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AND WHEN RECORDED MAIL TO:

c/o Fragner Seifert Pace & Winograd, LLP
601 South Figueroa St., Suite 2320
Los Angeles, CA 90017
Attention: Matthew C. Fragner

Doc#: 1502945048 Fee: \$122.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 01/29/2015 01:00 PM Pg: 1 of 43

Address and Permanent Tax Index Numbers:

See Exhibit A and Exhibit B

1453512 JW
**FIRST AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS &
RESTRICTIONS AND RECIPROCAL EASEMENTS 3 of 4**

(Block 37 Air Rights)

THIS FIRST AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS AND RECIPROCAL EASEMENTS (this "**Amendment**") is made as of JANUARY 23, 2015, by **108 North State Street (Chicago) Owner, LLC**, a Delaware limited liability company ("**Retail Owner**" or "**Declarant**"), and **North State Street Air Rights (Chicago) Owner, LLC**, a Delaware limited liability company ("**Air Rights Owner**") with respect to real property located in Cook County, Illinois.

RECITALS

A. Retail Owner owns the land located in Chicago, Illinois legally described on Exhibit A attached hereto (the "**Retail Land**") on which an already constructed retail project is located (as may be modified from time to time, the "**Retail Project**").

B. Air Rights Owner owns the three dimensional legal parcel situated above the Retail Project and legally described on Exhibit B attached hereto (the "**Air Rights Parcel**"). The Combined Project to be constructed on the Air Rights Parcel is sometimes referred to hereinafter as the "**Air Rights Project**". The Retail Project and the Air Rights Project are sometimes collectively referred to as the "**Combined Project**", and the Retail Land and the Air Rights Parcel are sometimes collectively referred to as the "**Parcels**".

C. The parties previously executed a Declaration of Covenants, Conditions & Restrictions and Reciprocal Easements dated as of November 21, 2013 and recorded on the date hereof (the "**Original Declaration**"). The parties now desire to amend the Original Declaration in the manner more specifically set forth below. The Original Declaration as modified by this Amendment shall be referred to as the "**Declaration**". Capitalized terms used herein and not otherwise defined shall have the meaning set forth in the Original Declaration.

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NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. **Amendment of Article 1.**

- 1.1. **Section 1.55.** Section 1.55 shall be deleted and the following substituted in its place:

“**Master Property Insurance**” is defined on Exhibit F.”

- 1.2. **Section 1.85.** Section 1.85 shall be deleted and the following substituted in its place:

“**Term**” means the period that this Declaration is in effect, which period shall commence as of the Effective Date and shall continue in perpetuity unless terminated by mutual written agreement of both Owners and any existing Mortgages.”

- 1.3. **New Section 1.46a.** The following new Section 1.46a shall be added:

“**Insurance Percentage**” is defined in Section 8.2.1.”

2. **Amendment of Section 2.16.** Section 2.16 shall be deleted in its entirety and the following substituted in its place:

Air Rights Owner's Rights to Use Parking Structure. From and after the Completion of the Air Rights Project improvements, Air Rights Owner shall have the right to license and use 150 parking spaces (the “**AR Spaces**”) within the Parking Structure, including without limitation the right to sublicense the right to use any or all of such AR Spaces, in its sole discretion, provided any user (“**User**”) of such Parking Structure shall be obligated to comply with any and all reasonable and non-discriminatory rules and regulations imposed on the use of such Parking Structure by Retail Owner from time to time on reasonably prior written notice. The License shall include rights of vehicular and pedestrian access to and from the AR Spaces over the REA Common Area. The AR Spaces shall be available to Users at all times, subject only to temporary closures for required maintenance and repair, any such closures to be as limited in time as reasonably possible and not applied in a discriminatory manner against Users as opposed to other parties using the Parking Structure. In consideration of such license, Air Rights Owner shall pay its Proportionate Share of Parking Expenses. Air Rights Owner or the applicable User shall be obligated to pay for any access cards or devices at the cost of such cards or devices, together with an overhead charge no higher than 25% of the out-of-pocket cost of such cards or devices. Retail Owner shall maintain and operate the Parking Structure in a good, safe and clean condition, and shall make all necessary repairs. To the extent capital repairs are required that are not part of Parking Expenses in accordance with generally accepted accounting principles, Air Rights Owner shall pay the same Proportionate Share of such capital costs as it pays for Parking Expenses, payment to be made within thirty (30) days after receipt of a reasonably-detailed invoice from Retail Owner.”

3. **Amendment of Article 3.**

- 3.1. **Section 3.12.1.** Section 3.12.1 shall be deleted in its entirety and the following substituted in its place:

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"Retail Owner shall maintain, repair and replace each REA Common Facility located within the Combined Project, provided any activities shall be conducted in such a manner as to reasonably minimize the effect of such activity on the other Owners and their respective Components. Except as otherwise agreed in writing by the Owners, the cost of such maintenance and repair shall be REA Common Facilities Expenses and shall be split amongst the Owners in proportion to the benefit derived from the existence of such REA Common Facility."

- 3.2. **Addition of Section 3.14.** The following shall be added as Section 3.14 to Article 3 of the Declaration:

"3.14 **Green Roof.** Pursuant to the 108 North State Street Redevelopment Agreement dated as of October 15, 2005 and recorded on November 14, 2005 as Document No. 0531834078 (as previously or hereafter amended, the "RDA"), completion of construction of the green roof (the "Green Roof") is a precondition of issuance of a certificate of completion for the Phase I Project (as defined in the RDA). Retail Owner covenants to cause the commencement and completion of the Green Roof in compliance with the RDA. In the event that Retail Owner has not commenced construction of the Green Roof by February 28, 2017 or completed construction of the Green Roof by August 31, 2017 (as extended for Force Majeure), or if the City of Chicago has been unwilling to issue the certificate of completion or APC Certificate (as defined in the RDA) for the Air Rights Improvements for defects or shortcomings in the Green Roof as constructed by Retail Owner by September 30, 2017 (as extended for Force Majeure), then Air Rights Owner may give Retail Owner written notice demanding the completion or correction of the Green Roof. Retail Owner shall have thirty (30) days after such written notice is given to commence and thereafter diligently prosecute to completion the Green Roof so as to cause the City of Chicago to issue the APC Certificate. If Retail Owner does not commence such cure within the thirty-day period, or it does not diligently prosecute to completion the Green Roof so as to cause the City of Chicago to issue the APC Certificate, then after a second written notice to Retail Owner (regardless of commencement of cure within five days after such second notice is given), Air Rights Owner shall have the right to enter onto the Retail Parcel and to complete the Green Roof and to obtain the APC Certificate. All reasonable costs incurred by Air Rights Owner in connection with such completion shall be reimbursed by Retail Owner within thirty (30) days after presentation of a reasonably detailed invoice, with any late payment accruing interest at the Default Rate. In addition, if the payment is not made within such thirty-day period, Air Rights Owner shall have the right to a lien as provided in Section 12.3.3 below."

4. **Amendment of Article 5.**

Section 5.2 shall be deleted in its entirety and the following substituted in its place:

"**Contests.** Any Owner ("**Contesting Owner**") may contest, object to or oppose (herein "**Contest**") any tax, assessment, imposition or charge of which such Owner is required by this Declaration to pay all or a portion, provided that prompt notice of such Contest shall be given to the other Owner (the "**Non-Contesting Owner**"), and such Contesting Owner may pay under protest any tax, assessment, imposition or charge which is the subject of a Contest. The Non-Contesting Owner agrees to cooperate with the Contesting Owner at no out-of-pocket expense to the Non-Contesting Owner in any such Contest. The expense of the Contest, shall as far as possible, be paid from any benefits, if any, received therefrom, and thereafter, by the Contesting Owner. The Contesting Owner shall not

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subject a non-Contesting Owner to any penalty, fine, criminal proceeding or increase in Taxes, or to imminent danger of final sale or seizure of an Owner's interest in the Combined Project, as a result of any such Contest."

5. **Amendment of Article 6.** Section 6.3.1 shall be deleted in its entirety and the following substituted in its place:

"Establishments open to the public having topless, bottomless, or totally nude or partially nude performers, waitresses, waiters, or other personnel, or which provide on site sales (other than catalog, Internet or similar sales or movies shown on televisions within hotel rooms) of recorded entertainment having nude or partially nude persons performing or simulating sexual acts; businesses which show X-rated movies or pornographic movies or sell pornographic material to the public from the Combined Project (excluding catalog, Internet or similar sales or movies shown on televisions within hotel rooms), provided that the foregoing shall not prohibit the sale of R-rated DVDs or similar methods of video display or the presentation of any motion pictures in any movie theater not primarily in the business of showing adult films."

6. **Amendment of Article 8.**

- 6.1. **Section 8.2.1.** The first sentence of Section 8.2.1 shall be deleted in its entirety and the following substituted in its place:

"The Retail Owner shall obtain and maintain in full force and effect the Master Property Insurance at all times during the Term from and after the Completion of the Improvements on the Air Rights Parcel (the "**Master Property Insurance Commencement**"), and shall satisfy in all respects the provisions of the Insurance Schedule with respect thereto."

- 6.2. **Section 8.4.1.** The reference to Section 12.2 in Section 8.4.1 shall be changed to refer to Section 9.2.

- 6.3. **Section 8.4.3.** The reference to Article 12 shall be changed to refer to Article 9.

- 6.4. **Section 8.4.3.2.** The reference to Section 12.5 shall be changed to refer to Section 3.12.

7. **Amendment of Article 9** Article 9 shall be deleted in its entirety and the following substituted in its place:

"ARTICLE 9. DAMAGE TO OR DESTRUCTION OF IMPROVEMENTS

9.1 **Obligation to Restore.** Subject to Section 9.5 below, no loss or damage by fire or any other cause resulting in either partial or total destruction of any improvements now or hereafter located in, upon or on the Site, or any fixtures, equipment or machinery used or intended to be used in connection with the Site, shall operate to relieve or discharge any party from the performance and observance of any of the agreements, covenants and conditions herein contained to be performed and observed by such party. Subject to receipt of insurance proceeds and the Insurance Percentage of any shortfall from the other Owners as provided below, and subject to **Section 9.5** below, each Owner hereby covenants to repair and/or reconstruct all of the improvements on its Parcel so damaged or destroyed, excluding any tenant improvements

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within the Retail Project improvements or the interior of any residential condominiums, apartments or hotel rooms or other interior space within the Air Rights Project, to the extent, condition and utility of such improvements prior to such damage or destruction, subject to the following. Notwithstanding the foregoing, each Owner shall have the right to modify the improvements to be repaired and/or reconstructed provided that such modifications shall not materially and adversely affect the access to or utility of the other Owner's Project.

9.2 Obligation to Repair When Not Fully Insured. Subject to Section 9.5 below:

9.2.1 If the improvements in the Combined Project are damaged or destroyed by any Casualty where the Casualty causing such damage or destruction is required to be insured against under the Master Property Insurance under the terms of this Agreement, and the insurance proceeds available from the Master Property Insurance insurer are in an amount less than the amount necessary to repair and restore such improvements, after taking into account Proceeds covered by Section 8.2.4, the Retail Owner shall diligently determine the amount of the excess of the estimated cost of repair over the available Master Property Insurance proceeds (the "**Insurance Shortfall**"). The Retail Owner shall give written notice to each other Owners stating the gross amount of such Insurance Shortfall and each Owner shall pay its applicable Component's Insurance Share of the Insurance Shortfall, and if such amounts are in excess of the Insurance Trust Threshold Amount (or if the Insurance Proceeds (together with the Insurance Shortfall) exceed the Insurance Trust Threshold Amount), the Insurance Shortfall shall be paid to the Insurance Trustee and disbursed as if such amounts were insurance proceeds. Each Owner shall deposit such Component's Insurance Share of the Insurance Shortfall within sixty (60) days after such notice is given. If the Insurance Shortfall increases as a result of repair cost increases or reduction in the amount of insurance proceeds, then the Retail Owner shall give the other Owner written notice of the increased Insurance Shortfall, and each Owner shall deposit such party's Component's Insurance Share of the increased Insurance Shortfall within sixty (60) days after such notice is given.

9.2.2 If the improvements in the Combined Project are damaged or destroyed by any Casualty where the Casualty causing such damage or destruction is not required to be insured against under the Master Property Insurance under the terms of this Agreement, and such Casualty is in fact not insured against under the Master Property Insurance, after taking into account Section 8.2.4, the Retail Owner shall diligently determine the Insurance Shortfall and give written notice to each other Owner stating the gross amount of such Insurance Shortfall and each Component's Insurance Share of the Insurance Shortfall. Unless Retail Owner and Air Rights Owner unanimously elect to repair the damage only to the extent necessary to render the improvements safe, each Owner shall deposit such party's Insurance Percentage of the Insurance Shortfall within sixty (60) days after such notice is given. If Retail Owner, and Air Rights Owner make the foregoing election, each Owner shall deposit such party's Insurance Percentage of the amount necessary to repair only to the extent necessary to render the improvements safe. In either case, if the Insurance Shortfall increases as a result of repair cost increases or reduction in the amount of

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insurance proceeds, then the Retail Owner shall give the other Owner written notice of the increased Insurance Shortfall, and each Owner shall deposit such party's Insurance Percentage of the increased Insurance Shortfall within sixty (60) days after such notice is given.

9.3 Procedures for Repair and Restoration. Subject to Section 9.5 below, whenever any improvements on the Property shall have been damaged or destroyed, the Retail Owner shall promptly make proof of loss and shall proceed promptly to collect, or cause to be collected, all valid claims which the Retail Owner may have against insurers or others based upon any such damage or destruction. Except as otherwise provided below, sums of money received as payments for any losses pursuant to said insurance policies shall be used and expended for the purpose of fully repairing or reconstructing the improvements in the Combined Project which have been destroyed or damaged.

9.3.1 Each Owner shall commence and complete, subject to receipt of or availability of Proceeds from insurance and other required sources, in a good and workmanlike manner, the reconstruction or repair of any improvements on such Owner's Component damaged or destroyed, provided that any damage that affects both Components and should be repaired under a single construction contract with a qualified and unaffiliated third party under good and safe construction practices ("**Bi-Component Damage**") shall be repaired pursuant to a single construction contract entered into by the Owner on whose Component more than 50% of the cost to repair such Bi-Component Damage has occurred (and if each Component's damage would require 50% of such cost to repair, then such contract shall be entered into by the Retail Owner), provided such contract shall be subject to the prior written approval of the other Owner, not to be unreasonably withheld or delayed. The Owner entering into the Bi-Component Damage construction contract shall be entitled to disbursement of Proceeds and/or amounts paid to make up any Insurance Shortfall for the cost of such Bi-Component Damage.

9.3.2 Any dispute regarding Bi-Component Damage and its repair shall be subject to resolution per Section 15.25.3.

9.4 Procedures In Event Owner Does Not Fully Repair Damage. Subject to Section 9.5 below, whenever damage or destruction of the improvements shall have occurred which would entitle the Owner otherwise responsible for such repair to not fully repair the improvements on the Site, to the extent the damage or destruction is covered by the Master Property Insurance, the Retail Owner shall promptly make proof of loss and shall proceed promptly to collect, or cause to be collected, all valid claims which the Retail Owner may have against the Master Property Insurance insurer or others based upon any such damage or destruction.

Proceeds from the Master Property Insurance not used in repair or restoration shall be distributed as follows, provided Proceeds covered under Section 8.2.4 shall be disbursed as provided in such section:

(1) First, the Proceeds shall be divided into two parts, based on each Component's Insurance Share, and each Owner shall receive out of the applicable Component's Insurance Share any amount necessary

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to raze remaining improvements on such Component, clear the Component site or otherwise make it safe, as required by law (including but not limited to the safety requirements of the local building inspector);

(2) Second, out of each Component's Insurance Share to the Mortgagees holding a Mortgage on such Component (in the order of their respective lien priority), an amount equal to the unpaid balance secured by such Mortgages;

(3) Third, the balance, if any, of each Component's Insurance Share shall be distributed to the Owner of the applicable Component.

Any dispute among the Owners regarding each Component's Insurance Share shall be subject to the dispute resolution procedure set forth in Section 15.25.3.

9.5 Air Rights Owner's Right Not to Rebuild. Notwithstanding anything in this Article 9 to the contrary, in the event that the improvements on the Air Rights Parcel are partially damaged or totally destroyed, by giving written notice to the Retail Owner within ninety (90) days after the date of damage or destruction, the Air Rights Owner (with the written consent of any mortgagee holding a Mortgage on the Air Rights Parcel or portion thereof) shall have the right not to rebuild or repair the improvements on the Air Rights Parcel, provided that:

9.5.1 Prior to any payments to the Air Rights Owner or its Mortgagees, the Insurance Share otherwise payable with respect to the Air Rights Parcel shall first be used to demolish and remove any portion of the improvements on the Air Rights Parcel and to cause the Air Rights Parcel to be left in a safe and clean condition, with no remaining pipes, wires or other debris on any part of the Air Rights Parcel. If the Insurance Share is not sufficient to accomplish such demolition and removal on a lien free basis, the Air Rights Owner shall contribute any shortfall required."

6. Amendment of Article 12. The following shall be added after the end of Section 12.3.2:

"12.3.3 If the cost of curing the Default is not paid by the Defaulting Owner within thirty (30) days after the rendering thereof (or as provided in Section 3.14), the Non-Defaulting Owner may, for the purpose of securing such claim, impose a lien upon the Defaulting Owner's Component (including Improvements thereon). Such lien may be imposed by serving written notice upon such Defaulting Owner and its Mortgagee, if any, which shall contain a representation of compliance with the provisions of this Section, an explanation as to the nature of the particular obligation, the work or service involved, and the cost thereof, together with a description of the Defaulting Owner's property, and by duly recording a copy of said notice in the Official Records. No such lien shall exist until such notice is duly served and recorded as provided herein.

12.3.4 The priority of such lien shall be determined as of the date of filing the same in the Official Records; provided, however, any such lien shall nevertheless be subject and subordinate to the lien of any third-party first Mortgage now or hereafter affecting the Defaulting Owner's Component. Such lien shall continue until the obligation to pay such costs is fully discharged, but in no event longer than five years from the date of recordation, and may be foreclosed in accordance with

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the Applicable Laws pertaining to foreclosure of mortgages without power of sale.

12.3.5 Such lien shall secure not only the amount stated in the aforesaid notice, but also the reasonable costs and expenses of enforcing the same, including interest and reasonable attorneys' fees."

7. **Amendment of Section 13.3.4.** Section 13.3.4 shall be deleted in its entirety and the following substituted in its place:

"13.3.4 **Notice of Action.** Each Owner shall promptly provide to the Mortgagee holding a Mortgage in such Owner's Component and any Mortgagee holding a Mortgage in the other Owner's Component written notice of:

(1) any condemnation loss or any casualty loss which affects the Owner's Component, any REA Common Area, any REA Common Facility, or any Common Facility, on which there is a Mortgage held, insured, or guaranteed by such Mortgagee;

(2) any default in performance of obligations under this Declaration or any other Project Document or delinquency in the payment of Expenses or charges owed by an Owner of a Component subject to a Mortgage; and

(3) any lapse, cancellation or material modification of any insurance policy or fidelity bond maintained pursuant to this Declaration."

8. **Amendment of Section 13.3.5.** Section 13.3.5 shall be deleted in its entirety and the following substituted in its place:

"13.3.5 **Right to Cure and Payment of Taxes or Insurance by Mortgagees.** Mortgagees may, jointly or singly, pay taxes, Expenses or other charges which are in default and which may or have become a lien or charge against any REA Common Area, any REA Common Facility, or any Common Facility and may pay overdue premiums on property insurance policies, or secure new property insurance coverage if coverage has not been renewed at least ten (10) days prior to the lapse of a policy, for any REA Common Area, any REA Common Facility, or any Common Facility and Mortgagees making such payment(s) shall be owed immediate reimbursement therefor from the Owners, provided (i) no such paying Mortgagee shall have any lien or other right against a Component other than the one against which such Mortgagee's Mortgage is recorded, (ii) upon such Mortgagee becoming an Owner, it shall have the same enforcement and lien rights as otherwise provided Owners hereunder, and (iii) the Owner whose Mortgagee paid such amount shall have the right to enforcement under Article 12 hereunder as if it had paid such amounts (subject to its Mortgagee's lien and other rights). In addition, each Owner agrees to send to each Mortgagee whose name and address has been furnished, whether by an Owner or by such Mortgagee, written notice of every Default by the Owner of the Component encumbered by such Mortgagee's Mortgage ("**Default Notice**"). If any Default Notice shall be given to a Mortgagee regarding a Default, then such Mortgagee shall have not less than an additional fifteen (15) days beyond the period of time granted to the Defaulting Owner pursuant to the Default Notice to cure monetary Default(s) specified in the Default Notice to Mortgagee and such Mortgagee shall have an additional forty-five (45) days beyond the period of time granted to the Defaulting Owner pursuant to the Default Notice to cure non-monetary Default(s) specified in the Default Notice to Mortgagee; provided

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however, if such non-monetary Default cannot be cured without possession of the Defaulting Owner's Component, and (i) Mortgagee commences and diligently pursues to completion proceedings for foreclosure; and (ii) Mortgagee pays current Defaulting Owner's Proportionate Share of Expense, then Mortgagee shall be granted such additional time to cure the non-monetary default as is reasonably required by Mortgagee to obtain possession of the property and cure the non-monetary Default. Notwithstanding the foregoing, (i) if the Default is failure to obtain insurance, nothing contained herein shall limit the nondefaulting Owner from being able to obtain insurance immediately, and (ii) if the Default is not susceptible to cure by a Mortgagee who obtains possession (but not including any monetary Default), such Mortgagee shall not be required to effectuate such cure, but shall cause to be cured so much of such Default as is susceptible to be cured.

The foregoing covenants and subordinations shall be deemed self-executing, and no further documents shall be required for such covenants and subordinations to be effective. Owners shall, however, execute and record any documents and instruments reasonably requested by Mortgagees to evidence the foregoing including, without limitation, estoppels and subordinations."

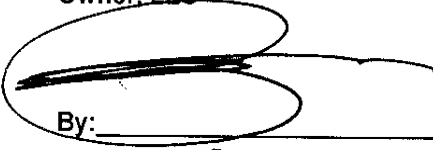
9. **Replacement of Exhibit D.** The Exhibit D attached to the Original Declaration shall be deleted and the Exhibit D attached to this Amendment shall be substituted in its place.
10. **Limitation of Amendment.** Except as expressly modified by this Amendment, the Original Declaration shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first written above.

RETAIL OWNER:

108 North State Street (Chicago)
Owner, LLC

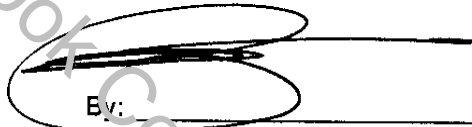


By: _____

David Thompson
Vice President
and
Chief Financial Officer

AIR RIGHTS OWNER:

North State Street Air Rights (Chicago)
Owner, LLC



By: _____

David Thompson
Vice President
and
Chief Financial Officer

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ACKNOWLEDGEMENT

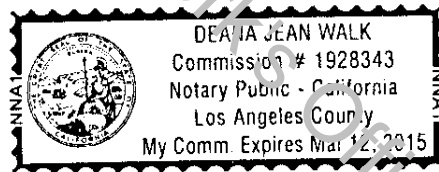
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Los Angeles) ss.

On 1/22/2015 before me, Deana Jean Walk, Notary Public, personally appeared DAVID THOMPSON (insert name(s) of signer(s)) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) 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 Deana Jean Walk (Seal)

Deana Jean Walk, Notary Public

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ACKNOWLEDGEMENT

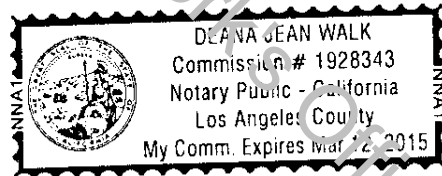
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF Los Angeles)

On 1/20/2015 before me, Deana Jean Walk, Notary Public, personally appeared Davis Thompson (insert name(s) of signer(s)) who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity~~(ies)~~, and that by his/~~her~~/~~their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ 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 *Deana Walk* (Seal)

Deana Jean Walk, Notary Public

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EXHIBIT A

LEGAL DESCRIPTION OF THE RETAIL PROJECT

PROPERTY ADDRESS: 108 NORTH STATE STREET, CHICAGO, IL 60602
 PERMANENT INDEX NUMBERS: 17-09-451-024-0000
 17-09-451-025-0000
 17-09-451-026-0000
 17-09-451-027-0000

Real property in the City of Chicago, County of Cook, State of Illinois, described as follows:

(Retail Parcel)

Main Tract: At-grade Legal Description

A tract of land consisting of all lots, streets and alleys within block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845.

Excepting therefrom that part described as follows:

That part of the South half of the vacated West Court Place lying North of and adjoining the North line of lot 5 in block 37 in the Original Town of Chicago, and, that part of Lot 5 in block 37 in Original Town of Chicago, lying North of a line described as follows: Beginning at a point on the West line of said lot 5 which is 55 feet 10 inches South from the Northwest corner of said lot 5 and running thence East along a straight line to a point on the East line of said lot 5 which is 54 feet 6 inches South from the Northeast corner of said lot 5; excepting from said part of lot 5 that part thereof which is described as follows: Commencing at a point on the West line of said lot 5, which is 55 feet 10 inches South of the Northwest corner of said lot; thence East for a distance of 54 feet along a straight line, which if extended, would intersect the East line of said lot 5 at a point 54 feet 6 inches South of the Northeast corner of said lot; thence North, 4 feet 8 inches; thence West, 54 feet to the West line of said lot; thence South, 4 feet 8 inches to the point of beginning, in Cook County, Illinois;

together with

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(Main Tract Continued) P1 (Below Grade on West Randolph Street):

That part of West Randolph Street and that part of North State Street and that part of North Dearborn Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +14.50 Chicago City Datum and lying above a horizontal plane having an elevation of -85.50 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Beginning at the Northwest corner of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of said Section 9; thence South 89°08'58" East, along the North line of block 37, aforesaid, and the Easterly extension thereof, 324.63 feet to the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845; thence South 89°08'58" East, along said Easterly extension, 16.00 feet to a point on a line drawn 16.00 feet East of and parallel with the West line of State Street, aforesaid; thence North 00°00'00" East, along said parallel line, 16.31 feet to a point on a line drawn 16.31 feet North of and parallel with the North line of said block 37; thence North 89°08'58" West, along the last mentioned parallel line, 356.92 feet to a point on a line drawn 16.29 feet West of and parallel with the West line of said block 37; thence South 00°01'10" West, along the last mentioned parallel line, 16.31 feet to a point on the Westerly extension of the North line of said block 37; thence South 89°08'58" East, along said Westerly extension, 16.29 feet to the point of beginning, in Cook County, Illinois;

together with

(Main Tract Continued) P2 (Below Grade on North State Street):

That part of North State Street in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +14.50 Chicago City Datum and lying above a horizontal plane having an elevation of -85.50 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Beginning at the point of intersection of the Easterly extension of the North line of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of said Section 9 with the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845; thence South 89°08'58" East, along said Easterly extension, 16.00 feet to a point on a line drawn 16.00 feet East of and parallel with the West line of State Street, aforesaid; thence South 00°00'00" West, along said parallel line, 384.07 feet to the Easterly extension of the South line of said block 37; thence North 88°54'02" West, along the last mentioned Easterly extension, 16.00 feet to the West line of State Street, aforesaid; thence North 00°00'00" East, along the West line of State Street, aforesaid, 384.00 feet to the point of beginning, in Cook County, Illinois;

together with

(Main Tract Continued) P3 (Below Grade on West Washington Street):

That part of West Washington Street and that part of North State Street and that part of North Dearborn Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +14.50 Chicago City Datum and lying above a horizontal plane having an elevation of -85.50 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Beginning at the Southwest corner of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of said Section 9; thence South 88°54'02" East, along the South line of block 37, aforesaid, and the Easterly extension thereof, 324.79 feet to the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845; thence South 88°54'02" East, 16.00 feet to a point on a line drawn 16.00 feet East of and parallel with the West line of State Street, aforesaid; thence South 00°00'00" West, along said parallel line, 16.00 feet to a point on a line drawn 16.00 feet South of and parallel with the South line of said block 37; thence North 88°54'02" West, along the last mentioned parallel line, 357.09 feet to a point on a line drawn 16.29 feet West of and

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parallel with the West line of said block 37; thence North 00°01'10" East, along the last mentioned parallel line, 16.00 feet to a point on the Westerly extension of the South line of said block 37; thence South 88°54'02" East, along said Westerly extension, 16.29 feet to the point of beginning, in Cook County, Illinois;

together with

(Main Tract Continued) P4 (Below Grade on North Dearborn Street South of Commonwealth Edison Substation Property):

That part of North Dearborn Street in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +14.50 Chicago City Datum and lying above a horizontal plane having an elevation of -65.50 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Beginning at the Southwest corner of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of said Section 9; thence North 00°01'10" East, along the West line of block 37, aforesaid, 131.13 feet to a point which is 51.16 feet South of the Northwest corner of lot 5 in block 37, aforesaid, as measured along the West line of said lot 5; thence North 89°58'46" West, 16.29 feet to a line drawn 16.29 feet West of and parallel with the West line of said block 37; thence South 00°01'10" West, along said parallel line, 130.82 feet to the Westerly extension of the South line of said block 37; thence South 88°54'02" East along said Westerly extension, 16.29 feet to the point of beginning, in Cook County, Illinois;

together with

(Main Tract Continued) P5 (Below Grade on North Dearborn Street North of Commonwealth Edison Substation Property):

That part of North Dearborn Street in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +14.50 Chicago City Datum and lying above a horizontal plane having an elevation of -85.50 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Beginning at the Northwest corner of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of said Section 9; thence South 00°01'10" West, along the West line of block 37, aforesaid, 200.29 feet to the Northwest corner of lot 5 in block 37, aforesaid; thence North 89°01'30" West, 16.29 feet to a line drawn 16.29 feet West of and parallel with the West line of said block 37; thence North 00°01'10" East, along said parallel line, 200.26 feet to the Westerly extension of the North line of said block 37; thence South 89°08'58" East along said Westerly extension, 16.29 feet to the point of beginning, in Cook County, Illinois;

together with

(Main Tract Continued) P6 (Lower Level Above Grade {Approximately 0 to 15 Feet} on West Randolph Street):

That part of West Randolph Street and that part of North State Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +29.50 Chicago City Datum and lying above a horizontal plane having an elevation of +14.50 Chicago City Datum and lying within its horizontal boundaries project vertically and described as follows: Beginning at the Northwest corner of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of said Section 9; thence South 89°08'58" East, along the North line of block 37, aforesaid, and the Easterly extension thereof, 324.63 feet to the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845; thence South 89°08'58" East, along said Easterly extension, 1.50 feet to a point on a line drawn 1.50 feet East of and parallel with the West line of State Street, aforesaid; thence North 00°00'00" East, along said parallel line, 1.50 feet to a point on a line drawn 1.50 feet North of and parallel with the North line of said block 37; thence North 89°08'58" West, along the last mentioned

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parallel line, 326.13 feet to the Northerly extension of the West line of said block 37; thence South 00°01'10" West, along said Northerly extension, 1.50 feet to the point of beginning, in Cook County, Illinois;

together with

(Main Tract Continued) P7 (Lower Level Above Grade {Approximately 0 to 15 Feet} on North State Street):

That part of North State Street in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +29.50 Chicago City Datum and lying above a horizontal plane having an elevation of +14.50 Chicago City Datum and lying within its horizontal boundaries project vertically and described as follows: Beginning at the point of intersection of the Easterly extension of the North line of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of said Section 9 with the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845; thence South 89°08'58" East, along said Easterly extension, 1.50 feet to a point on a line drawn 1.50 feet East of and parallel with the West line of State Street, aforesaid; thence South 00°00'00" West, along said parallel line, 384.00 feet to the Easterly extension of the South line of said block 37; thence North 88°54'02" West, along the last mentioned Easterly extension, 1.50 feet to the West line of State Street, aforesaid; thence North 00°00'00" East, along the West line of State Street, aforesaid, 384.00 feet to the point of beginning, in Cook County, Illinois;

together with

(Main Tract Continued) P8 (Upper Level Above Grade {Above Approximately 15 Feet} on West Randolph Street):

That part of West Randolph Street and that part of North State Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +689.50 Chicago City Datum and lying above a horizontal plane having an elevation of +29.50 Chicago City Datum and lying within its horizontal boundaries project vertically and described as follows: Beginning at the Northwest corner of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of said Section 9; thence South 89°08'58" East, along the North line of block 37, aforesaid, and the Easterly extension thereof, 324.63 feet to the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845; thence South 89°08'58" East, along said Easterly extension, 5.00 feet to a point on a line drawn 5.00 feet East of and parallel with the West line of State Street, aforesaid; thence North 00°00'00" East, along said parallel line, 5.00 feet to a point on a line drawn 5.00 feet North of and parallel with the North line of said block 37; thence North 89°08'58" West, along the last mentioned parallel line, 329.63 feet to the Northerly extension of the West line of said block 37; thence South 00°01'10" West, along said Northerly extension, 5.00 feet to the point of beginning, in Cook County, Illinois;

together with

(Main Tract Continued) P9 (Upper Level {Above Approximately 15 Feet} on North State Street):

That part of North State Street in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +689.50 Chicago City Datum and lying above a horizontal plane having an elevation of +29.50 Chicago City Datum and lying within its horizontal boundaries project vertically and described as follows: Beginning at the point of intersection of the Easterly extension of the North line of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of said Section 9 with the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845; thence South 89°08'58" East, along said Easterly extension, 5.00 feet to a point on a line drawn 5.00 feet East of and parallel with the West line of

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State Street, aforesaid; thence South 00°00'00" West, along said parallel line, 384.02 feet to the Easterly extension of the South line of said block 37; thence North 88°54'02" West, along the last mentioned Easterly extension, 5.00 feet to the West line of State Street, aforesaid; thence North 00°00'00" East, along the West line of State Street, aforesaid, 384.00 feet to the point of beginning, in Cook County, Illinois;

together with

(Main Tract Continued) P10 (Upper Level Above Grade {Above Approximately 15 Feet} on West Washington Street):

That part of West Washington Street and that part of North State Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +689.50 Chicago City Datum and lying above a horizontal plane having an elevation of +29.50 Chicago City Datum and lying within its horizontal boundaries project vertically and described as follows: Beginning at the Southwest corner of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of said Section 9; thence South 88°54'02" East, along the South line of block 37, aforesaid, and the Easterly extension thereof, 324.79 feet to the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845; thence South 88°54'02" East, 5.00 feet to a point on a line drawn 5.00 feet East of and parallel with the West line of State Street, aforesaid; thence South 00°00'00" West, along said parallel line, 4.00 feet to a point on a line drawn 4.00 feet South of and parallel with the South line of said block 37; thence North 88°54'02" West, along the last mentioned parallel line, 329.79 feet to the Southerly extension of the West line of said block 37; thence North 00°01'10" East, along said Southerly extension, 4.00 feet to the point of beginning, in Cook County, Illinois;

together with

(Main Tract Continued) P11 (Below Grade on North State Street):

That part of North State Street in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +14.50 Chicago City Datum and lying above a horizontal plane having an elevation of -85.50 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the point of intersection of the Easterly extension of the North line of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of said Section 9 with the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845; thence South 89°08'58" East, along said Easterly extension, 16.00 feet to a point on a line drawn 16.00 feet East of and parallel with the West line of State Street, aforesaid; thence South 00°00'00" West, along said parallel line, 299.07 feet to the point of beginning; thence South 90°00'00" East, 4.00 feet; thence South 00°00'00" West, 101.08 feet to a point on a line drawn 16.00 feet South of and parallel with the South line of said block 37; thence North 88°54'02" West, along the last mentioned parallel line, 4.00 feet to a point on the line drawn 16.00 feet East of and parallel with the West line of State Street, aforesaid; thence North 00°00'00" East, along the line drawn 16.00 feet East of and parallel with the West line of State Street, aforesaid, 101.00 feet to the point of beginning, in Cook County, Illinois;

together with

(Main Tract Continued) P12 (Upper Level Above Grade {Above Approximately 15 Feet} on West Washington Street):

That part of West Washington Street in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +689.50 Chicago City Datum and lying above a horizontal plane having an elevation of +29.50 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the Southwest corner of block 37 of Original

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Town of Chicago in the East part of the Southeast Quarter of said Section 9; thence South 00°01'10" West, along the Southerly extension of the West line of block 37, aforesaid, 4.00 feet to a point on a line drawn 4.00 feet South of and parallel with the South line of said block 37, said point being the point of beginning; thence South 88°54'02" East, along the last mentioned parallel line, 26.03 feet; thence North 89°59'59" West, 26.02 feet to the point of intersection with the Southerly extension of the West line of said block 37, aforesaid; thence North 00°01'10" East, along the Southerly extension of the West line of block 37, aforesaid, 0.50 feet to the point of beginning, in Cook County, Illinois;

Except the Media Tower Parcels from the Main Tract:

Media Tower Parcels

Parcel MT-1 (Upper Limit -85.50 C.C.D. and No Lower Limit)

That part of a tract of land consisting of all lots, streets and alleys within block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, all taken as a tract lying below a horizontal plane having an elevation of -85.50 feet Chicago City Datum and lying within its horizontal boundary projected vertically and described as follows: Beginning at the Southwest corner of block 37, aforesaid; thence North 00°01'10" East, along the West line thereof, 131.13 feet to the property line of the Commonwealth Edison Company; the next 3 courses being along said Commonwealth Edison Company Property line and the Easterly extension thereof; thence South 89°58'46" East, 54.00 feet; thence South 00°01'22" East, 4.67 feet; thence South 89°58'46" East, 21.82 feet; thence South 50°07'57" East, 28.58 feet; thence South 90°00'00" East, 71.66 feet; thence South 41°59'02" East, 34.44 feet; thence South 34°03'23" East, 10.33 feet; thence South 43°07'59" East, 37.49 feet; thence South 00°00'00" West, 50.89 feet to a point on the South line of block 37, aforesaid; thence North 88°54'02" West, along the South line of block 37, aforesaid, a distance of 223.96 feet to the point of beginning, in Cook County, Illinois;

together with

Parcel MT-2 (Upper Limit -0.50 C.C.D. Lower Limit -85.50 C.C.D.)

That part of a tract of land consisting of all lots, streets and alleys within block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with the adjoining vacated portions of West Washington Street and North Dearborn Street all taken as a tract lying below a horizontal plane having an elevation of -0.50 feet Chicago City Datum and lying above a horizontal plane having an elevation of -85.50 feet Chicago City Datum and lying within its horizontal boundary projected vertically and described as follows: Commencing at the Southwest corner of block 37, aforesaid; thence South 00°01'10" West, Along the Southward extension of the West line of block 37, aforesaid, 16.00 feet to a point on the South line of that part of West Washington Street heretofore vacated between elevation -85.50 Chicago City Datum; thence North 88°54'02" West, along the aforementioned South line, 16.29 feet to a point on the West line of that part of North Dearborn Street heretofore vacated between elevation -85.05 Chicago City Datum and Elevation +14.50 Chicago City Datum, said point being the point of beginning; thence North 00°00'10" East, along the West line of that part of North Dearborn Street heretofore vacated, aforesaid, 146.82 feet to the Westerly extension of the property line of the Commonwealth Edison Company; the next 3 courses being along the Commonwealth Edison Company property line and the Westerly and Easterly extensions thereof; thence South 89°58'46" East, 70.29 feet; thence South 00°01'22" East, 4.67 feet; thence South 89°58'46" East, 21.82

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feet; thence South 50°07'57" East, 28.58 feet; thence South 90°00'00" East, 71.66 feet; thence South 41°59'02" East, 34.44 feet; thence South 34°03'23" East, 10.33 feet; thence South 43°07'59" East, 37.49 feet; thence South 00°00'00" West, 66.89 feet to a point on the South line of that part of West Washington Street heretofore vacated, aforesaid; thence North 88°54'02" West, along the aforementioned South line, 240.25 feet to the point of beginning, in Cook County, Illinois;

together with

Parcel MT-3 (Upper Limit +14.50 C.C.D. Lower Limit -0.50 C.C.D.)

That part of a tract of land consisting of all lots, streets and alleys within block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with the adjoining vacated portions of West Washington Street and North Dearborn Street all taken as a tract lying below a horizontal plane having an elevation of +14.50 feet Chicago City Datum and lying above a horizontal plane having an elevation of -0.50 feet Chicago City Datum and lying within its horizontal boundary projected vertically and described as follows: Commencing at the Southwest corner of block 37, aforesaid; thence South 00°01'10" West, along the Southward extension of the West line of block 37, aforesaid, 10.00 feet to a point on the South line of that part of West Washington Street heretofore vacated between elevation -85.50 Chicago City Datum and elevation +14.50 Chicago City Datum; thence North 88°54'02" West, along the aforementioned South line, 16.29 feet to a point on the West line of that Part of North Dearborn Street heretofore vacated between elevation -85.50 Chicago City Datum and elevation +14.50 Chicago City Datum, said point being the point of beginning; thence North 00°01'10" East, along the West line of that part of North Dearborn Street heretofore vacated, aforesaid, 146.82 feet to the Westerly extension of the property line of the Commonwealth Edison Company; the next 3 courses being along the Commonwealth Edison Company property line and the Westerly and Easterly extensions thereof; thence South 89°58'46" East, 70.29 feet; thence South 00°01'22" East, 4.67 feet; thence South 89°58'46" East, 26.91 feet; thence South 00°00'00" West, 6.35 feet; thence South 90°00'00" East, 100.29 feet; thence South 00°00'00" West, 18.70 feet; thence South 90°00'00" East, 28.35 feet; thence South 45°00'00" East, 34.69 feet; thence South 00°00'00" West, 97.85 feet to a point on the South line of that part of West Washington Street heretofore vacated, aforesaid; thence North 88°54'02" West, along the aforementioned South line, 250.47 feet to the point of beginning, in Cook County, Illinois;

together with

Parcel MT-4 (Upper Limit +29.50 C.C.D. Lower Limit +14.50 C.C.D.)

That part of a tract of land consisting of all lots, streets and alleys within block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, all taken as a tract lying below a horizontal plane having an elevation of +29.50 feet Chicago City Datum and lying above a horizontal plane having an elevation of +14.50 feet Chicago City Datum and lying within its horizontal boundary projected vertically and described as follows: Beginning at the Southwest corner of block 37, aforesaid; thence North 00°01'10" East, along the West line thereof, 89.92 feet; thence South 90°00'00" East, 70.52 feet; thence North 58°10'30" East, 55.15 feet; thence South 90°00'00" East, 26.31 feet; thence South 00°00'00" West, 6.46 feet; thence South 90°00'00" East, 50.50 feet; thence South 00°00'00" West, 10.32 feet; thence South 90°00'00" East, 15.05 feet; thence South 45°00'00" East, 35.16 feet; thence South 00°00'00" West, 77.94 feet; thence South 90°00'00" East, 0.42 feet; thence South 00°00'00" West, 3.92 feet to a point on the South line of block 37, aforesaid; thence North 88°54'02" West, along the South line of block 37, aforesaid, a distance of 234.59 feet to the point of beginning, in Cook County, Illinois;

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together with

Parcel MT-5 (Upper Limit +34.50 C.C.D. Lower Limit +29.50 C.C.D.)

That part of a tract of land consisting of all lots, streets and alleys within block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, all taken as a tract lying below a horizontal plane having an elevation of +34.50 feet Chicago City Datum and lying above a horizontal plane having an elevation of +29.50 feet Chicago City Datum and lying within its horizontal boundary projected vertically and described as follows: Commencing at the Southwest corner of block 37, aforesaid; thence South 00°01'10" West, along the Southerly extension of the West line of block 37, aforesaid, 4.50 feet to a point on the South line of that part of West Washington Street heretofore vacated between elevation +29.50 Chicago City Datum and elevation +689.50 Chicago City Datum, said point being the point of beginning; thence North 00°01'10" East, along the West line of said block 37, and its Southerly extension, 94.42 feet; thence South 90°00'00" East, 70.52 feet; thence North 58°10'30" East, 55.15 feet; thence South 90°00'00" East, 26.31 feet; thence South 00°00'00" West, 6.46 feet; thence South 90°00'00" East, 50.50 feet; thence South 00°00'00" West, 10.32 feet; thence South 90°00'00" East, 15.05 feet; thence South 45°00'00" East, 35.16 feet; thence South 00°00'00" West, 77.94 feet; thence South 90°00'00" East, 0.42 feet; thence South 00°00'00" West, 7.92 feet to a point on the South line of that part of West Washington Street heretofore vacated, aforesaid; thence North 88°54'02" West, along the aforementioned South line, 208.56 feet; thence North 89°59'59" West, along the aforementioned South line, 26.02 feet to the point of beginning, In Cook County, Illinois;

together with

Parcel MT-6 (Upper Limit +52.50 C.C.D. Lower Limit +34.50 C.C.D.)

That part of a tract of land consisting of all lots, streets and alleys within block 37 of original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with the adjoining vacated portion of West Washington Street all taken as a tract lying below a horizontal plane having an elevation of +52.50 feet Chicago City Datum and lying above a horizontal plane having an elevation of +34.50 feet Chicago City Datum and lying within its horizontal boundary projected vertically and described as follows: Commencing at the Southwest corner of Block 37, aforesaid; thence South 00°01'10" West, along the Southerly extension of the West line of Block 37, aforesaid, 4.50 feet to a point on the South line of that part of West Washington Street heretofore vacated between elevation +29.50 Chicago City Datum and elevation +689.50 Chicago City Datum, said point being the point of beginning; thence North 00°01'10" East, along the West line of said Block 37, and its Southerly extension, 94.42 feet; thence South 90°00'00" East, 70.52 feet; thence North 58°10'30" East, 55.15 feet; thence South 90°00'00" East, 26.31 feet; thence South 00°00'00" West, 6.46 feet; thence South 90°00'00" East, 50.50 feet; thence South 00°00'00" West, 2.88 feet; thence South 90°00'00" East, 39.92 feet; thence South 00°00'01" West, 110.25 feet; thence South 90°00'00" East, 0.42 feet; thence South 00°00'00" West, 7.92 feet to a point on the South line of that part of West Washington Street heretofore vacated, aforesaid; thence North 88°54'02" West, along the aforementioned South line, 208.56 feet; thence North 89°59'59" West, along the aforementioned South line, 26.02 feet to the point of beginning, In Cook County, Illinois;

together with

Parcel MT-7 (Upper Limit +103.83 C.C.D. Lower Limit +52.50 C.C.D.)

That part of a tract of land consisting of all lots, streets and alleys within block 37 of Original

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Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with the adjoining vacated portion of West Washington Street all taken as a tract lying below a horizontal plane having an elevation of +103.83 feet Chicago City Datum and lying above a horizontal plane having an elevation of +52.50 feet Chicago City Datum and lying above a horizontal boundary projected vertically and described as follows: Commencing at the Southwest corner of block 37, aforesaid; thence South 00°01'10" West, along the Southerly extension of the West line of block 37, aforesaid, 4.50 feet to a point on the South line of that part of West Washington Street heretofore vacated between elevation +29.50 Chicago City Datum and elevation +689.50 Chicago City Datum, said point being the point of beginning; thence North 00°01'10" East, along the West line of said block 37, and its Southerly extension, 123.50 feet; thence South 90°00'00" East, 234.09 feet; thence South 00°00'00" West, 119.58 feet; thence South 90°00'00" East, 0.42 feet; thence South 00°00'00" West, 7.92 feet to a point on the South line of that part of West Washington Street heretofore vacated, aforesaid; thence North 88°54'02" West, along the aforementioned South line, 208.56 feet; thence North 89°59'59" West, along the aforementioned South line, 26.02 feet to the point of beginning, in Cook County, Illinois;

together with

Parcel MT-8 (Upper Limit +117.87 C.C.D. Lower Limit +103.83 C.C.D.)

That part of a tract of land consisting of all lots, streets and alleys within block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with the adjoining vacated portion of West Washington Street all taken as a tract lying below a horizontal plane having an elevation of +117.83 feet Chicago City Datum and lying above a horizontal plane having an elevation of +103.83 feet Chicago City Datum and lying within its horizontal boundary projected vertically and described as follows: Commencing at the Southwest corner of block 37, aforesaid; thence South 00°01'10" West, along the Southerly extension of the West line of block 37, aforesaid, 4.50 feet to a point on the South line of that part of West Washington Street heretofore vacated between elevation +29.50 Chicago City Datum and elevation +689.50 Chicago City Datum, said point being the point of beginning; thence North 00°01'10" East, along the West line of said block 37, and its Southerly extension, 123.50 feet; thence South 90°00'00" East, 234.50 feet; thence South 00°00'00" West, 32.64 feet; thence North 90°00'00" West, 3.58 feet; thence South 00°00'00" West, 90.20 feet; thence South 90°00'00" East, 1.75 feet; thence South 00°00'00" West, 4.63 feet to a point on the South line of that part of West Washington Street heretofore vacated, aforesaid; thence North 88°54'02" West, along the aforementioned South line, 206.73 feet; thence North 89°59'59" West, along the aforementioned South line, 26.02 feet to the point of beginning, in Cook County, Illinois;

together with

Parcel MT-9 (Upper Limit +689.50 C.C.D. Lower Limit +117.83 C.C.D.)

That part of a tract of land consisting of all lots, streets and alleys within block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with the adjoining vacated portion of West Washington Street all taken as a tract lying below a horizontal plane having an elevation of +689.50 feet Chicago City Datum and lying above a horizontal plane having an elevation of +117.83 feet Chicago City Datum and lying within its horizontal boundary projected vertically and described as follows: Commencing at the Southwest corner of block 37, aforesaid; thence South 00°01'10" West, along the Southerly extension of the West line of block 37, aforesaid, 4.50 feet to a point on the South line of that part of West Washington Street

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heretofore vacated between elevation +29.50 Chicago City Datum and elevation +689.50 Chicago City Datum, said point being the point of beginning; thence North 00°01'10" East, along the West line of said block 37, and its Southerly extension, 123.50 feet; thence South 90°00'00" East, 234.50 feet; thence South 00°00'00" West, 127.50 feet to a point on the South line of that part of West Washington Street heretofore vacated, aforesaid; thence North 88°54'02" West, along the aforementioned South line, 208.56 feet; thence North 89°59'59" West, along the aforementioned South line, 26.02 feet to the point of beginning, in Cook County, Illinois;

together with

Parcel MT-10 (No Upper Limit Lower Limit +689.50 C.C.D.)

That part of a tract of land consisting of all lots, streets and alleys within block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, all taken as a tract lying above a horizontal plane having an elevation of +689.50 feet Chicago City Datum and lying within its horizontal boundary projected vertically and described as follows: Beginning at the Southwest corner of block 37, aforesaid; thence North 00°01'10" East, along the West line of said block 37, 119.00 feet; thence South 90°00'00" East, 234.50 feet; thence South 00°00'00" West, 123.50 feet to a point on the South line of block 37, aforesaid; thence North 88°54'02" West, along the aforementioned South line, 234.59 feet to the point of beginning, in Cook County, Illinois;

Also, except the CTA Parcels from the main tract:

CTA Parcels

CTA Parcel B1-1

That part of block 37 of Original Town of Chicago, together with a strip of land lying East of and adjoining said block 37 and West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with that part of vacated North State Street, together with that part of vacated West Washington Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +13.97 Chicago City Datum and lying above a horizontal plane having an elevation of -4.86 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the point of intersection of the Easterly extension of the South line of block 37, aforesaid with the West line of North State Street as established by act of legislature on March 3, 1845, aforesaid; thence South 00°00'00" West, along said West line, 1.00 feet to the point of beginning; thence North 88°53'55" West, 90.62 feet; thence North 00°00'00" East, 25.87 feet; thence South 90°00'00" East, 12.21 feet; thence North 00°00'00" East, 9.31 feet; thence North 90°00'00" West, 2.21 feet; thence North 00°00'00" East, 8.53 feet; thence North 89°59'59" West, 10.00 feet; thence North 00°00'00" East, 39.14 feet; thence North 45°00'00" West, 34.69 feet; thence North 90°00'00" West, 28.35 feet; thence North 00°00'00" East, 18.20 feet; thence North 90°00'00" West, 54.43 feet; thence North 00°00'00" East, 8.00 feet; thence South 90°00'00" East, 10.25 feet; thence North 00°00'00" East, 4.42 feet; thence North 44°58'05" West, 22.89 feet; thence North 00°00'00" East, 11.30 feet; thence North 44°58'35" East, 20.51 feet; thence South 84°52'58" East, 104.19 feet; thence North 05°07'02" East, 2.14 feet; thence South 90°00'00" East, 34.20 feet; thence South 00°02'31" West, 7.04 feet; thence South 90°00'00" East, 45.09 feet; thence North 00°00'00" East, 15.88 feet; thence South 90°00'00" East, 4.93 feet; thence North 00°00'00" East, 0.50 feet; thence South 90°00'00" East, 2.98 feet; thence South 00°00'00" West, 5.45 feet; thence North 89°59'57" East, 7.33 feet; thence North 00°00'00" East, 6.28 feet; thence South 90°00'00" East, 5.02 feet; thence North 00°00'00" East, 15.94 feet; thence South 90°00'00" East, 1.83 feet; thence South 00°00'00" West, 21.88 feet; thence North 90°00'00" West, 5.00 feet; thence South 00°00'00" West, 52.64 feet; thence South

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90°00'00" East, 5.00 feet to a point on an East line of that part of vacated North State Street, aforesaid; thence South 00°00'00" West, along the last mentioned East line, 38.00 feet; thence North 90°00'00" West, 5.00 feet; thence South 00°00'00" West, 2.64 feet; thence South 28°49'46" East, 9.40 feet; thence South 00°00'00" West, 77.59 feet; thence North 88°53'55" West, 15.53 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B1-2A

That part of vacated North Dearborn Street lying West and adjoining block 37 of Original Town of Chicago, in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +14.50 Chicago City Datum and lying above a horizontal plane having an elevation of -13.75 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the Northwest corner of block 37, aforesaid; thence South 00°01'10" West, along the West line thereof, 161.29 feet; thence North 89°01'30" West, 9.25 feet; thence South 00°00'00" West, 1.51 to the point of beginning; thence South 00°00'00" West, 9.42 feet; thence North 90°00'00" West, 5.54 feet; thence North 00°00'00" East, 9.42 feet; thence South 90°00'00" East, 5.54 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B1-2B

That part of vacated North Dearborn Street lying West and adjoining block 37 of Original Town of Chicago, in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +13.75 Chicago City Datum and lying above a horizontal plane having an elevation of -4.86 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the Northwest corner of block 37, aforesaid; thence South 00°01'10" West, along the West line thereof, 161.29 feet to the point of beginning; thence South 00°01'10" West, along the West line of block 37, aforesaid, 30.00 feet to a point on the North line of the Commonwealth Edison Property; thence North 89°01'30" West, along the last mentioned North line, 16.29 feet to a point on the West line of that part of vacated North Dearborn Street, aforesaid; thence North 00°01'10" East, along the last mentioned West line, 30.00 feet; thence South 89°01'30" East, 16.29 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B1-3A

That part of Block 37 of Original Town of Chicago together with that part of vacated North Dearborn Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +14.50 Chicago City Datum and lying above a horizontal plane having an elevation of -4.86 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the Northwest corner of block 37, aforesaid; thence South 00°01'10" West, along the West line thereof, 14.70 feet to the point of beginning; thence South 90°00'00" East, 1.98 feet; thence South 00°03'05" West, 1.64 feet to the point of beginning; thence South 00°03'05" West, 33.19 feet; thence South 89°58'50" East, 9.80 feet; thence North 00°00'00" East, 33.19 feet; thence North 89°58'50" West, 9.77 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B1-3B

That part of Block 37 of Original Town of Chicago together with that part of vacated North

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Dearborn Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +14.50 Chicago City Datum and lying above a horizontal plane having an elevation of -3.79 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the Northwest corner of block 37, aforesaid; thence South 00°01'10" West, along the west line thereof, 14.70 feet to the point of beginning; thence South 90°00'00" East, 1.98 feet; thence South 00°03'05" West, 36.50 feet; thence South 89°59'53" West, 18.25 feet; thence North 00°01'10" East, 36.50 feet; thence South 90°00'00" East, 16.29 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B1-4

That part of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of +14.50 Chicago City Datum and lying above a horizontal plane having an elevation of -4.86 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the Northwest corner of block 37, aforesaid; thence South 00°01'10" West, along the West line thereof, 157.01 feet to the point of beginning; thence South 00°01'10" West, along the last mentioned West line, 15.28 feet; thence South 89°57'47" East, 34.07 feet; thence North 00°02'13" East, 15.28 feet; thence North 89°57'47" West, 34.08 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B1-5

That part of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 north, Range 14 East of the Third Principal Meridian, lying being a horizontal plane having an elevation of +12.75 Chicago City Datum and lying above a horizontal plane having an elevation of -4.86 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the Northwest corner of block 37, aforesaid; thence South 00°01'10" west, along the west line thereof, 172.29 feet to the point of beginning; thence South 00°01'10" West, along the last mentioned West line, 19.00 feet to a point on the North line of the Commonwealth Edison Property; thence South 89°01'30" East, along the last mentioned North line, 4.06 feet; thence North 00°00'05" West, 19.06 feet; thence North 89°57'47" West, 4.05 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B2-1

That part of Block 37 of Original Town of Chicago, together with a strip of land lying East of and adjoining said Block 37 and West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with that part of vacated West Washington Street, together with that part of vacated North Dearborn Street, together with that part of vacated West Randolph Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of -4.86 Chicago City Datum and lying above a horizontal plane having an elevation of -14.66 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the point of intersection of the Easterly extension of the South line of block 37, aforesaid, with the West line of North State Street as established by act of legislature on March 3, 1845, aforesaid; thence North 88°54'02" West, along the South line of Block 37 and its Easterly extension, aforesaid, 10.58 feet; thence North 01°05'58" East, 19.83 feet to the point of beginning; thence North 90°00'00" West, 18.95 feet; thence North 44°58'05" West, 80.54 feet; thence South 00°00'04" East, 28.53 feet; thence North 90°00'00" West, 5.20 feet; thence North 00°00'04" West, 23.33 feet; thence South 45°01'55" West, 8.90 feet; thence North 44°58'05" West, 6.83 feet; thence South

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45°01'55" West, 10.84 feet; thence North 43°07'59" West, 23.97 feet; thence North 34°03'23" West, 10.33 feet; thence North 41°59'02" West, 34.44 feet; thence North 90°00'00" West, 71.66 feet; thence North 50°07'57" West, 18.15 feet; thence South 90°00'00" East, 25.60 feet; thence South 44°58'05" East, 1.12 feet; thence South 89°58'05" East, 4.24 feet; thence North 45°01'55" East, 1.13 feet; thence South 90°00'00" East, 8.72 feet; thence North 00°00'00" East, 25.82 feet; thence North 44°58'05" West, 46.99 feet; thence North 90°00'00" West, 10.73 feet to a point on the East line of the Commonwealth Edison Property; thence North 00°01'45" East, along the last mentioned East line, 11.11 feet to the Northeast corner of the Commonwealth Edison Property; thence North 89°01'30" West, along the North line of the Commonwealth Edison Property, 77.21 feet; thence North 00°28'45" East, 91.43 feet; thence North 89°58'50" West, 1.80 feet; thence North 00°01'10" East, 100.33 feet; thence South 45°00'00" East, 61.75 feet; thence South 80°27'33" East, 0.51 feet; thence South 45°00'00" East, 2.44 feet; thence South 09°32'27" East, 0.51 feet; thence South 45°00'00" East, 8.76 feet; thence South 52°32'05" East, 6.28 feet; thence South 44°58'05" East, 7.95 feet; thence North 45°01'55" East, 8.91 feet; thence South 46°09'20" East, 7.33 feet; thence South 45°01'55" West, 9.06 feet; thence South 44°58'05" East, 36.37 feet; thence South 45°01'55" West, 1.50 feet; thence South 44°58'05" East, 4.00 feet; thence North 45°01'55" East, 1.50 feet; thence South 44°58'05" East, 38.43 feet; thence South 45°01'55" West, 1.50 feet; thence South 44°58'05" East, 4.00 feet; thence North 45°01'55" East, 1.50 feet; thence South 44°58'05" East, 38.43 feet; thence South 45°01'55" West, 1.50 feet; thence South 44°58'05" East, 4.00 feet; thence North 45°01'55" East, 1.50 feet; thence South 44°58'05" East, 17.52 feet; thence South 45°01'55" West, 1.50 feet; thence South 44°58'05" East, 4.00 feet; thence North 45°01'55" East, 1.50 feet; thence South 44°58'05" East, 16.95 feet; thence South 45°01'55" West, 1.50 feet; thence South 44°58'05" East, 4.00 feet; thence North 45°01'55" East, 2.14 feet; thence South 90°00'00" East, 16.18 feet; thence South 44°58'05" East, 61.69 feet; thence South 85°28'06" East, 1.31 feet; thence South 45°10'10" East, 15.06 feet; thence South 89°19'29" East, 2.80 feet; thence North 00°00'00" East, 10.63 feet; thence South 90°00'00" East, 8.33 feet; thence South 00°00'00" West, 32.96 feet; thence South 22°34'50" East, 13.01 feet; thence North 69°01'22" East, 17.42 feet; thence North 89°59'56" East, 31.42 feet; thence South 00°00'00" West, 97.81 feet; thence South 45°01'55" West, 13.95 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B2-2

That part of Block 37 of Original Town of Chicago, in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of -4.86 Chicago City Datum and lying above a horizontal plane having an elevation of -14.66 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the point of intersection of the Easterly extension of the South line of Block 37, aforesaid, with the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845; thence North 88°54'02" West, along the South line of block 37 and its Easterly extension, aforesaid, 37.84 feet; thence North 01°05'58" East, 5.35 feet to the point of beginning; thence North 90°00'00" West, 6.65 feet; thence North 44°58'05" West, 24.37 feet; thence North 45°01'55" East, 11.05 feet; thence South 44°58'05" East, 22.18 feet; thence South 00°00'00" West, 8.97 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B2-3

That part of block 37 of Original Town of Chicago, together with that part of vacated West Washington Street in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of -4.86 Chicago City Datum and lying above a horizontal plane having an elevation of -14.66 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the point of intersection of the Easterly extension of the South line of block 37, aforesaid, with the West line of State Street as established by an act of the legislature

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of the State of Illinois, approved March 3, 1845; thence North 88°54'02" West, along the South line of block 37 and its Easterly extension, aforesaid, 80.70 feet to the point of beginning; thence South 00°00'00" West, 1.00 feet; thence North 88°54'02" West, 9.67 feet; thence North 00°00'02" West, 8.53 feet; thence South 90°00'00" East, 9.67 feet; thence South 00°00'00" West, 7.71 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B3-1

That part of block 37 of Original Town of Chicago, together with a strip of land lying East of and adjoining said block 37 and West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with that part of vacated North State Street, together with that part of vacated West Washington Street, together with that part of vacated North Dearborn Street, together with that part of vacated West Randolph Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of -14.66 Chicago City Datum and lying above a horizontal plane having an elevation of -25.66 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the point of intersection of the Easterly extension of the South line of Block 37, aforesaid, with the West line of North State Street as established by act of legislature on March 3, 1845, aforesaid; thence North 88°54'02" West, along the South line of block 37 and its Easterly extension, aforesaid, 100.83 feet to the point of beginning; thence North 00°00'00" East, 50.89 feet; thence North 43°07'50" West, 37.49 feet; thence North 34°03'23" West, 10.33 feet; thence North 41°59'02" West, 34.14 feet; thence North 90°00'00" West, 71.66 feet; thence North 50°07'57" West, 18.15 feet; thence South 90°00'00" East, 40.06 feet; thence North 00°00'00" East, 25.98 feet; thence North 45°01'24" West, 50.21 feet; thence North 90°00'00" West, 8.33 feet to a point on the East line of the Commonwealth Edison Property; thence North 00°01'45" East, along the last mentioned East line, 8.71 feet to the Northeast corner of the Commonwealth Edison Property; thence North 89°01'30" West, along the North line of the Commonwealth Edison Property, 77.21; thence North 00°28'45" East, 89.80 feet; thence South 89°58'50" East, 1.39 feet; thence North 00°03'05" East, 110.34 feet; thence South 89°17'41" East, 17.27 feet; thence South 00°00'00" West, 31.59 feet; thence South 44°58'05" East, 4.62 feet; thence North 45°01'55" East, 7.44 feet; thence South 44°58'05" East, 29.28 feet; thence North 45°01'55" East, 20.48 feet; thence South 44°58'05" East, 6.67 feet; thence South 45°01'55" West, 20.48 feet; thence South 44°58'05" East, 26.36 feet; thence South 45°01'55" West, 1.49 feet; thence South 44°58'05" East, 3.25 feet; thence South 45°01'55" West, 2.78 feet; thence South 44°58'05" East, 30.17 feet; thence South 45°01'55" West, 1.50 feet; thence South 44°58'05" East, 4.00 feet; thence North 45°01'55" East, 1.50 feet; thence South 44°58'05" East, feet; thence South 45°01'55" West, 1.50 feet; thence South 44°58'05" East, 4.00 feet; thence North 45°01'55" East, 1.50 feet; thence South 44°58'05" East, 13.39 feet; thence North 45°01'55" East, 1.17 feet; thence South 44°58'05" East, 2.75 feet; thence South 45°01'55" West, 1.17 feet; thence South 44°58'05" East, 1.38 feet; thence South 45°01'55" West, 1.50 feet; thence South 44°58'05" East, 4.00 feet; thence North 45°01'55" East, 1.50 feet; thence South 44°58'05" East, 16.95 feet; thence South 45°01'55" West, 1.50 feet; thence South 44°58'05" East, 4.00 feet; thence North 45°02'34" East, 2.14 feet; thence South 90°00'00" East, 16.18 feet; thence South 44°58'05" East, 61.87 feet; thence South 90°00'00" East, 23.00 feet; thence South 00°00'00" West, 19.20 feet; thence South 45°01'55" West, 14.79 feet; thence South 44°58'05" East, 52.35 feet; thence South 90°00'00" East, 11.17 feet; thence North 00°00'00" East, 5.67 feet; thence South 90°00'00" East, 26.31 feet; thence South 00°00'00" West, 21.95 feet; thence South 90°00'00" East, 5.26 feet; thence South 00°45'20" West, 79.04 feet; thence North 88°25'23" West, 116.07 feet; thence North 00°00'00" East, 0.29 feet to the point of beginning (Except that part of block 37 of Original Town of Chicago, in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, described as follows: Commencing at the point of intersection of the Easterly extension of the South line of block 37, aforesaid, with the West line of North State Street as established by act of legislature on March 3, 1845, aforesaid; thence North 88°54'02" West, along the South line of block 37 and its Easterly extension, aforesaid, 78.89 feet; thence North 01°05'58" East, 25.10 feet to the point of beginning; thence North 90°00'00" West, 12.54 feet; thence North 00°00'00"

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East, 17.83 feet; thence South 90°00'00" East, 10.33 feet; thence South 00°00'00" West, 8.53 feet; thence South 90°00'00" East, 2.21 feet; thence South 00°00'00" West, 9.31 feet to the point of beginning), in Cook County, Illinois;

together with

CTA Parcel B4-1A

That part of block 37 of Original Town of Chicago, together with a strip of land lying East of and adjoining said block 37 and West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with that part of vacated North State Street, together with that part of vacated West Washington Street, together with that part of vacated North Dearborn Street, together with that part of vacated West Randolph Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of -25.66 Chicago City Datum and lying above a horizontal plane having an elevation of -45.00 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the point of intersection of the Easterly extension of the South line of block 37, aforesaid, with the West line of North State Street as established by act of legislature on March 3, 1845, aforesaid; thence South 00°00'00" west, along the west line of North State Street, aforesaid, 1.13 feet to the point of beginning; thence North 88°25'23" West, 32.24 feet; thence North 44°58'05" West, 247.03 feet; thence South 45°01'55" West, 6.58 feet; thence North 44°58'05" West, 18.14 feet; thence North 45°01'55" East, 6.58 feet; thence North 44°58'05" West, 14.33 feet; thence South 45°01'55" West, 4.41 feet; thence North 90°00'00" West, 12.58 feet; thence North 00°00'00" East, 18.83 feet; thence North 44°58'05" West, 107.08 feet; thence North 00°03'05" East, 94.60 feet; thence South 44°58'05" East, 58.35 feet; thence North 45°01'55" East, 3.58 feet; thence South 44°58'05" East, 196.72 feet; thence South 90°00'00" East, 17.08 feet; thence South 44°58'05" East, 61.87 feet; thence South 90°00'00" East, 23.00 feet; thence South 00°00'00" West, 19.53 feet; thence South 45°06'56" West, 14.44 feet; thence South 44°46'36" East, 74.81 feet; thence South 90°00'00" East, 26.82 feet; thence South 00°45'20" West, 79.38 feet; thence North 88°25'23" West, 15.22 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B4-1B

That part of block 37 of Original Town of Chicago, together with a strip of land lying East of and adjoining said block 37 and West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with that part of vacated North State Street, together with that part of vacated West Washington Street, together with that part of vacated North Dearborn Street, together with that part of vacated West Randolph Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of -4.97 Chicago City Datum and lying above a horizontal plane having an elevation of -45.00 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Beginning at the point of intersection of the South line of that part of vacated West Washington Street, aforesaid, with the East line of that part of vacated North State Street, aforesaid; thence North 88°54'02" West, along the last mentioned South line, 52.36 feet; thence North 00°00'00" East, 12.14 feet; thence South 88°25'23" East, 50.54 feet; thence North 00°45'20" East, 53.12 feet; thence South 90°00'00" East, 1.13 feet; thence South 00°00'00" West, 64.87 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B4-1C

That part of block 37 of Original Town of Chicago, together with a strip of land lying East of and adjoining said block 37 and West line of State Street as established by an act of the legislature of

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the State of Illinois, approved March 3, 1845, together with that part of vacated North State Street, together with that part of vacated West Washington Street, together with that part of vacated North Dearborn Street, together with that part of vacated West Randolph Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of -14.17 Chicago City Datum and lying above a horizontal plane having an elevation of -32.22 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the point of intersection of the Easterly extension of the South line of block 37, aforesaid, with the West line of North State Street as established by act of legislature on March 3, 1845, aforesaid; thence South 00°00'00" West, along the West line of North State Street, aforesaid, 1.13 feet; thence South 88°25'23" East, 7.35 feet to the point of beginning; thence South 01°34'37" West, 3.00 feet; thence North 88°25'23" West, 25.72 feet; thence North 01°34'37" East, 3.00 feet; thence South 88°25'23" East, 25.72 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B4-1D

That part of block 37 of Original Town of Chicago, together with a strip of land lying East of and adjoining said block 37 and West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with that part of vacated North State Street, together with that part of vacated West Washington Street, together with that part of vacated North Dearborn Street, together with that part of vacated West Randolph Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of -14.17 Chicago City Datum and lying above a horizontal plane having an elevation of -32.22 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the point of intersection of the Easterly extension of the South line of block 37, aforesaid, with the West line of North State Street as established by act of legislature on March 3, 1845, aforesaid; thence South 00°00'00" West, along the West line of North State Street, aforesaid, 1.13 feet; thence South 88°25'23" East, 15.27 feet; thence North 00°45'20" East, 14.11 feet to the point of beginning; thence North 00°45'20" East, 24.54 feet; thence South 89°14'40" East, 3.00 feet; thence South 00°45'20" West, 24.54 feet; thence North 89°14'40" West, 3.00 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B4-1E

That part of block 37 of Original Town of Chicago, together with a strip of land lying East of and adjoining said block 37 and West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with that part of vacated North State Street, together with that part of vacated West Washington Street, together with that part of vacated North Dearborn Street, together with that part of vacated West Randolph Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, all taken as a tract, lying below a horizontal plane having an elevation of -3.79 Chicago City Datum and lying above a horizontal plane having an elevation of -45.00 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Beginning at the intersection of the North line of that part of vacated West Randolph Street, aforesaid, with the West line of that part of vacated North Dearborn Street, aforesaid; thence South 89°08'58" East, along the last mentioned North line, 18.29 feet; thence South 00°03'05" West, 110.73 feet; thence North 90°00'00" West, 18.23 feet to a point on the last mentioned West line; thence North 00°01'10" East, 111.01 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B4-1F

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That part of block 37 of Original Town of Chicago, together with a strip of land lying East of and adjoining said block 37 and West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, together with that part of vacated North State Street, together with that part of vacated West Washington Street, together with that part of vacated North Dearborn Street, together with that part of vacated West Randolph Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, all taken as a tract, lying below a horizontal plane having an elevation of -14.17 Chicago City Datum and lying above a horizontal plane having an elevation of -32.22 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the intersection of the North line of that part of vacated West Randolph Street, aforesaid, with the West line of that part of vacated North Dearborn Street, aforesaid; thence South 89°08'58" East, along the last mentioned North line, 18.29 feet; thence South 00°03'05" West, 24.34 feet to the point of beginning; thence South 00°03'05" West, 28.75 feet; thence South 89°56'55" East, 3.00 feet; thence North 00°03'05" East, 28.75 feet; thence North 89°56'55" West, 3.00 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B4-1G

That part of block 37 of Original Town of Chicago, together with a strip of land lying East of and adjoining said block 37 and West line of State Street as established by an act of the legislature of the state of Illinois, approved March 3, 1845, together with that part of vacated North State Street, together with that part of vacated West Washington Street, together with that part of vacated North Dearborn Street, together with that part of vacated West Randolph Street, all taken as a tract in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, all taken as a tract, lying below a horizontal plane having an elevation of -14.17 Chicago City Datum and lying above a horizontal plane having an elevation of -32.22 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the intersection of the North line of that part of vacated West Randolph Street, aforesaid, with the West line of that part of vacated North Dearborn Street, aforesaid; thence South 89°08'58" East, along the last mentioned North line, 18.29 feet; thence South 00°03'05" West, 77.71 feet to the point of beginning; thence South 00°03'05" West, 24.53 feet; thence South 89°56'55" East, 3.00 feet; thence North 00°03'05" East, 24.53 feet; thence North 89°56'55" West, 3.00 feet to the point of beginning, in Cook County, Illinois;

together with

CTA Parcel B4-2

That part of vacated North Dearborn Street lying West and adjoining block 37 of Original Town of Chicago, in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of -4.86 Chicago City Datum and lying above a horizontal plane having an elevation of -45.00 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the Northwest corner of block 37, aforesaid; thence South 00°01'10" West, along the West line thereof, 161.29 feet; thence North 89°01'30" West, 0.44 feet to the point of beginning; thence South 00°28'45" West, 30.00 feet to a point on the North line of the Commonwealth Edison Property extended West; thence North 89°01'30" West, along the last mentioned North line extended West, 15.61 feet to a point on the West line of that part of vacated North Dearborn Street, aforesaid; thence North 00°01'10" East, along the last mentioned West line, 30.00 feet; thence South 89°01'30" East, 15.85 feet to the point of beginning, in Cook County, Illinois;

together with

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CTA Parcel B4-3

That part of block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, lying below a horizontal plane having an elevation of -25.66 Chicago City Datum and lying above a horizontal plane having an elevation of -45.00 Chicago City Datum and lying within its horizontal boundaries projected vertically and described as follows: Commencing at the point of intersection of the Easterly extension of the South line of block 37, aforesaid, with the West line of North State Street as established by act of legislature on March 3, 1845; thence North 88°54'02" West, along the South line of block 37 and its Easterly extension, aforesaid, 190.04 feet; thence North 01°05'58" East, 122.36 feet to the point of beginning; thence North 90°00'00" West, 10.25 feet; thence North 00°00'00" East, 8.33 feet; thence South 90°00'00" East, 10.25 feet; thence South 00°00'00" West, 8.33 feet to the point of beginning, in Cook County, Illinois;

Also Except the Air Rights Parcels from the Main Tract:

Air Rights Parcels

Parcel 1 (Part Between +92.50 C.C.D. to +689.50 C.C.D.)

That part of vacated West Randolph Street together with that part of vacated North State Street together with that part of a tract of land consisting of all lots, streets and alleys within block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, all taken as a tract, lying below a horizontal plane having an elevation of +689.50 feet Chicago City Datum and above a horizontal plane having an elevation of +92.50 feet Chicago City Datum and lying within its horizontal boundary projected vertically and described as follows: Beginning at the Northwest corner of block 37, aforesaid; thence North 00°01'10" East, along the Westerly line of that part of vacated West Randolph Street, aforesaid, 5.00 feet to the Northwest corner thereof; thence South 89°08'58" East, along the Northerly line of that part of vacated West Randolph Street, aforesaid, 329.63 feet to the Easterly line of that part of vacated North State Street, aforesaid; thence South 00°00'00" West, along the Easterly line of that part of vacated North State Street, aforesaid, 89.12 feet; thence North 90°00'00" West, 229.85 feet; thence South 12°36'25" West, 46.74 feet; thence South 15°39'45" West, 41.34 feet.; thence North 90°00'00" West, 78.44 feet to the West line of block 37, aforesaid; thence North 00°01'10" East, along the west line of block 37, aforesaid 174.43 feet to the point of beginning, in Cook County, Illinois;

together with

Parcel 2 (Part Above +689.50 C.C.D.)

That part of a tract of land consisting of all lots, streets and alleys within block 37 of Original Town of Chicago in the East part of the Southeast Quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with a strip of land lying East of and adjoining said Block 37 and West of the West line of State Street as established by an act of the legislature of the State of Illinois, approved March 3, 1845, all taken as a tract, lying above a horizontal plane having an elevation of +689.50 feet Chicago City Datum and lying within its horizontal boundary projected vertically and described as follows: Beginning at the Northwest corner of Block 37, aforesaid; thence South 89°08'58" East, along the North of said Block 37 and the Easterly extension thereof, 324.63 feet to the West line of State Street as established by an act of the legislature of the State of Illinois, aforesaid; thence South 00°00'00" West, along said West line, 84.19 feet; thence North 90°00'00" West, 224.85 feet; thence South 12°36'25" West, 46.74 feet; thence South 15°39'45" West, 41.34 feet; thence North 90°00'00" West, 78.44 feet to the West line of block 37, aforesaid; thence North 00°01'10" East, along the West line of block 37, aforesaid 174.43 feet to the point of beginning, in Cook County, Illinois.

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THE WEST LINE OF BLOCK 37, AFORESAID 174.43 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

NON-EXCLUSIVE EASEMENT IN FAVOR OF PARCELS 1 AND 2 AS CREATED BY DECLARATION OF EASEMENTS, RESERVATIONS, COVENANTS AND RESTRICTIONS, DATED NOVEMBER 10, 2005 AND RECORDED NOVEMBER 14, 2005 AS DOCUMENT NUMBER 0531834084, MADE BY CHICAGO TRANSIT AUTHORITY, A MUNICIPAL CORPORATION OF THE STATE OF ILLINOIS, 108 NORTH STATE STREET II, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, BLOCK 37, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY AND BLOCK 37 OFFICE, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY; FOR THE FOLLOWING PURPOSES:

(A) INGRESS, EGRESS AND ACCESS TO AND FROM THE BLOCK 37 PARCEL OVER, UNDER, ACROSS AND THROUGH THE PORTION OF THE DEVELOPMENT SITE FOR THE PURPOSE OF DEVELOPMENT AND CONSTRUCTION OF THE DEVELOPMENT PROJECT AND THE CTA PROJECT, INCLUDING, WITHOUT LIMITATION, CONSTRUCTION AND COMPLETION BY 108 NORTH STATE STREET II, L.L.C. OF THE MILLS PORTION OF THE CTA PROJECT PURSUANT TO THE DEVELOPMENT AGREEMENT (SUCH EASEMENT TO INCLUDE, WITHOUT LIMITATION, NECESSARY EXCAVATION, TUNNELING, CONSTRUCTION, MATERIAL STORAGE AND ALL OTHER RELATED CONSTRUCTION ACTIVITY BY CONTRACTORS, SUBCONTRACTORS, REPRESENTATIVES, SURVEYORS, CONSULTANTS, EMPLOYEES AND AGENTS FROM TIME TO TIME OF BLOCK 37, L.L.C., 108 NORTH STATE STREET II, L.L.C., BLOCK 37 OFFICE, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY AND CHICAGO TRANSIT AUTHORITY, AS THE CASE MAY BE) (DEFINED THEREIN AS THE "CONSTRUCTION ACCESS EASEMENTS"); (B) SUPPORT IN AND TO ALL STRUCTURAL MEMBERS, SLABS, CAISSONS, BEAMS, FOUNDATIONS, COLUMNS AND OTHER FACILITIES LOCATED WITHIN THE DEVELOPMENT PROJECT (DEFINED THEREIN AS THE "SUPPORT EASEMENTS"); (C) INSTALLATION, USE AND MAINTENANCE OF UTILITY LINES AND FACILITIES, INCLUDING THE RIGHT TO INSTALL, LAY, MAINTAIN, REPAIR, REPLACE LINES, WIRES, CONDUITS AND EQUIPMENT FOR UTILITY SERVICE REQUIRED FOR THE DEVELOPMENT PROJECT (DEFINED THEREIN AS THE "UTILITY EASEMENTS"); (D) CONSTRUCTION, USE AND MAINTENANCE OF COMMON WALLS, FLOORS, CEILINGS AND ENCLOSURES ALONG ANY COMMON PROPERTY LINES AND BOUNDARIES, INCLUDING THE RIGHT TO MAINTAIN UNINTENTIONAL ENCROACHMENTS RESULTING FROM CONSTRUCTION OF THE DEVELOPMENT PROJECT (DEFINED THEREIN AS THE "COMMON EASEMENTS"); (E) SUCH EASEMENTS AS SHALL BE REASONABLY NECESSARY FOR THE CONSTRUCTION, REPAIR, REPLACEMENT, MAINTENANCE AND OPERATION OF THE DEVELOPMENT PROJECT (DEFINED THEREIN AS "MISCELLANEOUS EASEMENT"); AND (F) INGRESS, EGRESS AND ACCESS OVER, ACROSS AND THROUGH THE CTA PARCEL AND THE EXISTING CTA FACILITIES AS SHALL BE REQUIRED TO ENABLE 108 NORTH STATE STREET II, L.L.C. TO EXERCISE THE "MILLS SELF-HELP RIGHT" AS PROVIDED IN THE DEVELOPMENT AGREEMENT (DEFINED THEREIN AS THE "MILLS SELF-HELP RIGHT EASEMENT").


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Exhibit D

Site Plan

(See attached)

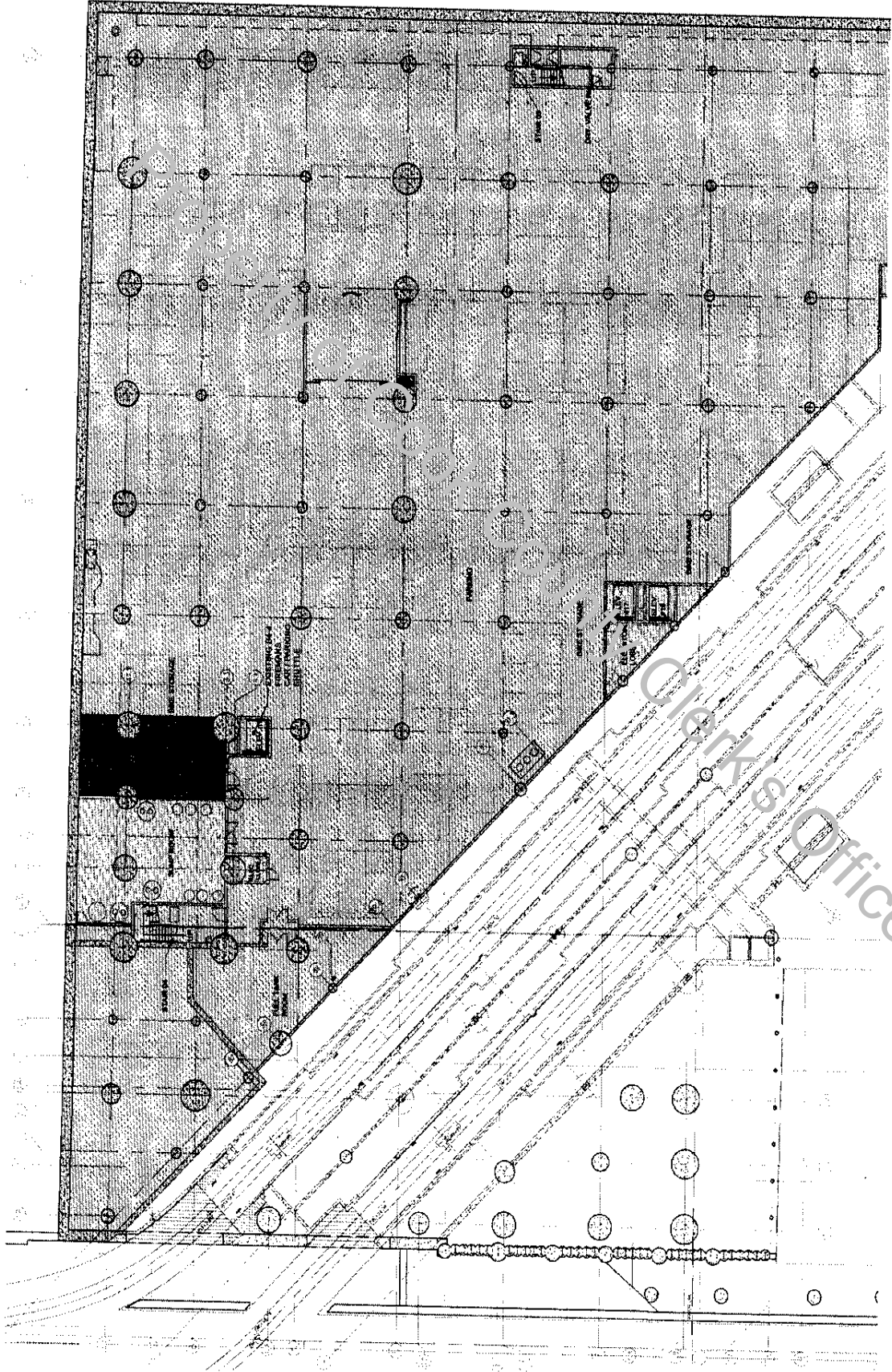
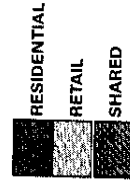
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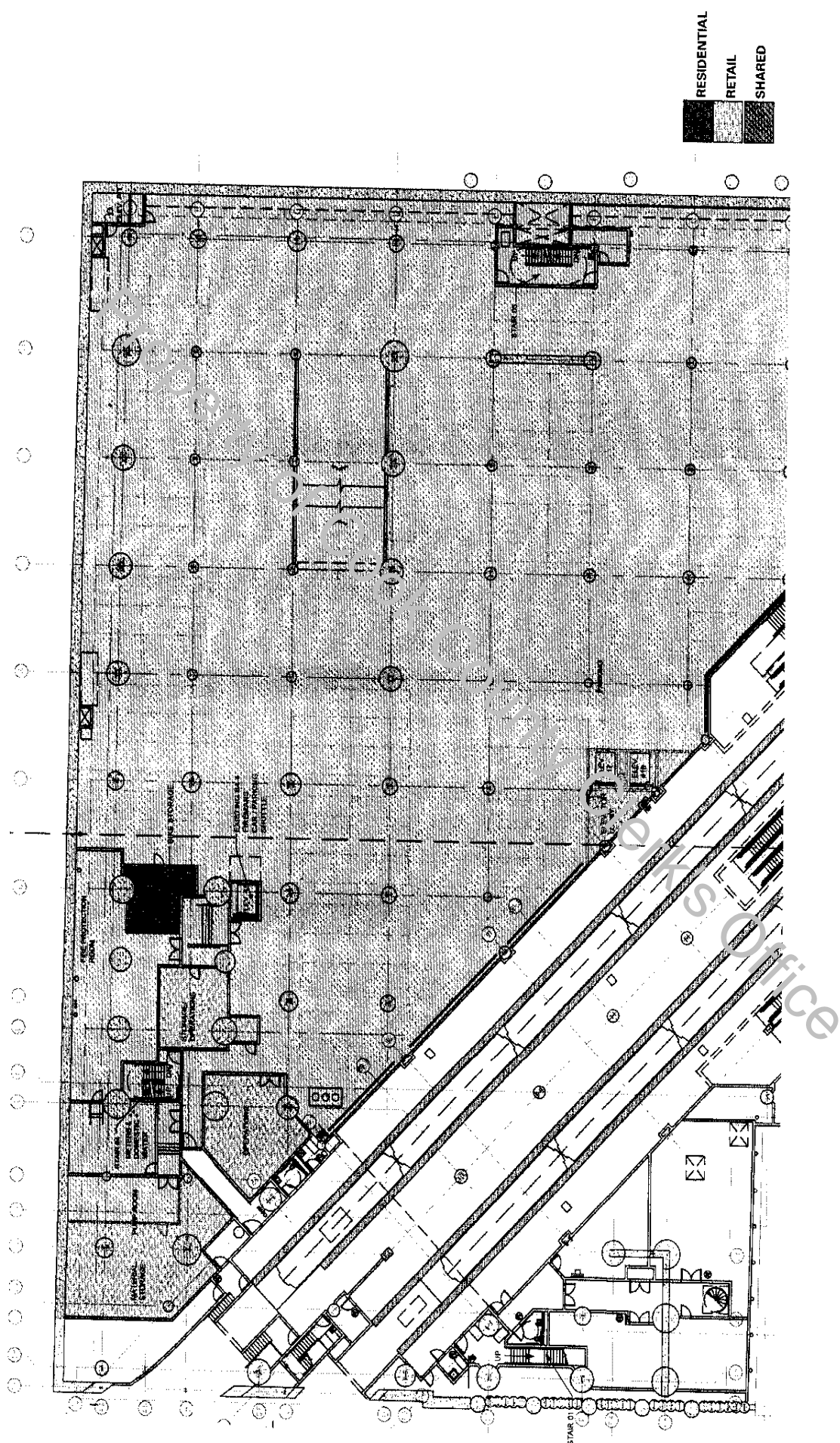
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RIGHT EXHIBIT

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RESIDENTIAL
 RETAIL
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LEVEL B3

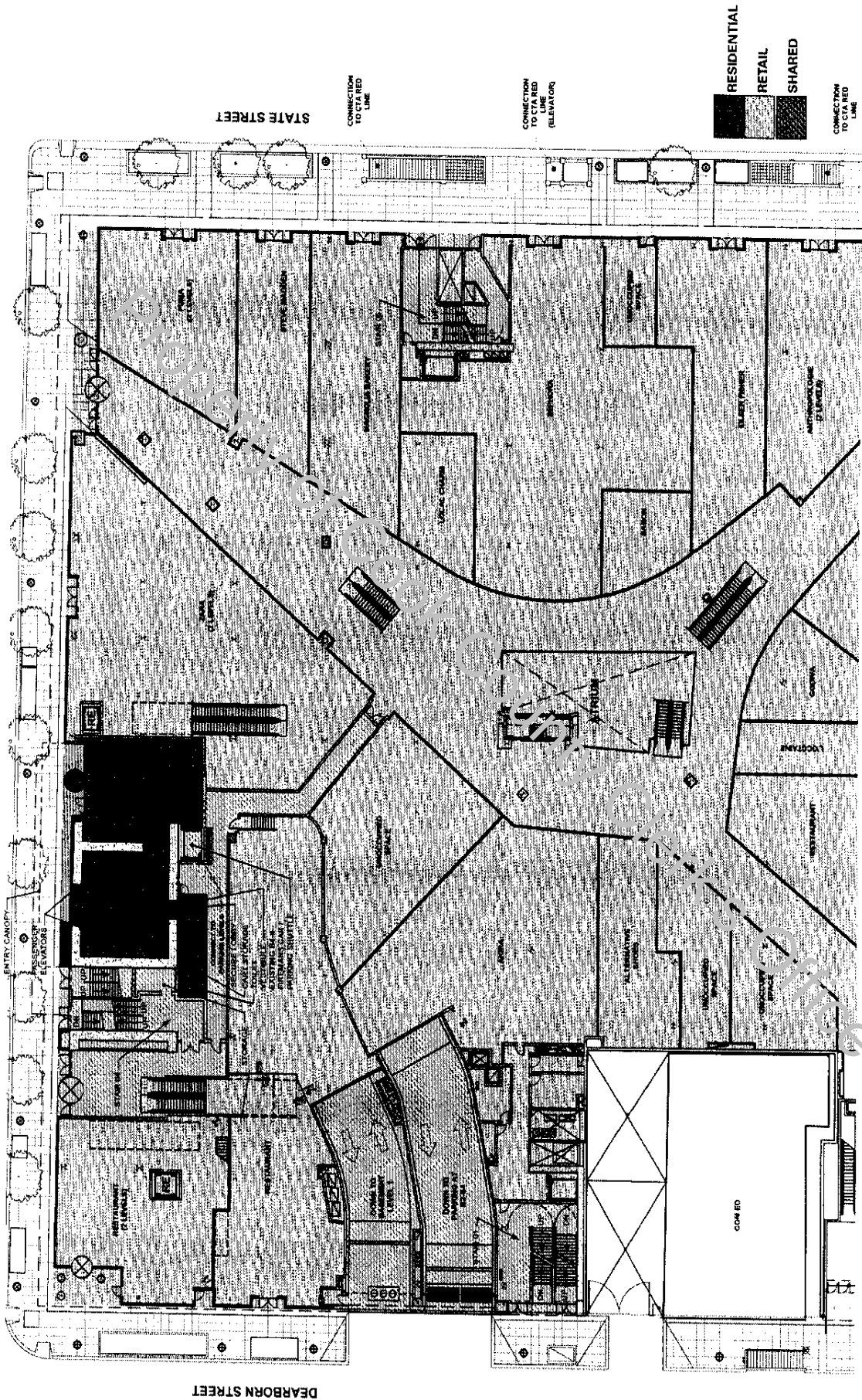
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LEVEL 1

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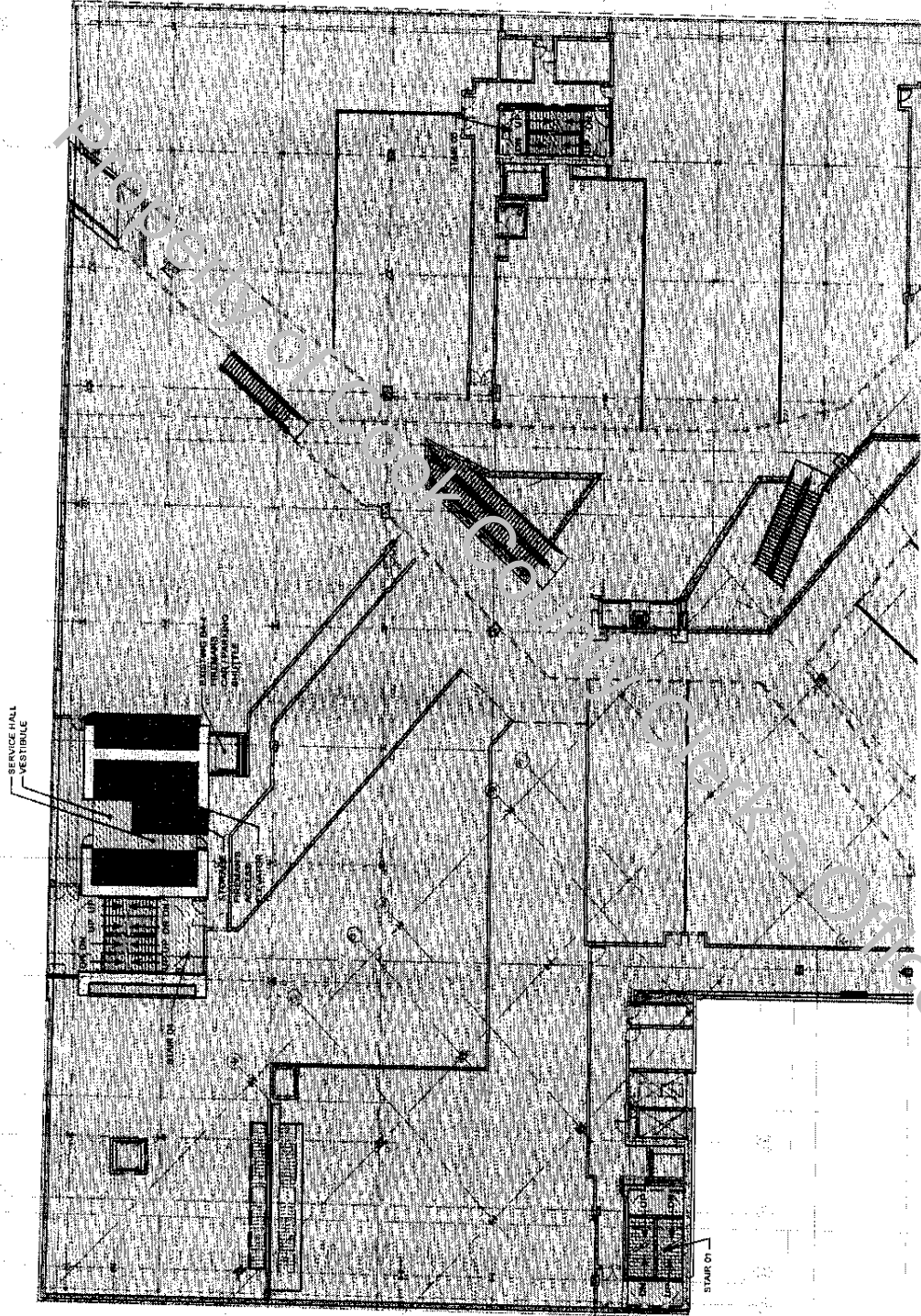
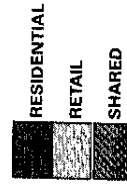
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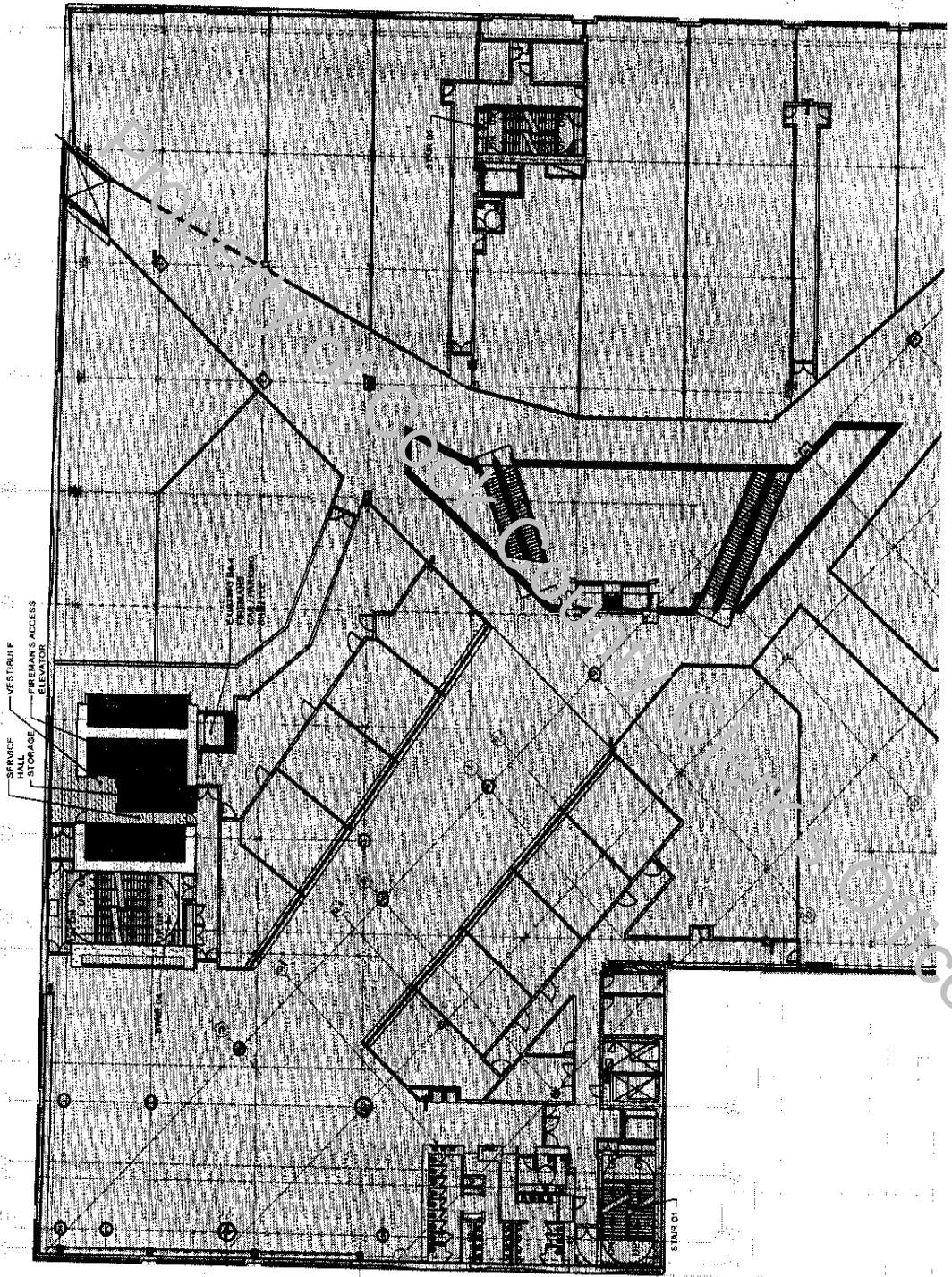
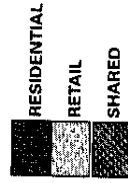
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SERVICE HALL STORAGE FIREMAN'S ACCESS ELEVATOR

ELEVATOR SHAFT

STAIR 01

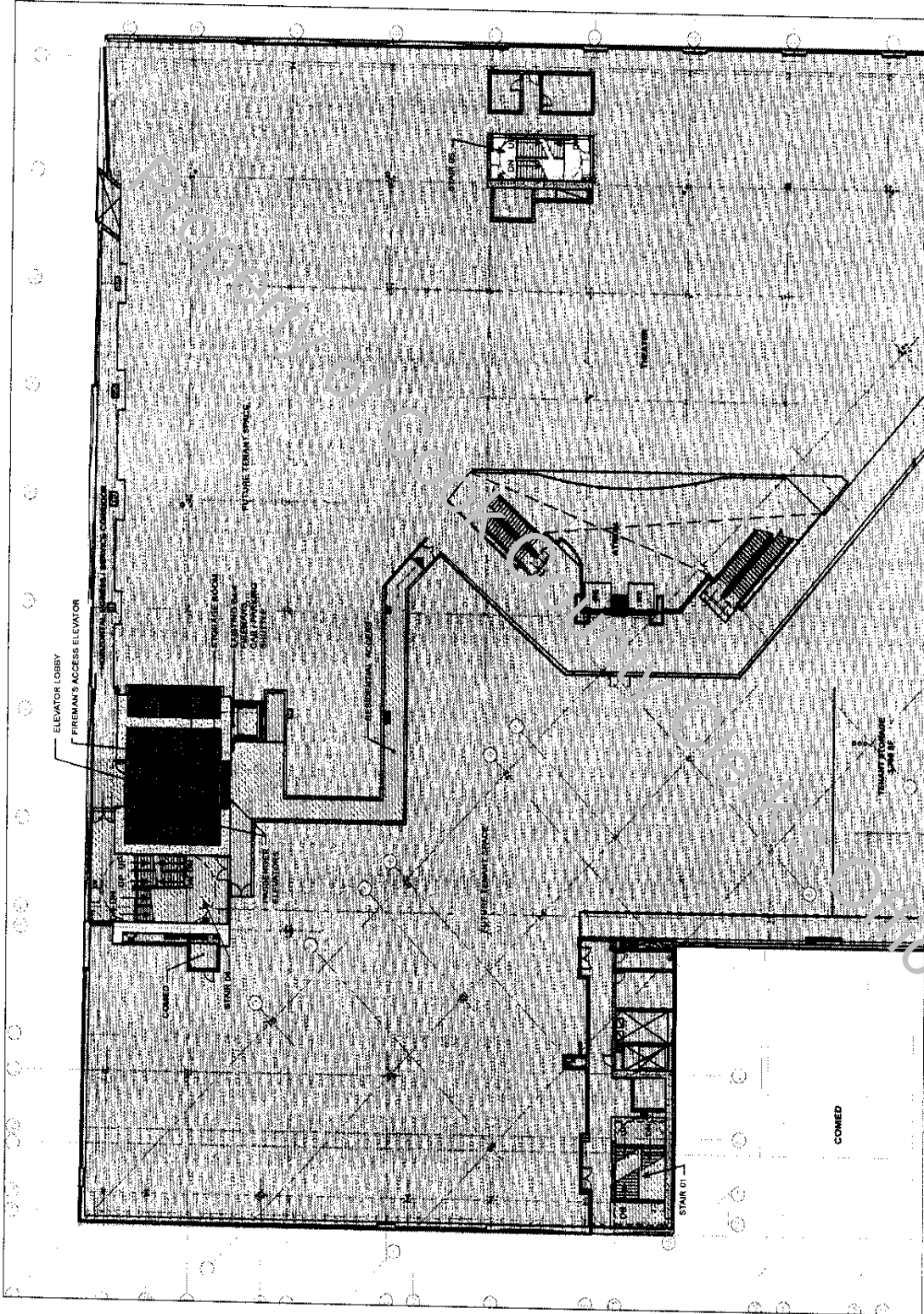
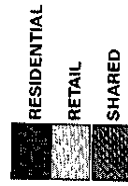


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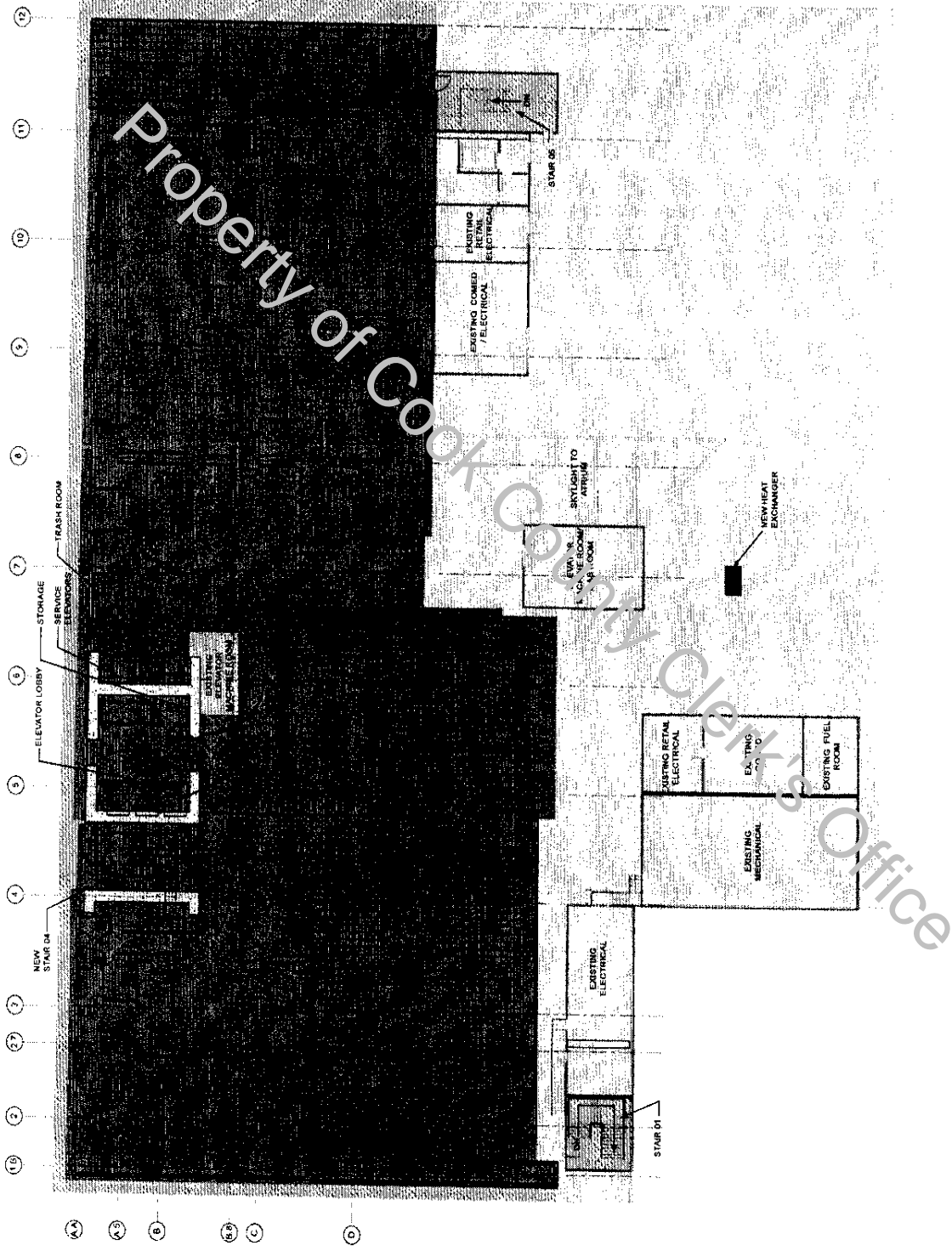
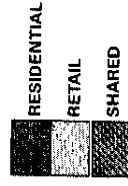
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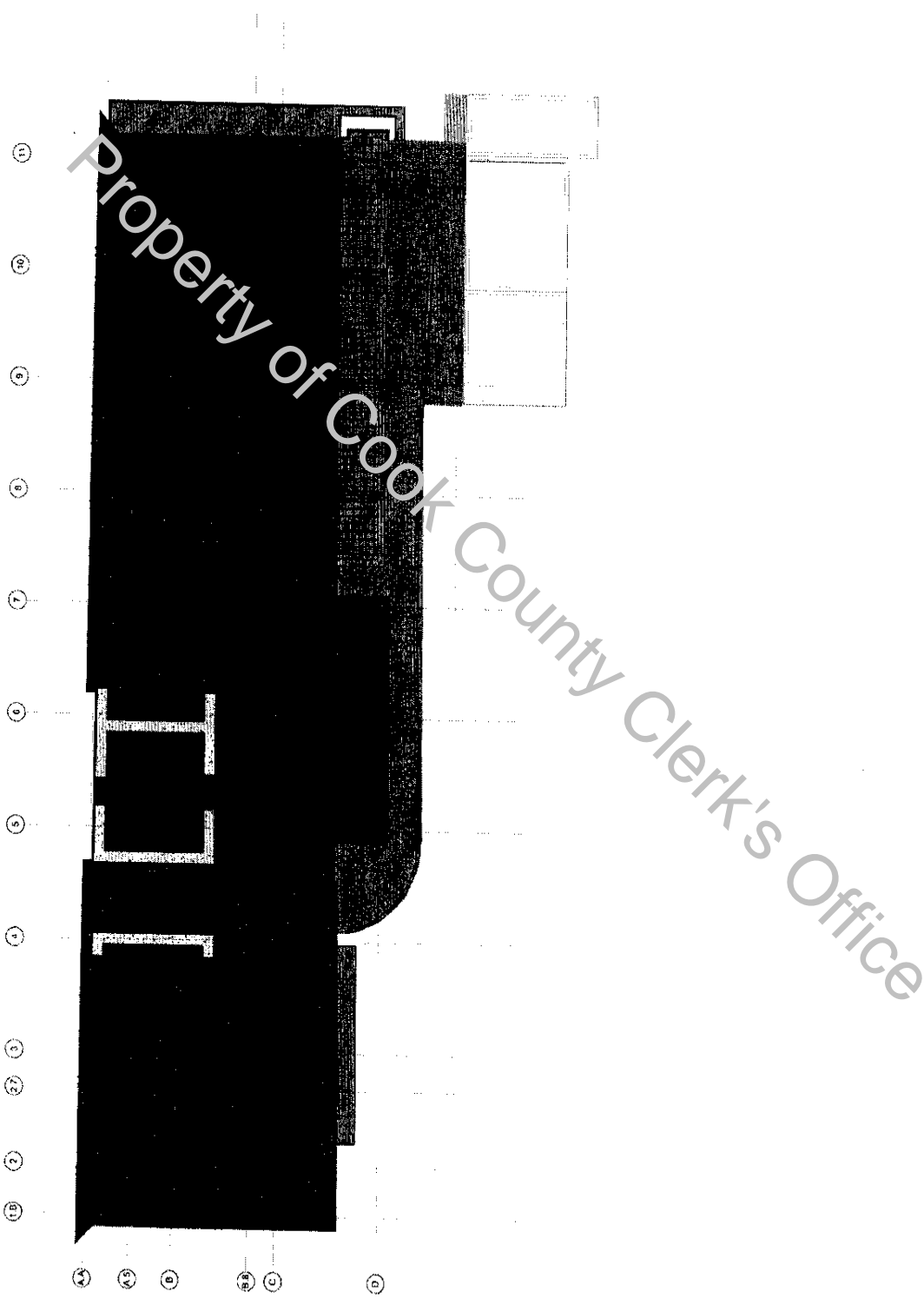
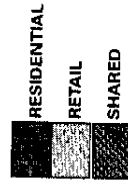


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