### **UNOFFICIAL COPY**



Doc#: 1417119059 Fee: \$64.00 RHSP Fee:\$9.00 RPRF Fee: \$1.00

Karen A. Yarbrough

Cook County Recorder of Deeds
Date: 06/20/2014 12:47 PM Pg: 1 of 14

THIS DOCUMENT WAS PREPARED BY AND AFTER RECORDING RETURN TO:

Gregory E. F.x. Esq.
The Harlem Irving Companies, Inc.
4104 North Harley Avenue
Norridge, Illinois 60705

Above space for Recorder's use only

## FIRST AMENDMENT 10 DECLARATION OF RECIPROCAL EASEMENT AND OPERATING AGREEMENT

#### RECITALS

A. Developer, OD, SM and PM are Owners of certain Tracts in the Shopping Center that are subject to that certain Declaration of Reciprocal Easement and Operating Agreement dated June 14, 1995, and recorded on October 10, 1995 with the Cook County Recorder as Document No. 95687795 (the "REOA") which creates certain rights, privileges, obligations, duties and easements and imposes certain restrictions and covenants upon the respective Tracts.

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- B. The REOA encumbers the various Tracts which comprise the Shopping Center, as legally described on <u>EXHIBIT A</u> attached to and made a part of this First Amendment.
- C. Section 9.01 (f) of the REOA provides that the REOA may not be modified in any respect whatsoever, in whole or in part, except with the consent of all of the Owners of the Tracts.
- D. In order to accommodate the operation of a blood plasma donation and plasmapharesis center in the Shopping Center, Developer and the Owners desire to amend the REOA as hereinafter set forth.

NOW THEREFORE, for and in consideration of the foregoing Recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto hereby agree as follows:

- 1. <u>Incorporation</u>. The foregoing Recitals are hereby incorporated into this First Amendment as if fully set forth hereir. Capitalized terms used in this First Amendment which are not otherwise defined herein or otherwise amended herein shall have the meanings ascribed to such terms in the REOA.
- 2. <u>Amendment to Section 3.01 (f) of the REOA</u>. The Parties hereby agree that Section 3.01(f) of the REOA shall be and is nereby amended by adding the following sentence at the end of Section 3.01(f):

"Notwithstanding anything to the context in this Section 3.01(f), the tenant known as Octapharma Plasma, Inc. ("Octapharma") and any assignee or subtenant of Octapharma shall be permitted to operate a blood plasma donation and plasmapharesis center on the TA Tract, identified as Anchor "B" on the attached <u>PXHIBIT B</u>—SITE PLAN of this First Amendment."

- 3. <u>Representations and Warranties</u>. Each Party hereto represents and warrants to the other that it has full authority to execute this First Amendment.
- 4. <u>Continued Effect</u>. This First Amendment is deemed incorporated into and made a part of the REOA as though the REOA were fully set forth herein, as amended hereby, and remains in full force and effect, and without limitation of the foregoing, this First Amendment shall be binding upon and inure to the benefit of the respective successors and assigns of the Parties.
- 5. <u>Counterparts</u>. This First Amendment may be executed in any number of counterparts, each of which shall constitute an original, and all of which, when taken together, shall constitute one and the same instrument.

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6. Recording. This First Amendment shall be recorded in the office of the recorder of the county in which the Shopping Center is located.

[remainder of page left intentionally blank; signature page follows]



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# UNOFFICIAL COPY

IN WITNESS WHEREOF, the Parties have executed and delivered this First Amendment to Reciprocal Easement and Operation Declaration as of the Effective Date.

| Developer:  | NORTHLAKE DEVELOPMENT COMPANY, an Illinois  |
|---|---|
|   | corporation   |
|   | Name: Lawrence to Gerlach Title: Vice Fresident   |
|   |   |
| STATE OF ILLINOIS   | )<br>) SS.  |
| COUNTY OF COCK  | )   |
| the Vie Condens the Vie Condens Illinois corporation, and subscribed to the foregoing that he signed, sealed and said corporation pursuant corporation on behalf of forth.  GIVEN under my hand and "OFFICIAL BRIDGET E | personally known to me to be the same person whose name is g instrument, appeared before me this day in person and acknowledged delivered the said instrument as his free and voluntary act on behalf of to order of the board of directors or similar governing body of said such limited liability ampany for the uses and purposes therein set d Notarial Seal this day of hotary Public Notary Public |
| Notary Public, S<br>My Commission Ex  | pires 3/24/2018   |
|   | Co  |

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## **UNOFFICIAL COPY**

IN WITNESS WHEREOF, the Parties have executed and delivered this First Amendment to Reciprocal Easement and Operation Declaration as of the Effective Date.

| OWNER OF THE<br>OD TRACT  | STELGEN, LLC, a Delaware limited liability company                           |  |
|---|--|--|
| OD Helet  | By: Kinsan Management Corp., its manager                                     |  |
|   | By: An by M. Schim   |  |
|   | Name: ANDREW M. SCHREIER   |  |
|   | Title: VICE PRESIDENT  |  |
| 900   |  |  |
| STATE OF FLORIDA  | ) SS.  |  |
| COUNTY OF PALM BE   | 40 c   |  |
| I, Sandra   | a Notary Public in and for said County, in the State                         |  |
| aforesaid, DO HEREBY O  | ERTIFY that more M. Schrerer,  |  |
| personally known to me to be the Vice trusident of KINSAN   |  |  |
| MANAGEMENT CORP., a Delaware corporation, and 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, sealed and delivered the said instrument as his free and voluntary act on behalf of said corporation pursuant to order of the board of directors or similar governing body of said corporation for the uses and purposes therein set forth. |  |  |
| GIVEN under my  | hand and Notarial Seal this 10th day of Jone, 2014.                          |  |
| MY COMM<br>EXPIRES  | SSION # EE 172613 February 23, 2016 otary Public Underwriters  Notary Public |  |

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### **UNOFFICIAL COPY**

IN WITNESS WHEREOF, the Parties have executed and delivered this First Amendment to Reciprocal Easement and Operation Declaration as of the Effective Date.

OWNER OF THE SM TRACT

JLP-NORTH LAKE, LLC, an Ohio limited liability company

Name: Soseph Schottenstein
Title: COO

STATE OF

COUNTY OF

SS.

LLC, an Ohio limited liability company, and personally known to the 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, sealed and delivered the said instrument as his free and voluntary act on behalf of said corporation pursuant to order of the board of directors or cimilar governing body of said corporation for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this

June 20

Notary Public

Rebecca A. Karangelovski Notary Public, State of Ohio My Commission Expires 08-09-2017

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### **UNOFFICIAL COP**

IN WITNESS WHEREOF, the Parties have executed and delivered this First Amendment to Reciprocal Easement and Operation Declaration as of the Effective Date.

**OWNER OF THE PM TRACT** 

SPIRIT MASTER FUNDING VI, LLC, a Delaware limited liability company

By: Spirit SPE Manager, LLC, a Delaware limited liability company, its manager

By: Name:

Executive Vice President Title:

Gregg Seibert

STATE OF ANIZOLA

COUNTY OF MANICOPA

a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Creeks. Scipert personally known to me to be the Executive See Mesidest of Spirit SPE Manager, LLC, a Delaware limited liability company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, agreared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act on behalf of said corporation pursuant to order of the board of directors or similar governing body of said corporation for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this

Notary Public

Susan Goldberg **Notary Public** Maricopa County, Arizona My Comm. Expires 07-15-14

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### EXHIBIT A

#### **Exhibit B to REOA**

### **Shopping Center Legal Description**

#### Parcel 1

That part of "The H O Stone Northlake Addition", being a subdivision of that part of the Northeast Outree of Section 6, Township 39 North, Range 12 East of the Third Principal Meridian, and recorded July 3, 1930 as Document No 10697148 in Cook County, Illinois, described as follows

Commencing at the Southwest corner of Lot 1 in Block 3 in said "The H.O. Stone Northlake Addition". Thence North % degrees 48 minutes 02 seconds East along the South line of said Block 3, 195 17 feet; Thence South 01 degrees 11 minutes 58 seconds East, 49.00 feet to the point of beginning; Thence the following courses. North 88 degrees 48 minutes 02 seconds East, 271 00 feet, South 01 degree 11 minutes 58 seconds East, 182 00 feet; North 88 degrees 48 minutes 02 seconds East, 233 00 feet; South 01 degree 11 minutes 58 seconds East, 259.00 feet; North 88 degrees 48 minutes 02 seconds East, 71 28 feet; South 01 degree 11 minutes 58 seconds East, 45 00 feet; South 01 degree 11 minutes 58 seconds East, 75 00 feet; South 88 degrees 48 minutes 02 seconds West, 91.00 feet; North 01 degree 11 minutes 58 seconds West, 10.00 feet; South 88 degrees 48 minutes 02 seconds West, 313.00 feet; South 88 degrees 48 minutes 02 seconds West, 313.00 feet; South 88 degrees 48 minutes 02 seconds West, 313.00 feet; South 88 degrees 48 minutes 58 seconds West, 313.00 feet; South 88 degrees 48 minutes 58 seconds West, 313.00 feet; South 88 degrees 48 minutes 62 seconds West, 25 28 feet; North 01 degree 11 minutes 58 seconds West, 313.00 feet; South 88 degrees 48 minutes 02 seconds West, 25 28 feet; North 01 degree 11 minutes 58 seconds West, 441 00 feet to the point of beginning, and containing 349,993 square feet or 8 035 acres

#### Parcel 2

That part of "The H.O. Stone Northlake Addition", being a subdivision of that part of the Northeast Quarter of Section 6, Township 39 North, Range 12, East of the Trice Principal Meridian, and recorded July 3, 1930 as Document No. 10697148 in Cook County Illinois, described as follows:

Commencing at the Northwest corner of Lot 24 in Block 1 in said "The HO Stone Northble Addition". Thence South 88 degrees 46 minutes 57 seconds West along the North line of said Lot 24 extended westerly, 20:00 feet to the West line of a public alley and the point of beginning. Thence South 00 degrees 49 minutes 22 seconds West along the West line of said alley, 35:41 feet. Thence the following courses: North 88 degrees 48 minutes 02 seconds East, 89:37 feet. South 01 degrees 11 minutes 58 seconds East, 169:00 feet; North 88 degrees 48 minutes 02 seconds East, 7:28 feet, South 01 degree 11 minutes 58 seconds East, 150:00 feet, South 88 degrees 48 minutes 02 seconds West, 100:00 feet; North 01 degree 11 minutes 58 seconds West, 209:00 feet. South 88 degrees 48 minutes 02 seconds West, 71:28 feet, North 01 degree 11 minutes 58 seconds East, 63:00 feet, South 01 degree 11 minutes 58 seconds East, 63:00 feet, South 01 degree 11 minutes 58 seconds East, 63:00 feet, South 01 degree 11 minutes 58 seconds East, 16:71 feet to the West line of said alley, Thence South 00 degrees 49 minutes 22 seconds West along the West line of said alley, 108:68 feet to the point of beginning, and containing 49,938 square feet or 1:146 acres

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#### Parcel 3

That part of "The H O. Stone Northlake Addition", being a subdivision of that part of the Northeast Quarter of Section 6, Township 39 North, Range 12, East of the Third Principal Meridian, and recorded July 3, 1930 as Document No. 10697148 in Cook County, Illinois, described as follows

Commencing at the Southwest corner of Lot 1 in Block 3 in said "The H O Stone Northlake Addition", Thence North 88 degrees 48 minutes 02 seconds East along the South line of said Block 3, 91 17 feet; Thence South 01 degree 11 minutes 58 seconds East, 49.00 feet to the point of beginning, Thence the following courses, North 88 degrees 48 minutes 02 seconds East, 104.00 feet; South 01 degree 11 minutes 58 seconds East, 441.00 feet; North 88 degrees 48 minutes 02 seconds East, 25.28 feet; South 01 degree 11 minutes 58 seconds East, 309.00 feet; South 88 degrees 48 minutes 02 seconds West, 50.00 feet; South 88 degrees 48 minutes 02 seconds West, 165.00 feet; North 01 degree 11 minutes 58 seconds West, 165.00 feet; North 01 degree 11 minutes 02 seconds West, 8.28 feet, North 01 degree 11 minutes 58 seconds West, 8.28 feet, North 01 degree 11 minutes 58 seconds West, 54.00 feet to the point of beginning, and containing 164,787 square feet or 3.783 acres.

#### Parcel 4

That part of "The H.O. Stone Northlake Ad lition", being a subdivision of that part of the Northeast Quarter of Section 6. Township 39 North, Range 12, East of the Third Principal Meridian, and recorded July 3, 1930 as Documen No. 10697148 in Cook County, Illinois, described as follows:

Commencing at the Southwest corner of Lot 1 in Block 2 in said "The H O. Stone Northlake Addition". Thence North 88 degrees 48 minutes 02 seconds East, along the South line of said Block 3, 91 17 feet; Thence South 01 degree 11 minutes 58 seconds East, 49.00 feet to the point of beginning; Thence the following courses. South 01 degree 11 minutes 58 seconds East, 54.00 feet. South 88 degrees 48 minutes 02 seconds West, 129.00 feet; South 01 degree 11 minutes 58 seconds East, 387.00 feet; North 88 degrees 48 minutes 02 seconds East, 328 feet, South 01 degree 11 minutes 58 seconds East, 269.67 feet, South 88 degrees 48 minutes 92 seconds West, 38.00 feet, South 01 degree 11 minutes 58 seconds East, 35.67 feet, South 88 degrees 48 minutes 02 seconds West, 112.00 feet; North 01 degree 11 minutes 58 seconds West, 365.36 feet, North 88 degrees 48 minutes 02 seconds East, 15.72 feet, North 01 degree 11 minutes 58 seconds West, 441.00 feet; North 88 degrees 48 minutes 02 seconds East, 255.00 feet to the point of beginning, and containing 106,997 square feet or 2.456 acres

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#### Parcel 5

Lots 1 thru 5 (inclusive) in Block 3 in "The H O. Stone Northlake Addition", being a subdivision of that part of the Northeast Quarter of Section 6, Township 39 North, Range 12, East of the Third Principal Meridian, and recorded July 3, 1930 as Document No 10697148 in Cook County, Illinois, and containing 16,624 square feet or 0 382 acres

#### Parcel 6

That part of "The H O Stone Northlake Addition", being a subdivision of that part of the Northeast Quarter of Section 6, Township 39 North, Range 12, East of the Third Principal Meridian, and recorded July 3, 1930 as Document No. 10697148 in Cook County, Illinois described as follows:

Commencing at the Southwest corner of Lot 1 in Block 3 in said "The H.O. Stone Northlake Addition"; There North 88 degrees 48 minutes 02 seconds East along the South line of said Block 3, 195 17 feet; There South 01 degree 11 minutes 58 seconds East, 49 00 feet, There North 88 degrees 48 minutes 02 seconds East, 271 00 feet; There South 01 degree 11 minutes 58 seconds East, 29 00 feet to the point of beginning; There the following courses; North 88 degrees 48 minutes 02 seconds East, 54 00 feet; North 01 degree 11 minutes 58 seconds West, 185 00 feet; North 88 degrees 48 minutes 02 seconds East, 156 00 feet; South 01 degree 11 minutes 58 seconds East, 11.33 feet, North 88 degrees 48 minutes 02 seconds East, 30.00 feet, South 01 degree 11 minutes 58 seconds East, 71 00 feet; South 01 degree 1 minutes 58 seconds East, 71 00 feet; South 01 degree 1 minutes 58 seconds West, 5 00 feet, South 88 degrees 48 minutes 02 seconds West, 15.00 feet, North 01 degree 11 minutes 58 seconds West, 5 00 feet, South 88 degrees 48 minutes 02 seconds West, 15.00 feet, North 01 degree 11 minutes 58 seconds West, 15.00 feet to the point of beginning, and containing 85.207 square feet or 1 956 acres

#### Parcel 7

That part of "The HO. Stone Northlake Addition", being a subdivision of that part of the Northeast Quarter of Section 6, Township 39 North, Range 12, East of the Third Principal Meridian, and recorded July 3, 1930 as Document No. 10697148 in Cook County, Illinois described as follows:

Beginning at the northwest corner of Lot 8 in Block 2 in said "The H O. Stone Northla'.e Addition". Thence North 88 degrees 48 minutes 02 seconds East along the South line of North Avenue as dedicated per Document Number 10550555, 208.99 feet; Thence South 00 degrees 47 minutes 58 seconds West along the East line of the West 7.00 feet of Lot 3 in Block 1 in said subdivision, 145 08 feet to the South line of a public alley and the North line of Lot 43 in said Block 1. Thence North 88 degrees 48 minutes 02 seconds East along the North line of said Lot 43, 62.90 feet to the northeast corner of said Lot 43; Thence South 00 degrees 49 minutes 22 seconds West along the West line of a public alley, 216 13 feet; Thence the following courses: South 88 degrees 48 minutes 02 seconds West, 1.71 feet. North 01 degree 11 minutes 58 seconds

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West, 207 00 feet, South 88 degrees 48 minutes 02 seconds West, 71 00 feet; North 01 degree 11 minutes 58 seconds West, 124 67 feet, South 88 degrees 48 minutes 02 seconds West, 30 00 feet North 01 degree 11 minutes 58 seconds West, 11 33 feet; South 88 degrees 48 minutes 02 seconds West, 156 00 feet, South 01 degree 11 minutes 58 seconds East, 185.00 feet; South 88 degrees 48 minutes 02 seconds West, 54 00 feet; North 01 degree 11 minutes 58 seconds West, 29 00 feet, South 88 degrees 48 minutes 02 seconds West, 630 00 feet, South 01 degree 11 minutes 58 seconds East, 441 00 feet; South 88 degrees 48 minutes 02 seconds West, 15.72 feet. South 01 degree 11 minutes 58 seconds East, 305 33 feet; North 88 degrees 48 minutes 02 seconds East, 112 00 feet; North 01 degree 11 minutes 58 seconds West, 35.67 feet; North 88 degrees 48 minutes 02 seconds East, 38.00 feet; North 01 degree 11 minutes 58 seconds West. 10 67 feet; North \$8 degrees 48 minutes 02 seconds East, 165.00 feet; South 01 degree 11 minutes 58 ±20 ands East, 50 00 feet; North 88 degrees 48 minutes 02 seconds East, \$5 00 feet; South 01 degree 11 minutes 58 seconds East, 4 00 feet; North 88 degrees 48 minutes 02 seconds East, 414 00 feet, South 01 degree 11 minutes 58 seconds East, 10.00 feet, North 88 degrees 48 minutes 02 secondy East, 91.00 feet; North 01 degree 11 minutes 58 seconds West, 75.00 feet; North 88 degrees 48 race ites 02 seconds East, 45 00 feet; North 01 degree 11 minutes 58 seconds West, 39 00 feet, North 88 degrees 48 minutes 02 seconds East, 100 00 feet; North 01 degree 11 minutes 58 seconds West, 150.00 feet, South 88 degrees 48 minutes 02 seconds West. 7 28 feet, North 01 degree 11 minutes 58 seconds West, 169 00 feet; South 88 degrees 48 minutes 02 seconds West, 89.37 far. to the West line of a public alley, Thence North 00 degrees 49 minutes 22 seconds East along said West line, 35.41 feet to the westerly extension of the South line of Lot 23 in Block 1 in said abdivision; Thence North 88 degrees 46 minutes 57 seconds East along the South line of said 23 in Block 1 extended westerly, 132,93 feet to the southeast corner of said Lot 23, and the West live of Wolf Road, Thence South 00 degrees 49 minutes 17 seconds West along said West line of Wolf Road, and the East line of said subdivision. 500 18 feet . Thence South \$8 degrees 46 minutes 19 seconds West, 132.88 feet to the East line of Lot 34 in said Block 14. Thence South 00 degrees 41 minutes 46 seconds West along the East lines of Lots 33 and 34 in said Block 14 and the West line of a public alley, 50.74 feet to the southeast corner of said Lot 33. Thence South 88 degrees 45 minutes 25 seconds West along the South line of said Lot 33 extended westerly, the South lines of Lot, 12 and 29 in Block 13 in said subdivision extended westerly, and the South lines of Lots 12 and 44 in Block 12 in said subdivision extended westerly, 845 18 feet; Thence North 00 degrees 48 minutes 48 seconds East, 20 10 feet; Thence North 46 degrees 11 minutes 58 seconds West, 38 09 feet; Thence South 88 degrees 48 minutes 02 seconds West, 113.06 feet to the centerline of a vacate a view per Document Number 24140325; Thence North 00 degrees 49 minutes 59 seconds East along said centerline, 829 36 feet to the South line of a public alley, Thence North 88 degrees (4) minutes 02 seconds East along said South line, 713 80 feet to the West line of said Lot 8 in Block 2 extended southerly. Thence North 00 degrees 52 minutes 41 seconds East along said West line of Lot 4. 145 09 feet to the point of beginning, and containing 196,911 square feet or 4 520 acres.

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That part of "The HO Stone Northlake Addition", being a subdivision of that part of the Northeast Quarter of Section 6, Township 39 North, Range 12, East of the Third Principal Meridian, and recorded July 3, 1930 as Document No. 10697148 in Cook County, Illinois, described as follows

Beginning at the southeast corner of Lot 22 in Block 1 in said "The H.O. Stone Northiake Addition". Thence South 88 degrees 46 minutes 57 seconds West along the South line of said Lot 22, 38.02 feet, Thence North 00 degrees 49 minutes 17 seconds East, 31 99 feet, Thence North 88 degrees 46 minutes 57 seconds East, 38 02 feet to the East line of Lot 21 in said Block 1 and the West line of Wolf Road, Thence South 00 degrees 49 minutes 17 seconds West along said West line of Wolf Road, 31-99 feet to the point of beginning, and containing 1,216 square feet or Stoppenty Or Coot Collins 0 028 acres.

#### Parcel 8

That part of "The HO. Stone Northlake Addition", being a subdivision of that part of the Northeast Quarter of Section 6, Township 39 North, Range 12, East of the Third Principal Meridian, and recorded July 3, 1930 as Document No. 10697148 in Cook County, Illinois, described as follows:

Commencing at the southeast corner of Lot 12 in Block 12 in said "The H.O. Stone Northlake Addition". Thence South 88 degrees 45 minutes 25 seconds West along the South line of said Lot 12 extended westerly, 132.95 feet to the centerline of a vacated alley and the point of begin ping. Thence South 00 degrees 49 minutes 17 seconds West along the centerline of said altey, 342.90 feet to the northerly line of a public alley. Thence North 68 degrees 16 minutes 44 seconds West along said northerly line and the southerly line of Lot 35 in Block 12 in said subdivision extended northwesterly, 168.04 feet to an angle point; Thence North 64 degrees 32 minutes 08 seconds West along the southerly line of Lot 19 in Block 11 extended southeasterly and the northerly line ( of said alley, 192 30 feet to the centerline of a vacated alley per Document number 24 | 40325, Thence North 00 degrees 49 minutes 59 seconds East along said centerline, 237 96 feet; Thence North 88 degrees 48 minutes 02 seconds East, 113 06 feet, Thence South 46 degrees 11 minutes. 58 seconds East, 38 09 feet, Thence South 00 degrees 48 minutes 48 seconds West, 20 10 feet : \* Thence North 88 degrees 45 minutes 25 seconds East along the South line of Lot 44 in said Block 12 extended westerly, 190 99 feet to the point of beginning, and containing 95,844 square\* feet or 2 200 acres

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15-06-206-008. 15-06-206-009. 15-06-206-010. 15-06-206-041. 15-06-206-042.
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Common Address: 37 West North Avenue, Northlake, Illinois

#### Tax numbers

15-06-207-054-0000 15-06-217-001-0000 15-06-217-002-0000 15-06-217-003-0000 15-06-217-004-0000 15-06-217-005-0000 15-06-217-006-0000 15-06-217-007-0000

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### **EXHIBIT B - SITE PLAN**

