELSTON AVENUE, CHICAGO, IL 60630

TELEPHONE: (773) 685-9102 FAX: (773) 285-4184 EMAIL: INFO@GMB-SURVEY.COM

ALTA/ACSM Land Title Survey

Parcel 1:

Lots 14 to 25, inclusive, in Sub-Lot 2 in Sheffield's Nursery Subdivision of Block 13 in Sheffield's Addition to the City of Chicago, Cook County, Illinois.

Containing thereupon:

All that portion of Lot 14 to 18, both inclusive, of Sub-Lot 2 in Sheffield's Nursery Subdivision of Block 13 in Sheffield's Addition to Chicago, Cook County, Illinois which is described as follows:

Start of the Northwesterly corner of said lot 14, thence Northwesterly along the northwesterly line of said lots 14 to 18 north-south with the Southerly line of Cyprian Avenue 147.57 feet to a point in a line which is parallel to and 12.5 feet Eastwesterly measured at right angles from the center line of the former Chicago, Wisconsin, St. Paul and Pacific Railroad Company's most Easterly track; thence Southerly along said parallel line which makes an angle of 64° 37' 15" with the Northwesterly line of Cyprian Avenue 147.57 feet to the beginning of a curve in the left with a radius of 108.54 feet; thence Southerly along said curve 80.88 feet, more or less, to a point in the Easterly line of said lot 14 distant 122 feet Eastwesterly from the Northwesterly corner thereof; thence Northwesterly along said lot 14 132 feet to the place of beginning, in Cook County, Illinois.

Parcel 2:

Lots 1 to 8, both inclusive in Sub-Block 2 in Subdivision of Block 13 in Sheffield's Addition to Chicago.

Also:

All that part of the Northwesterly 33 feet of that part of Hudson Street, Southwesterly of and adjoining the Southwesterly line of Lot 1, Block 2 in Sheffield's Nursery Subdivision of Block 13 in Sheffield's Addition to Chicago, in Sections 29, 30, 31 and 32, Township 40 North, Range 14, East of the Third Principal Meridian, and that part of said street which further descends to the Northwesterly 33 feet of that part of Hudson Street extending Southwesterly from the Southwesterly line of Cyprian Avenue a distance of 135 feet more or less in Cook County, Illinois.

Parcel 3:

That part of the Southwesterly 33 feet of that part of North Lakeswood Avenue (formerly Hudson Street) lying Northwesterly of the Northwesterly line of Lot 2 in Block 2 in the Subdivision of Block 13 in Sheffield's Addition to Chicago, in Section 32, Township 40 North, Range 14, East of the Third Principal Meridian, situated in the City of Chicago, County of Cook and State of Illinois.

Parcel 4:

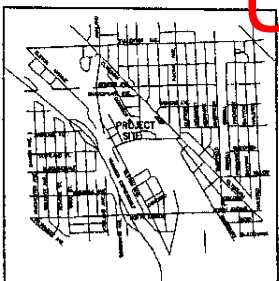
Lots 14 to 18, inclusive, in the Subdivision of Block 2 of Block 13 in Sheffield's Addition to Chicago in Section 32, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Containing a total of 73,063 sq. ft. or 1,677 1/2 acres, more or less.

Lot Numbers applicable to property: 14-33-128-027-0000

14-33-128-028-0000

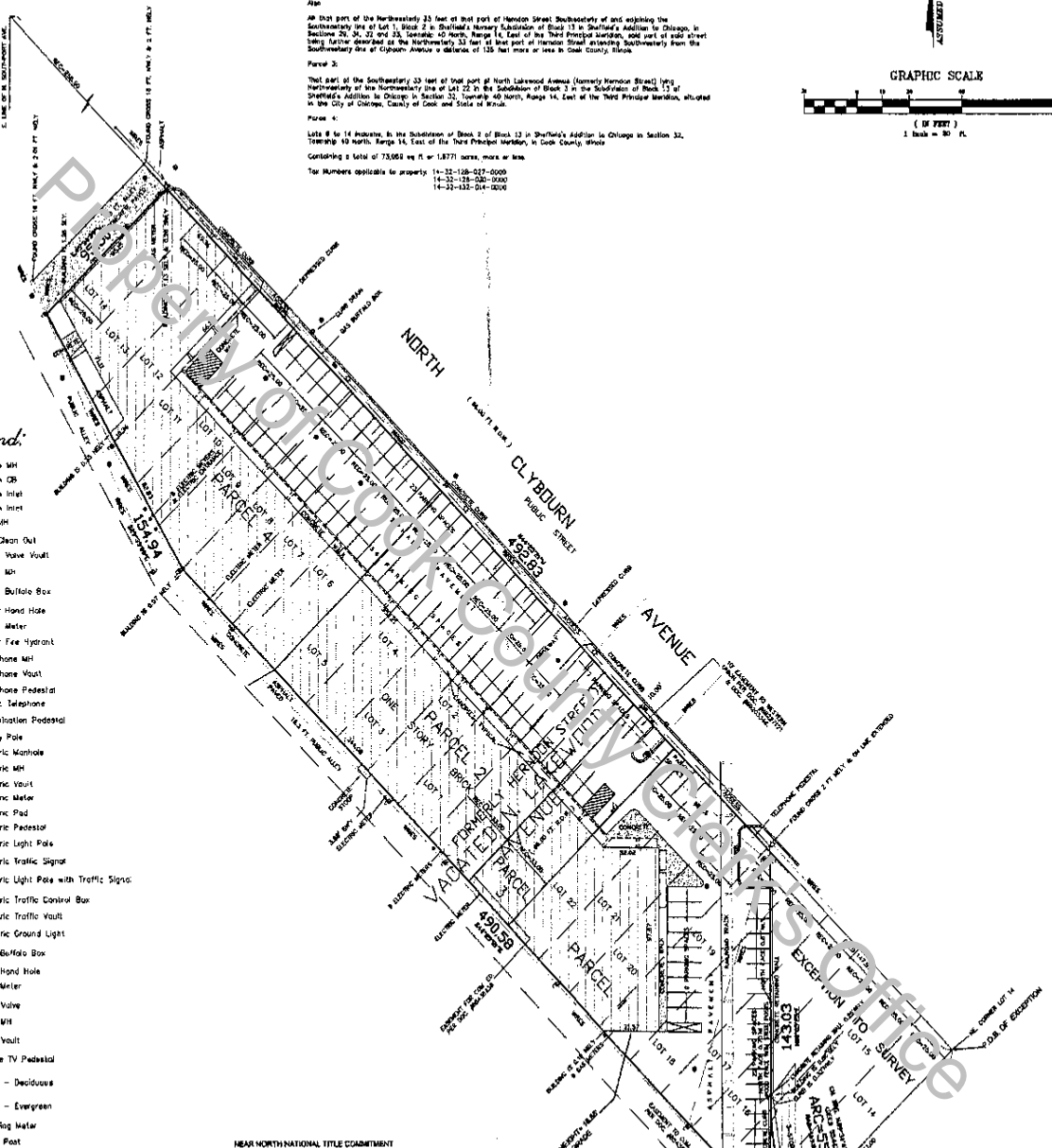
14-33-128-029-0000



LOCATION MAP NOT TO SCALE



- Legend:**
- Storm MH
 - Storm OB
 - Storm Inlet
 - Storm Inlet
 - San MH
 - San Clean Out
 - Water Valve Vault
 - Water sh
 - Water Bulb/Box
 - Water Hand Hole
 - Water Meter
 - Water Fee Hydrant
 - Telephone MH
 - Telephone Vault
 - Public Telephone
 - Combination Pedestal
 - Utility Pole
 - Electric Manhole
 - Electric MH
 - Electric Vault
 - Electric Meter
 - Electric Pad
 - Electric Pedestal
 - Electric Light Pole
 - Electric Traffic Signal
 - Electric Light Pole with Traffic Signal
 - Electric Traffic Control Box
 - Electric Traffic Vault
 - Electric Ground Light
 - Gas Bulb/Box
 - Gas Hand Hole
 - Gas Meter
 - Gas Valve
 - Gas MH
 - Gas Vault
 - Cable TV Pedestal
 - Tree - Deciduous
 - Tree - Evergreen
 - Parking Meter
 - Sign Post
 - Mail Box
 - Bumper Post
 - Quay Anchor
 - Sign Boxing
 - Unclassified Manhole
 - Auto Sprinkler
 - Hose Connection
 - Fire Alarm
 - Hoop Pole



NEAR NORTH NATIONAL TITLE COMMITMENT NO. 0190690, DATED JUNE 14, 2008

SCHEDULE B SURVEY COMMENTS

8. AFFECTS PROPERTY AND UNABLE TO LOCATE, PURSUANT TO RECORDED DOCUMENT 8790400
9. AFFECTS PROPERTY UNABLE TO LOCATE, PURSUANT TO RECORDED DOCUMENT 8229462
11. AFFECTS PROPERTY UNABLE TO LOCATE, PURSUANT TO RECORDED DOCUMENT 8229462
12. AFFECTS PROPERTY AND PLOTTED, PURSUANT TO RECORDED ORDINANCE 80261800 AND DOCUMENT 8227121 AND DOCUMENT 8223346
13. AFFECTS PROPERTY UNABLE TO LOCATE, PURSUANT TO RECORDED DOCUMENT 8229462
14. AFFECTS PROPERTY UNABLE TO LOCATE, PURSUANT TO RECORDED DOCUMENT 8229462 AND DOCUMENT 82299800
15. SAME AS ITEM 10, PURSUANT TO RECORDED DOCUMENT 82299800
16. AFFECTS PROPERTY UNABLE TO LOCATE, PURSUANT TO RECORDED DOCUMENT 82299800

REMARKING ITEMS UNABLE TO PLOT

NOTE: THERE ARE 100 REGULAR PARKING SPACES & 2 HANDICAPPED PARKING SPACES

BUILDING FOOTPRINT AREA = 3,849 SQ. FT.

PROPERTY IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA BUT APPEARS IN ZONE A AREAS OUTSIDE 600 YEAR FLOOD. AD PER INSURANCE RATE MAP COOK COUNTY, ILLINOIS. COMMUNITY PANEL NO. 17510-D-01 EFFECTIVE DATE NOV. 8, 2000.

Note: R. & M. denotes Record and Measured distance respectively.

Defenses as stated in that and declin'd parts thereof. Complete all points BEFORE building by survey and at once report every difference BEFORE damage is done.

For easements, building lines and other rec'd lines not shown on survey plot refer to your abstract deed, contract, the plat and local building law regulations.

No dimensions shall be assumed by scale measurement upon the plat.

Unless otherwise noted herein the Bearing Basis, Spheroid Datum and Coordinate Datum is used is ASSUMED.

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REVISED PER CLIENT OCTOBER 6, 2008. 2008

REVISED CERTIFICATION AND/OR SCHEDULE B COMMENTS PER CLIENT OCTOBER 6, 2008. 2008

REVISED PER CLIENT OCTOBER 6, 2008. 2008

CREATED BY: GREMLEY & BIEDERMANN

DATE: 10/10/08

PROJECT: 2008-06333-001

SCALE: 1" = 20' PER

SHEET: 1 OF 1

State of Illinois
County of Cook

This is to certify to PRINCIPAL COMMERCIAL FOUNDRY, LLC, its successors and/or assigns, NEAR NORTH NATIONAL TITLE LLC, and CHICAGO LAND TRUST COMPANY, as Trustee under Trust Agreement dated September 30, 1996 and known as Trust Number 1106411, FOUNDRY BUZZ, LLC, FOUNDRY MEYER, LLC, FOUNDRY GLASSBURG, LLC, JACQUIN FOUNDRY, LLC, URBAN FINANCIAL FOUNDRY, LLC, FOUNDRY WINDHAM, LLC that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly promulgated and adopted by ALTA and NSPS in 2005, and include items 2, 3, 4, 7A, 7B, 7C, 8, 9, 10 and 11A of Table A thereof. Pursuant to the Accuracy Standards as set forth by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that this is his professional opinion, as a land surveyor registered in the State of Illinois, the true and correct position of the survey does not exceed that which is specified therein. This Survey was prepared based on NEAR NORTH NATIONAL TITLE LLC. This Commitment/HO-088888 DATED JUNE 14, 2008 as to matters of record.

I and measurements completed on AUGUST 8, 2008.

Signed on October 10, 2008.

By: [Signature]

Professional Illinois Land Surveyor # 1920

My license expires November 30, 2008.

