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This Consent was prepared by and
after recording return to:
William A. Nyberg, Esq.
City of Chicago Law Department
121 North LaSalle Street, Room
600
Chicago, IL 60602



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Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 10/17/2014 01:02 PM Pg: 1 of 6

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CONSENT TO MORTGAGE

This **Consent to Mortgage** (the "**Consent**") is made and entered into as of this 27th day of JUNE, 2014 by and between the City of Chicago, an Illinois municipal corporation (the "**City**"), through its Department of Planning and Development ("**DPD**"), and Blommer Chocolate Company, a Delaware corporation ("**Developer**").

RECITALS.

A. As of June 7, 2006 the City and Developer entered into that certain Blommer Chocolate Company Redevelopment Agreement, which was recorded on June 8, 2006 in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 0615933206, as authorized by ordinance approved by the City Council of the City on February 8, 2006, (the "**Redevelopment Agreement**") pertaining to property located in the River West Redevelopment Project Area in the vicinity of West Kinzie Street and North Des Plaines Street in Chicago.

B. As of June 7, 2006, the City and Developer also entered into that certain Agreement for the Sale and Development of Land, which was recorded on June 8, 2006 in the office of the Recorder as Document No. 0615933207 (the "**Agreement for the Sale and Development of Land**"). Under the Agreement for the Sale and Development of Land, the City agreed to acquire, through negotiated settlement and use of its eminent domain powers, certain parcels of land defined therein as the "Acquisition Parcels" and to convey those parcels to Developer so that Developer could construct the Project thereon. Developer agreed to acquire such parcels on the terms and subject to the conditions contained in the Agreement for the Sale and Development of Land. The

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Acquisition Parcels are legally described on **Exhibits A-1** through **A-3** hereto.

C. The Developer operates a chocolate processing plant on a 1.3 acre site located at 600 West Kinzie Street in the City (the "**Existing Site**"). The Acquisition Parcels are generally contiguous to the Existing Site. On September 23, 2009, the City conveyed the two Acquisition Parcels described on **Exhibit A3** to the Developer by way of quitclaim deed. The City and the Developer anticipate that the City will convey the remaining Acquisition Parcels to the Developer in the near future.

D. The Developer has placed a mortgage on the Existing Site in the ordinary course of its business and wishes to extend that mortgage to include each of the Acquisition Parcels as they are acquired from the City.

E. The Redevelopment Agreement requires that, prior to the time that a Certificate is issued to the Developer by the City, the Developer obtain the consent of the City to place an encumbrance on any Acquisition Parcel and the City, by this Consent, it agreeing to provide its consent to such encumbrance in accordance with the terms and on the conditions set forth below.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements contained in this Consent, and for other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, the Developer and the City hereby agree as follows:

AGREEMENT

ARTICLE I **INCORPORATION OF RECITALS AND EXHIBITS**

The Recitals hereto and the Exhibits attached hereto are an integral part of this Consent and are, by this reference, hereby incorporated into and made a part of this Consent.

ARTICLE II **CAPITALIZED TERMS**

Capitalized terms used in this Consent shall have the meanings set forth herein. Capitalized terms used in this Consent not defined herein shall have the meanings given in the Redevelopment Agreement.

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ARTICLE III CONSENT

The City hereby agrees as follows:

- A. In accordance with Article Sixteen of the Redevelopment Agreement, the City hereby consents to the placement of a mortgage by the Developer on the Acquisition Parcels previously acquired by the Developer and legally described on **Exhibit A3** hereto.
- B. In accordance with Article Sixteen of the Redevelopment Agreement, the City hereby consents to the placement of a mortgage by the Developer against the remaining Acquisition Parcels, legally described on **Exhibits A1 and A2** as they are acquired by the Developer from the City in accordance with the terms of the Agreement for the Sale and Development of Land.
- C. The consent of the City hereunder is expressly conditioned upon the Developer recording (i) an executed subordination agreement, substantially in the form attached to the Redevelopment Agreement as **Exhibit N**, subordinating any mortgage lien on the remaining Acquisition Parcels to the City encumbrances stated in **Section 8.02** (Covenant to Redevelop expiring on the issuance of a Certificate), **Section 8.07** (Maintenance of Operations Within the City expiring August 25, 2014) and **Section 8.18(c)** (Real Estate Taxes expiring December 31, 2025) and (ii) the Redevelopment Agreement and the Agreement for the Sale and Development of Land on the remaining Acquisition Parcels.

IN WITNESS WHEREOF, the City has caused this Consent to be signed on or as of the date first above written.

CITY OF CHICAGO

By:  _____
Commissioner

Department of Planning and Development

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a notary public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that ANDREW J. MOONEY, personally known to me to be the _____ Commissioner of the Department of Planning and Development of the City of Chicago, Illinois (the "City") 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 as such _____ Commissioner, ~~(s)~~he signed and delivered the said instrument pursuant to authority, as his/~~her~~ free and voluntary act, and as the free and voluntary act and deed of said City, for the uses and purposed therein set forth.

GIVEN under my hand and official seal this 27th day of JUNE, 2014.

William A. Nyberg
Notary Public

My Commission Expires

09/25/16



(SEAL)

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Exhibit A

LEGAL DESCRIPTION:

PARCEL 1:

THAT PART OF THE SOUTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF NORTH JEFFERSON STREET, A DISTANCE OF 25 FEET SOUTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, EXTENDING ACROSS SAID JEFFERSON STREET AT A POINT THEREON NEAR THE INTERSECTION THEREOF WITH GRAND AVENUE, AS SAID MAIN TRACK IS NOW LOCATED; THENCE SOUTHEASTERLY PARALLEL WITH SAID MAIN TRACK CENTER LINE A DISTANCE OF 171.88 FEET, MORE OR LESS, TO A POINT ON THE NORTHEASTERLY EXTENSION OF THE EASTERLY FACE OF A BRIDGE PIER OR SUPPORT; THENCE SOUTHERLY ALONG SAID EASTERLY FACE EXTENDED, A DISTANCE OF 121.56 FEET, MORE OR LESS, TO A POINT DISTANCE OF 35 FEET NORTHERLY FROM THE NORTHEAST CORNER OF SAID BRIDGE SUPPORT, FOR THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE HEREINAFTER DESIGNATED LINE 'A' A DISTANCE OF 114.54 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY EXTENSION OF THE EASTERLY FACE OF BRIDGE PIER OR SUPPORT NEAR THE EAST LINE OF SAID JEFFERSON STREET, AND DISTANT 35 FEET NORTHERLY FROM THE NORTHEAST CORNER OF SAID (LAST DESCRIBED) BRIDGE SUPPORT; THENCE CONTINUING NORTHWESTERLY ALONG SAID LAST DESCRIBED COURSE, EXTENDED, A DISTANCE OF 3.81 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID NORTH JEFFERSON STREET, THENCE SOUTHERLY ALONG SAID EAST LINE OF NORTH JEFFERSON STREET A DISTANCE OF 35 FEET, MORE OR LESS, TO A POINT ON A LINE DRAWN PARALLEL WITH SAID ABOVE DESCRIBED LINE 'A' THROUGH THE NORTHEAST CORNER OF THE FIRST DESCRIBED BRIDGE PIER OR SUPPORT; THENCE SOUTHEASTERLY ALONG SAID LAST DESCRIBED PARALLEL LINE A DISTANCE OF 118.35 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID FIRST ABOVE DESCRIBED PIER OR SUPPORT; THENCE NORTHERLY ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LAST DESCRIBED PIER OR SUPPORT A DISTANCE OF 35 FEET TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THAT PART OCCUPIED BY THE CENTER PIER OR SUPPORT LYING MIDWAY BETWEEN THE ABOVE DESCRIBED PIERS) IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF THE SOUTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

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BEGINNING AT A POINT ON THE EAST LINE OF NORTH JEFFERSON STREET, DISTANT 25 FEET SOUTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, EXTENDING ACROSS SAID JEFFERSON STREET AT A POINT THEREON NEAR THE INTERSECTION THEREOF WITH GRAND AVENUE, AS SAID MAIN TRACK IS NOW LOCATED; THENCE SOUTHEASTERLY PARALLEL WITH SAID MAIN TRACK CENTER LINE A DISTANCE OF 171.88 FEET, MORE OR LESS, TO A POINT ON THE NORTHEASTERLY EXTENSION OF THE EASTERLY FACE OF A BRIDGE PIER OR SUPPORT; THENCE SOUTHERLY ALONG SAID EASTERLY FACE, EXTENDED, A DISTANCE OF 121.56 FEET, MORE OR LESS, TO A POINT DISTANT 35 FEET NORTHERLY FROM THE NORTHEAST CORNER OF SAID BRIDGE SUPPORT; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE A DISTANCE OF 114.54 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY EXTENSION OF THE EASTERLY FACE OF BRIDGE PIER OR SUPPORT AT OR NEAR THE EAST LINE OF SAID JEFFERSON STREET, AND DISTANT 35 FEET NORTHERLY FROM THE NORTHEAST CORNER OF SAID (LAST DESCRIBED) BRIDGE SUPPORT; THENCE CONTINUING NORTHWESTERLY ALONG SAID LAST DESCRIBED COURSE, EXTENDED, A DISTANCE OF 3.81 FEET MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID NORTH JEFFERSON STREET, THENCE NORTHERLY ALONG SAID EAST LINE A DISTANCE OF 210.56 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Permanent Index Numbers: 17-09-112-015-0000 and 17-09-112-020-0000

Address: 451 North Jefferson Street
Chicago, Illinois 60610

Cook County Clerk's Office