

UNOFFICIAL COPY

This instrument was prepared by:

Dustin Paige, Esq.
Kirkland & Ellis LLP
300 North LaSalle Street
Chicago, IL 60654

After recording mail to:

Dustin Paige, Esq.
Kirkland & Ellis LLP
300 North LaSalle Street
Chicago, IL 60654



Doc#: 1511219126 Fee: \$62.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 04/22/2015 12:58 PM Pg: 1 of 13

For Recorder's Use Only

SPECIAL WARRANTY DEED

ARBORETUM MALL OWNER LLC, a Delaware limited liability company, having an address of One Federal Street, Boston, Massachusetts 02110 ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid in hand to Grantor by ABT OWNER 1, L.P., a Delaware limited partnership, having an address of 591 West Putnam Avenue, Greenwich, Connecticut 06830 ("Grantee"), the receipt and sufficiency of which is hereby acknowledged, does hereby CONVEY, REMISE, RELEASE and ALIENATE unto Grantee, and to its successors and assigns, all that certain parcel of land located in the Village of South Barrington, Cook County, Illinois and legally described in Exhibit A attached hereto and incorporated herein by this reference, together with all buildings, improvements and fixtures located thereon and owned by Grantor as of the date hereof and all right, title and interest, if any, that Grantor may have in and to all rights, privileges and appurtenances pertaining thereto including all of Grantor's right, title and interest, if any, in and to all rights-of-way, open or proposed streets, alleys, easements, strips or gores of land adjacent thereto (herein collectively called the "Real Property").

This conveyance is made by Grantor and accepted by Grantee subject to all matters set forth on Exhibit B attached hereto (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Real Property together with all improvements located thereon all and singular the rights and appurtenances thereto in anywise belonging, subject only to the Permitted Exceptions, unto Grantee, its legal representatives, successors and assigns forever.

AND Grantor covenants that Grantor has not done or suffered anything whereby the Real Property has been encumbered in any way whatever, except as set forth as "Permitted Exceptions" shown on Exhibit B attached hereto and made a part hereof; and that Grantor will warrant and defend the Real Property against all persons claiming by, through or under Grantor, but not otherwise.

[Remainder of page intentionally blank]

CCRD REVIEWER 

UNOFFICIAL COPY

EXHIBIT A (TO SPECIAL WARRANTY DEED)

Legal Description

PARCEL 1:

LOTS 1 AND 3 IN ARBORETUM OF SOUTH BARRINGTON, BEING A SUBDIVISION OF PARTS OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 30, 2007 AS DOCUMENT 0721115094 IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOT 12 AND 13 IN ARBORETUM OF SOUTH BARRINGTON THIRD RESUBDIVISION BEING A RESUBDIVISION OF LOT 8 IN ARBORETUM OF SOUTH BARRINGTON SECOND RESUBDIVISION BEING A SUBDIVISION OF PARTS OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 13, 2012 AS DOCUMENT NO. 1225729066, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 AS CREATED BY THE ARBORETUM OF SOUTH BARRINGTON DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS DATED JULY 30, 2007 AND RECORDED JULY 30, 2007 AS DOCUMENT 0721115096 FOR THE PURPOSE OF VEHICULAR TRAFFIC OVER PAVED ROADWAYS VEHICULAR PARKING IN DESIGNATED PARKING AREAS, PEDESTRIAN TRAFFIC OVER SIDEWALKS, AND UTILITIES AND DRAINAGE, AND FOR THE PURPOSE OF UNDERTAKING MAINTENANCE OBLIGATIONS THROUGH DESIGNATED EASEMENT AREAS AS DESCRIBED IN SAID DOCUMENT.

PARCEL 4:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 AS CREATED BY THAT CERTAIN OUTPARCEL AGREEMENT DATED JANUARY 23, 2008, AS SHOWN BY THAT CERTAIN MEMORANDUM OF OUTPARCEL AGREEMENT DATED JANUARY 23, 2008 AND RECORDED JANUARY 24, 2008 AS DOCUMENT 0802403027 FOR THE PURPOSE OF USE OF PARKING AREAS, ROADWAYS, PEDESTRIAN SIDEWALKS AND LANDSCAPED AREAS UPON THE TERMS AND CONDITIONS PROVIDED THEREIN.

PARCEL 5:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 AS CREATED BY THAT CERTAIN OUTPARCEL AGREEMENT DATED JULY 25, 2008, AS SHOWN BY

UNOFFICIAL COPY

THAT CERTAIN MEMORANDUM OF OUTPARCEL AGREEMENT DATED JULY 25, 2008 AND RECORDED JULY 28, 2008 AS DOCUMENT 0821022072 FOR THE PURPOSE OF PARKING AREAS, PEDESTRIAN SIDEWALKS, AND RELATED PEDESTRIAN AREAS UPON THE TERMS AND CONDITIONS PROVIDED THEREIN.

Address: The Arboretum of South Barrington
100 W. Higgins Road
South Barrington, Illinois 60010

Permanent Tax Number(s)	01-33-209-001-0000
	01-33-209-002-0000
	01-33-209-006-0000
	01-33-209-007-0000
	01-33-209-021-0000
	01-33-209-022-0000
	01-33-209-023-0000

Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT B (TO SPECIAL WARRANTY DEED)

Permitted Exceptions

1. RIGHTS OF TENANTS, AS TENANTS ONLY, SET FORTH ON THE RENT ROLL DATED ~, ATTACHED TO THE ALTA STATEMENT DATED ~, WITH NO RIGHTS OF REFUSAL, RIGHT OF FIRST OFFER OR OPTION TO PURCHASE,
2. RIGHTS OF TENANTS AS TENANTS ONLY UNDER EXISTING RECORDED LEASE WITH IPIC-GOLD CLASS CINEMAS, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS SUCCESSOR IN INTEREST TO VILLAGE ROADSHOW GOLD CLASS CINEMAS LLC, A DELAWARE LIMITED LIABILITY COMPANY AS EVIDENCED BY MEMORANDUM OF LEASE DATED JUNE 12, 2007 AND RECORDED AUGUST 27, 2007 AS DOCUMENT 0723922095, WHICH LEASE CONTAINS NO RIGHT OF FIRST REFUSAL OR OPTION TO PURCHASE.

NOTE: THE MEMORANDUM OF LEASE CONTAINS A USE RESTRICTION PROHIBITING THE LANDLORD FROM ENTERING INTO ANOTHER LEASE WITH A TENANT WHOSE PRINCIPAL BUSINESS IS THE OPERATION OF A MOTION PICTURE THEATRE.

LESSOR RECOGNITION AND ESTOPPEL AGREEMENT RECORDED DECEMBER 26, 2007 AS DOCUMENT 0736033177 AS AMENDED BY AMENDED AND RESTATED LESSOR RECOGNITION AND ESTOPPEL AGREEMENT BETWEEN AND AMONG ARBORETUM OF SOUTH BARRINGTON, LLC, IPIC-GOLD CLASS CINEMAS, LLC AND THE TEACHERS' RETIREMENT SYSTEM OF ALABAMA AS COLLATERAL AGENT FOR ITSELF AND THE EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA RECORDED JANUARY 27, 2011 AS DOCUMENT NUMBER 1102711033.

3. RIGHTS OF TENANT, AS TENANT ONLY UNDER LEASE MADE BY ARBORETUM OF SOUTH BARRINGTON, LLC, A DELAWARE LIMITED LIABILITY COMPANY TO GRAY GHOST DEVELOPMENT CORPORATION A MAINE CORPORATION DATED SEPTEMBER 12, 2007, A MEMORANDUM OF WHICH WAS RECORDED NOVEMBER 15, 2007 AS DOCUMENT NO. 0731922143, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING ON SEPTEMBER 12, 2007 AND ENDING 10 YEARS FROM THE COMMENCEMENT DATE, AND ALL RIGHTS THEREUNDER OF

AS MODIFIED BY ASSIGNMENT OF LEASE RECORDED DECEMBER 8, 2008 AS DOCUMENT NUMBER 0834316020 ASSIGNING THE LEASE TO LL BEAN INC, WHICH LEASE CONTAINS NO RIGHT OF FIRST REFUSAL OR OPTION TO PURCHASE.

4. RIGHTS OF TENANT, AS TENANT ONLY UNDER LEASE MADE BY ARBORETUM OF SOUTH BARRINGTON, LLC, A DELAWARE LIMITED LIABILITY COMPANY TO CHICAGO BREAD, L.L.C., A MISSOURI LIMITED

UNOFFICIAL COPY

LIABILITY COMPANY DATED MARCH 25, 2008, A MEMORANDUM OF WHICH WAS RECORDED SEPTEMBER 17, 2008 AS DOCUMENT NO. 0826118053, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING ON THE DELIVER DATE OR THE DATE TENANT RECEIVES ALL REQUIRED TENANT GOVERNMENTAL APPROVALS AND PERMITS BUT NO LATER THAN FEBRUARY 1, 2009 AND ENDING 10 YEARS BEFORE THE TENTH ANNIVERSARY OF THE RENT COMMENCEMENT DATE, WHICH LEASE CONTAINS NO RIGHT OF FIRST REFUSAL OR OPTION TO PURCHASE.

5. RIGHTS OF TENANT, AS TENANT ONLY UNDER LEASE MADE BY ARBORETUM OF SOUTH BARRINGTON LLC, A DELAWARE LIMITED LIABILITY COMPANY TO CAPITAL FITNESS- SOUTH BARRINGTON, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY DATED MAY 12, 2008, A MEMORANDUM OF WHICH WAS RECORDED SEPTEMBER 25, 2008 AS DOCUMENT NO. 0826933116, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING ON THE COMMENCEMENT DATE SPECIFIED IN THE LEASE AND ENDING ON THE TENTH ANNIVERSARY OF THE COMMENCEMENT DATE, WHICH LEASE CONTAINS NO RIGHT OF FIRST REFUSAL OR OPTION TO PURCHASE.
6. RIGHTS OF TENANT, AS TENANT ONLY UNDER LEASE MADE BY ARBORETUM OF SOUTH BARRINGTON, LLC, A DELAWARE LIMITED LIABILITY COMPANY TO COOPER'S HAWK SOUTH BARRINGTON LLC, AN ILLINOIS LIMITED LIABILITY COMPANY DATED AUGUST 18, 2008, A MEMORANDUM OF WHICH WAS RECORDED DECEMBER 2, 2008 AS DOCUMENT NO. 0833741081, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING UPON THE COMMENCEMENT DATE AS DEFINED IN THE LEASE AND ENDING ON THE TERMINATION DATE AS DEFINED IN THE LEASE, WHICH LEASE CONTAINS NO RIGHT OF FIRST REFUSAL OR OPTION TO PURCHASE.
7. RIGHTS OF TENANT, AS TENANT ONLY UNDER LEASE MADE BY ARBORETUM OF SOUTH BARRINGTON, LLC, A DELAWARE LIMITED LIABILITY COMPANY TO THE TOMS-PRICE CO. DATED JULY 2, 2010, A MEMORANDUM OF WHICH WAS RECORDED JULY 13, 2010 AS DOCUMENT NO. 1019433059, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING ON THE RENT COMMENCEMENT DATE AS DEFINED IN THE LEASE AND ENDING AFTER 5 LEASE YEARS AS DEFINED IN THE LEASE

SAID LEASE HAS 2 OPTIONS TO RENEW FOR 5 YEARS EACH AND CONTAINS NO RIGHT OF FIRST REFUSAL OR OPTION TO PURCHASE.

8. RIGHT, TITLE AND INTEREST OF THE FOLLOWING IN AND TO THE LAND, AS DISCLOSED BY THE UCC FINANCING STATEMENTS REFERENCED BELOW, AND OF ALL PARTIES CLAIMING THEREUNDER:

UNOFFICIAL COPY

AZAR BROTHERS, INC., STATEMENT RECORDED FEBRUARY 25, 2013 AS DOCUMENT NUMBER 1305639133;

WOK N FIRE SOUTH BARRINGTON LLC, STATEMENT RECORDED MAY 10, 2013 AS DOCUMENT NUMBER 1313029060;

MAGO SB LLC, STATEMENT RECORDED MAY 10, 2013 AS DOCUMENT NUMBER 1313029061;

LYNNE'S YOGURT COMPANY, INC., STATEMENT RECORDED MAY 10, 2013 AS DOCUMENT NUMBER 1313029062;

BLACHAR, LLC, STATEMENT RECORDED SEPTEMBER 10, 2014 AS DOCUMENT NUMBER 1425344085;

LVLK RESTAURANT GROUP, LLC, STATEMENT SEPTEMBER 10, 2014 AS DOCUMENT NUMBER 1425344086;

LVLK RESTAURANT GROUP, LLC INCONTRO A TAVOLA, STATEMENT RECORDED SEPTEMBER 10, 2014 AS DOCUMENT NUMBER 1425344087;

BLOW BAR INC., STATEMENT RECORDED SEPTEMBER 10, 2014 AS DOCUMENT NUMBER 1425344088;

FOCUS SWIM SCHOOLS, LLC, STATEMENT RECORDED SEPTEMBER 11, 2014 AS DOCUMENT NUMBER 1425429115;

SEI BELLA BEAUTY, INC., STATEMENT RECORDED SEPTEMBER 29, 2014 AS DOCUMENT NUMBER 1427245051; AND

KLOCKER'S FINE HOME ACCENTS CORP., STATEMENT RECORDED OCTOBER 6, 2014 AS DOCUMENT NUMBER 1427944092.

9. DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT MADE BY AND BETWEEN ACACIA CREDIT FUND 9-A L. L. C., A DELAWARE LIMITED LIABILITY COMPANY, THE WOODS OF SOUTH BARRINGTON, LLC., A DELAWARE LIMITED LIABILITY COMPANY AND THE WOODS OF SOUTH BARRINGTON, II, L. L. C., RECORDED APRIL 28, 2004 AS DOCUMENT 0411932014.

FIRST AMENDMENT TO DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED JUNE 17, 2004 AS DOCUMENT 0416941084.

SECOND AMENDMENT TO DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED APRIL 1, 2005 AS DOCUMENT 0509127110.

UNOFFICIAL COPY

THIRD AMENDMENT TO DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED JULY 26, 2005 AS DOCUMENT 0520718086.

FOURTH AMENDMENT TO DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED DECEMBER 22, 2005 AS DOCUMENT 0535632075.

FIFTH AMENDMENT TO DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED JANUARY 16, 2007 AS DOCUMENT 0701642031.

ACKNOWLEDGEMENT OF COMPLETION AND SATISFACTION OF OBLIGATIONS UNDER AGREEMENTS RECORDED MAY 4, 2010 AS DOCUMENT NUMBER 1012418055.

10. DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR WOODS OF SOUTH BARRINGTON COMMUNITY DETENTION AREA, DATED JULY 28, 2005 AND RECORDED JULY 29, 2005 AS DOCUMENT 0521027049, MADE BY ARBORETUM OF SOUTH BARRINGTON L. L. C., A DELAWARE LIMITED LIABILITY COMPANY.

AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS RECORDED JULY 30, 2007 AS DOCUMENT 0721115097.

11. EASEMENT AGREEMENT MADE BY AND BETWEEN THE SOUTH BARRINGTON PARK DISTRICT, A MUNICIPAL CORPORATION AND ARBORETUM OF SOUTH BARRINGTON, LLC, A DELAWARE LIMITED LIABILITY COMPANY, GRANTING A PERPETUAL NON-EXCLUSIVE EASEMENT FOR THE PURPOSE OF INSTALLING DRAINAGE PIPING AND ACCOUTREMENTS INTO THE DETENTION PARCEL DEPICTED ON 'EXHIBIT C' THEREIN RECORDED JUNE 1, 2006 AS DOCUMENT 0615210129, AND THE AND PROVISIONS CONTAINED THEREIN.

12. OBLIGATIONS OF OWNER IMPOSED BY PROVISIONS OF EASEMENT AGREEMENT BENEFITTING ARBORETUM OF SOUTH BARRINGTON, LLC, A DELAWARE LIMITED LIABILITY COMPANY BY THE SOUTH BARRINGTON PARK DISTRICT, A MUNICIPAL CORPORATION, GRANTING A PERPETUAL NON-EXCLUSIVE EASEMENT FOR THE PURPOSE OF MAKING CUTS, FILLS AND GRADING OVER A STRIP OF LAND 50.00 FEET IN WIDTH ALONG THE SOUTHEAST AND EAST PROPERTY LINE OF THE DISTRICT PROPERTY DEPICTED ON 'EXHIBIT C' THEREIN RECORDED JUNE 1, 2006 AS DOCUMENT 0615210130, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

13. TERMS AND PROVISIONS CONTAINED IN THE CONSENT DECREE ENTERED IN THE PROCEEDINGS INITIATED BY THE WOODS OF SOUTH BARRINGTON ET AL V. THE VILLAGE OF SOUTH BARRINGTON, CASE NO. 01CH114950 WHICH PERTAINS, AMONG OTHER THINGS, TO CERTAIN ANNEXATION

UNOFFICIAL COPY

AGREEMENTS, ZONING APPROVAL ORDINANCE, AND WHICH PROHIBITS THE CONSTRUCTION OF THE 150 UNIT ASSISTED LIVING STRUCTURE. FOR FURTHER PARTICULARS, SEE THE RECORDED DOCUMENT. ALL THE FOREGOING AS DISCLOSED BY THE AFFIDAVIT OF STEPHEN S. HERSETH RECORDED JANUARY 16, 2004 AS DOCUMENT 0401631118.

NOTE: THE OPTION TO PURCHASE IN FAVOR OF THE VILLAGE OF SOUTH BARRINGTON HAS EXPIRED.

14. TERMS AND CONDITIONS CONTAINED IN THE MEMORANDUM OF CERTAIN CONTRACT PROVISIONS MADE AS OF THE 21ST DAY OF APRIL, 2004, BY THE WOODS OF SOUTH BARRINGTON, LLC RECORDED APRIL 28, 2004 AS DOCUMENT 0411932009.
15. EASEMENT IN FAVOR OF AT&T AND COMED, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE PLAT RECORDED AS DOCUMENT 0627822039.
16. PRIVATE ROADWAY EASEMENT PROVISIONS FOR THE BENEFIT OF THE VILLAGE OF SOUTH BARRINGTON AND THE ENTIRE PROPERTY GRANTING RIGHT OF ACCESS TO AND OF INGRESS AND EGRESS ON, OVER, ACROSS, IN, UPON AND TO THOSE PARTS OF ALL LOTS SHOWN ON PLAT OF EASEMENT RECORDED MARCH 9, 2007 AS DOCUMENT 0706815087, KNOWN AS ARBORETUM BOULEVARD/LOT 3.
17. STORM SEWER EASEMENT PROVISIONS RESERVED FOR AND GRANTED TO ACACIA CREDIT FUND 9-A, L.L.C., ARBORETUM OF SOUTH BARRINGTON L.L.C., SOUTH BARRINGTON PARK DISTRICT, TOLLER WSB, L.P., VILLAGE OF SOUTH BARRINGTON AND ANY ENTITY GRANTED A SEWER AND WATER FRANCHISE BY THE VILLAGE, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, FOR THE PURPOSE OF INSTALLING, LAYING, OPERATING, MAINTAINING, INSPECTING, REMOVING, REPAIRING, REPLACING, RELAYING, AND ADDING PIPE OR PIPES FOR THE TRANSMISSION AND DISTRIBUTION OF STORM WATER, AS INDICATED ON PLAT OF EASEMENT RECORDED MARCH 9, 2007 AS DOCUMENT 0706815087.
18. WATER AND SEWER EASEMENT PROVISIONS RESERVED FOR AND GRANTED TO THE VILLAGE OF SOUTH BARRINGTON AND ANY ENTITY GRANTED A SEWER AND WATER FRANCHISE BY THE VILLAGE, ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSE OF INSTALLING, LAYING, OPERATING, MAINTAINING, INSPECTING, REMOVING, REPAIRING, REPLACING, RELAYING AND ADDING PIPE OR PIPES FOR THE TRANSMISSION AND DISTRIBUTION OF WATER, STORM SEWER AND

UNOFFICIAL COPY

SANITARY SEWERS, AS INDICATED ON PLAT OF EASEMENTS RECORDED MARCH 9, 2007 AS DOCUMENT 0706815087.

19. FORCE MAIN/SANITARY SEWER EASEMENT PROVISIONS GRANTED TO THE VILLAGE OF SOUTH BARRINGTON, AND ANY ENTITY GRANTED A SEWER AND WATER FRANCHISE BY THE VILLAGE, ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSE OF INSTALLING, LAYING, OPERATING, MAINTAINING, INSPECTING, REMOVING, REPAIRING, REPLACING, RELAYING AND ADDING TO PIPE OR PIPES, FOR THE TRANSMISSION AND DISTRIBUTION OF SANITARY SEWERS, AS INDICATED ON THE PLAT OF EASEMENT AND PLAT OF EASEMENT VACATION RECORDED MARCH 9, 2007 AS DOCUMENT 0706815089.
20. ORDINANCE NO. 2006-771 ANNEXING THE PROPERTY LOCATED NORTHWEST OF THE BARTLETT ROAD AND ILLINOIS ROUTE 72 INTERSECTION IN COOK COUNTY, ILLINOIS (THE ARBORETUM), TO THE VILLAGE OF SOUTH BARRINGTON DATED MAY 31, 2006 AND RECORDED AUGUST 9, 2006 AS DOCUMENT 0622134107.
21. TERMS AND PROVISIONS OF THE ANNEXATION AND DEVELOPMENT AGREEMENT AMONG THE VILLAGE OF SOUTH BARRINGTON AND THE WOODS OF SOUTH BARRINGTON, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, ET AL, RECORDED JANUARY 19, 2001 AS DOCUMENT 0010049341.

MEMORANDUM OF UNDERSTANDING AND CLARIFICATION RECORDED DECEMBER 12, 2001 AS DOCUMENT 001177490.

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT FOR THE WOODS OF SOUTH BARRINGTON RECORDED MAY 11, 2007 AS DOCUMENT NUMBER 0713126225.

FIRST AMENDMENT TO THE ANNEXATION AND DEVELOPMENT AGREEMENT FOR THE WOODS OF SOUTH BARRINGTON RECORDED MAY 11, 2007 AS DOCUMENT NUMBER 0713126226.

22. PLAT OF ANNEXATION RECORDED SEPTEMBER 18, 2000 AS DOCUMENT 00723012 FOR THE VILLAGE OF SOUTH BARRINGTON.
23. NOTICE OF REQUIREMENTS FOR STORM WATER DETENTION RECORDED FEBRUARY 7, 2007 AS DOCUMENT NO. 0703815139, AND THE TERMS, PROVISIONS AND CONDITIONS CONTAINED THEREIN.
24. THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA NO. 3 AS DISCLOSED BY ORDINANCE 2007-812 RECORDED AS DOCUMENT NUMBER 0717839089, SPECIAL SERVICE AREA NO. 6 AS DISCLOSED BY ORDINANCE 2007-823 RECORDED AS DOCUMENT NUMBER 0718031122, AND SPECIAL SERVICE AREA NO. 7 AS DISCLOSED BY ORDINANCE 2007-824,

UNOFFICIAL COPY

RECORDED AS DOCUMENT 0718031123, AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCES AND SUBSEQUENT RELATED ORDINANCES.

25. STORM WATER MANAGEMENT EASEMENT IN FAVOR OF THE VILLAGE OF SOUTH BARRINGTON, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE PLAT RECORDED JULY 30, 2007 AS DOCUMENT NO. 0721115094.
26. EASEMENTS, COVENANTS AND RESTRICTIONS (BUT OMITTING ANY SUCH COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN UNLESS AND ONLY TO THE EXTENT THAT SAID COVENANT (A) IS EXEMPT UNDER CHAPTER 42, SECTION 3607 OF THE UNITED STATES CODE OR (B) RELATES TO HANDICAP BUT DOES NOT DISCRIMINATE AGAINST HANDICAPPED PERSONS), RELATING TO ARCHITECTURAL REQUIREMENTS, SIGNAGE, MAINTENANCE AND REPAIR AND MAINTENANCE OF COMMON AREAS, CONTAINED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS DOCUMENT RECORDED JULY 30, 2007 AS DOCUMENT NO. 0721115096 WHICH DOES NOT CONTAIN A REVERSIONARY OR FORFEITURE CLAUSE.
27. MEMORANDUM OF OUTPARCEL AGREEMENT DATED JANUARY 23, 2008, MADE BY AND BETWEEN AMERICAN CHARTERED BANK AND ARBORETUM OF SOUTH BARRINGTON, LLC., RECORDED JANUARY 24, 2008 AS DOCUMENT 0802403027, AND THE TERMS, PROVISIONS AND CONDITIONS CONTAINED THEREIN.
28. ASSIGNMENT OF SALES TAX REBATES DATED JANUARY 23, 2008 AND RECORDED JANUARY 24, 2008 AS DOCUMENT 0802403028 MADE BY AMERICAN CHARTERED BANK, IN FAVOR OF ARBORETUM OF SOUTH BARRINGTON, LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHEREBY AMERICAN CHARTERED BANK, ASSIGNS ALL RIGHT, TITLE AND INTEREST IN AND TO ALL REBATES OF SALES TAXES PAYABLE BY THE VILLAGE OF SOUTH BARRINGTON WITH PURSUANT TO THE TERMS AND CONDITIONS OF THE ANNEXATION DEVELOPMENT AGREEMENT RECORDED AS DOCUMENT 0401631118 AND FURTHER ASSIGNED BY ASSIGNMENT OF SALES TAX REBATES DATED APRIL 27, 2011 AND RECORDED MAY 6, 2011 AS DOCUMENT NUMBER 1112640020 MADE BY ARBORETUM OF SOUTH BARRINGTON, A DELAWARE LIMITED LIABILITY COMPANY, IN FAVOR OF ARBORETUM MALL OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY.

UNOFFICIAL COPY

29. MEMORANDUM OF OUTPARCEL AGREEMENT DATED MARCH 27, 2008, MADE BY AND BETWEEN HIGHLAND PARK CVS, L.L.C. AND ARBORETUM OF SOUTH BARRINGTON, LLC., RECORDED MARCH 28, 2008 AS DOCUMENT 0808833194, AND THE TERMS, PROVISIONS AND CONDITIONS CONTAINED THEREIN.
30. GRANT OF TEMPORARY UTILITY EASEMENT MADE MARCH 27, 2008 BY ARBORETUM OF SOUTH BARRINGTON, LLC FOR THE BENEFIT OF HIGHLAND PARK CVS, L.L.C., RECORDED MARCH 28, 2008 AS DOCUMENT NUMBER 0808833196, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.
31. MEMORANDUM OF OUTPARCEL AGREEMENT DATED JULY 25, 2008 BY AND BETWEEN CREME DE LA CREME (BARRINGTON), INC. AND ARBORETUM OF SOUTH BARRINGTON, LLC, RECORDED JULY 28, 2008 AS DOCUMENT NUMBER 0821022072, AND THE TERMS, PROVISIONS AND CONDITIONS CONTAINED THEREIN.
32. PUBLIC UTILITY EASEMENT IN FAVOR OF VILLAGE OF SOUTH BARRINGTON, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT, ATTACHED AND RECORDED AS AN EXHIBIT TO ORDINANCE NO. 2013-990, AN ORDINANCE TO APPROVE AND AUTHORIZE THE EXECUTION OF A PUBLIC UTILITY EASEMENT AGREEMENT RECORDED JANUARY 8, 2014 AS DOCUMENT NUMBER 1400816054.
33. TERMS, PROVISIONS, CONDITIONS AND RESTRICTIONS OF THE DECLARATION OF COVENANTS AND RESTRICTIONS DATED APRIL 22, 2014 BY ARBORETUM MALL OWNER, LLC IN FAVOR OF THE U.S. ARMY CORPS OF ENGINEERS RECORDED MAY 14, 2014 AS DOCUMENT NUMBER 1413455085.
34. MORTGAGE DATED ~ AND RECORDED ~ AS DOCUMENT ~ MADE BY ABT OWNER 1, L.P., A DELAWARE LIMITED PARTNERSHIP TO UNION BANK TO SECURE A NOTE FOR \$67,200,000.00.
35. RIGHTS OF TENANT, AS TENANT ONLY UNDER LEASE MADE BY ARBORETUM MALL OWNER LLC TO THE SHERWIN-WILLIAMS COMPANY, AN OHIO CORPORATION DATED MARCH 25, 2015, A MEMORANDUM OF WHICH WAS RECORDED APRIL 7, 2015 AS DOCUMENT NO. 1509719031, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING APRIL 1, 2016 AND CONTINUING 10 YEARS, WITH THREE, FIVE YEAR RENEWAL OPTIONS, WHICH LEASE CONTAINS NO RIGHT OF FIRST REFUSAL OR OPTION TO PURCHASE.

UNOFFICIAL COPY

36. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL, HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS ARISING FROM THE COMPLETION OF THE TENANT IMPROVEMENT WORK FOR THE FOLLOWING TENANTS: SMALLCAKES AND CHRISTOPHER & BANKS.

Property of Cook County Clerk's Office