

# UNOFFICIAL COPY

This document was prepared by:

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After recording return to:

Susan Moraklis, Esq.  
Metropolitan Water Reclamation  
District  
Of Greater Chicago  
100 E. Erie Street  
Chicago, Illinois 60611



Doc#: 1603516061 Fee: \$50.00  
RHSP Fee: \$9.00 RPRF Fee: \$1.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 02/04/2016 02:36 PM Pg: 1 of 7

*This space reserved for Recorder's use only.*

Exempt under provisions of Paragraph (e)  
Section 31-45, Property Tax Code.

2-1-2016 Bel Ed  
Date Buyer, Seller, or Representative

718 606-7  
486 BE/ED

## MEMORANDUM OF ASSIGNMENT AND ASSUMPTION OF LEASE

THIS MEMORANDUM OF ASSIGNMENT AND ASSUMPTION OF LEASE (this "Memorandum") is dated the 1st day of Feb., 2016 and is made and entered into by and among **KINDER MORGAN OPERATING L.P. "D"**, a Delaware limited partnership, having an address of 1001 Louisiana Street, Suite 1000, Houston, Texas 77002 ("**Transferor**"), **KM PHOENIX HOLDINGS LLC**, a Delaware limited liability company, having an address of 1001 Louisiana Street, Suite 1000, Houston, Texas 77002 ("**Transferee**"), and the **METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**, a body corporate and politic organized under the laws of the State of Illinois having an address of 100 E. Erie Street, Chicago, Illinois 60611 ("**Landlord**"); and together with Transferee and Transferor, collectively, the "**Parties**").

KNOW ALL PERSONS BY THESE PRESENTS THAT:

WHEREAS, The Sanitary District of Chicago, a municipal corporation organized under the laws of the State of Illinois ("**SDC**"), and Oil Terminal Corporation, an Illinois corporation ("**OTC**"), entered into that certain Indenture dated January 15, 1940, recorded March 11, 1940 with the Cook County Recorder of Deeds (the "**Recorder**") as Document Number 12447028, as assigned by that certain Assignment of Lease between OTC and Arrow Petroleum Co., an Illinois corporation ("**Arrow**") dated as of June 26, 1950 and recorded with the Recorder on September 7, 1950 as Document Number 14896286, that certain Assignment of Lease between Arrow and Standard Oil Company, an Indiana corporation ("**Standard**") dated as of August 25, 1954 and recorded with the Recorder on September 13, 1954 as Document Number 16013580, and that

Handwritten initials

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certain Assignment of Lease between Standard and The American Oil Company, a Maryland corporation ("**American**"), dated as of April 11, 1961 and recorded with the Recorder on April 24, 1961 as Document Number 18143116, as affected by that certain Agreement between SDC, Arrow and OTC dated September 14, 1950 and recorded with the Recorder on September 29, 1950, as Document Number 14915033, and as amended by that certain unrecorded Amendment to Lease between The Metropolitan Sanitary District of Great Chicago ("**MSDGC**"), formerly the SDC, and Arrow Oil Company, a Maryland corporation ("**Arrow Oil**"), formerly known as American Oil Company, dated January 27, 1981, the term of which commenced on January 15, 1940 and shall expire on January 14, 2039 (the "**Lease**") whereby SDC leased to American that certain real property located in Cook County, Illinois and more particularly identified on Exhibit A attached hereto, together with the improvements located thereon (the "**Property**").

WHEREAS, Landlord is the successor-in-interest to SDC and MSDGC and BP Products North America Inc., a Maryland corporation ("**BP**") is the successor-in-interest to Arrow Oil and American.

WHEREAS the Lease was previously assigned by BP to Transferor and such assignment was consented to by Landlord, and the existence of the same was shown for the public record by a previous Memorandum of Assignment and Assumption of Lease filed for record.

WHEREAS, Transferor has assigned the Lease to Transferee and Transferee has assumed the Lease from Transferor pursuant to that certain Assignment and Conveyance dated as of Feb. 1, 2016 by and between Transferor and Transferee (the "**Assignment**").

WHEREAS, Landlord consented to the Assignment pursuant to that certain Consent to Assignment of Lease dated as of January 21, 2016 by and among Transferor, Transferee, and Landlord.

WHEREAS, the Parties wish to show for the public record the existence of the aforesaid Assignment, and the respective interests therein of the Parties.

NOW, THEREFORE, to accomplish the foregoing, the Parties are filing this Memorandum of Assignment and Assumption of Lease.

This Memorandum is executed and recorded solely for the purpose of providing record notice of the Assignment and shall not supersede or in any way modify the terms or conditions of the Assignment or the Lease. In the event of any conflict or inconsistency between this Memorandum and the Assignment or the Lease, the Lease shall govern and control.

This Memorandum may be signed in multiple counterparts, all of which, when taken together, shall constitute a single and enforceable agreement.

**[Signature Pages Follow]**

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IN WITNESS WHEREOF, each of the undersigned has caused this Memorandum to be executed by a duly authorized officer as of the day and year first above written.

**TRANSFEROR:**

**KINDER MORGAN OPERATING L.P.**  
"D", a Delaware limited partnership

By: Kinder Morgan G.P., Inc., a Delaware corporation, its General Partner

By: [Signature]  
Name: John W. Schlosser  
Title: Vice President

Property of Cook County Clerk's Office

**(ACKNOWLEDGMENT)**

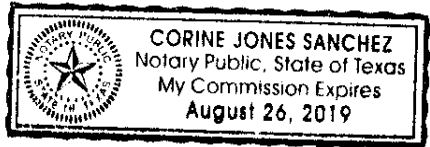
STATE OF Texas  
§  
§  
§  
COUNTY OF Harris  
§

Personally appeared before me, the undersigned authority in and for the said county and state, on this 2<sup>nd</sup> day of January, 2016, within my jurisdiction, the within named John W. Schlosser who acknowledged that he [she] is Vice President of Kinder Morgan G.P., Inc., a Delaware corporation, the General Partner of KINDER MORGAN OPERATING L.P. "D", a Delaware limited partnership, and that for and on behalf of said limited partnership, and as its act and deed, he [she] executed the above and foregoing Memorandum after first having been duly authorized by said partnership to do so.

[Signature]  
Notary Public

My Commission Expires: 08/26/18

[AFFIX NOTARIAL SEAL]



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**TRANSFeree:**

**KM PHOENIX HOLDINGS LLC**, a Delaware limited liability company

By: *Randal T. Maffett*  
Name: Randal T. Maffett  
Title: Vice President

Property of County Clerk's Office

**(ACKNOWLEDGMENT)**

STATE OF Texas §  
§  
§

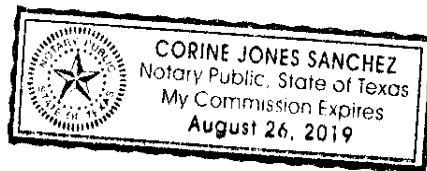
COUNTY OF Harris §

Personally appeared before me, the undersigned authority in and for the said county and state, on this 21<sup>st</sup> day of January, 2016, within my jurisdiction, the within named Randal T. Maffett who acknowledged that he/she is Vice President of KM PHOENIX HOLDINGS LLC., a Delaware limited liability company, and that for and on behalf of said limited liability company and as its act and deed, he/she executed the above and foregoing Memorandum, after first having been duly authorized by said limited liability company to do so.

*Corine Jones Sanchez*  
Notary Public

My Commission Expires: 08/26/19

[AFFIX NOTARIAL SEAL]



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LANDLORD:

**METROPOLITAN WATER  
RECLAMATION DISTRICT OF  
GREATER CHICAGO**, a body corporate and  
politic existing under the laws of the State of  
Illinois

By: Susan Morakalis  
Name: Susan Morakalis  
Title: Head Assistant Attorney

Property of Cook County Notary Office

(ACKNOWLEDGMENT)

STATE OF ILLINOIS

COUNTY OF Cook

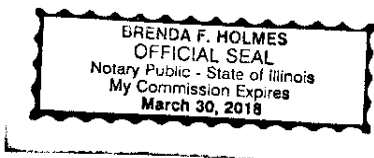
§  
§  
§  
§

Personally appeared before me, the undersigned authority in and for the said county and state, on this 28<sup>th</sup> day of January, 2016, within my jurisdiction, the within named Susan Morakalis who acknowledged that he/she is Head Assistant Attorney of METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, a body corporate and politic existing under the laws of the State of Illinois, and that for and on behalf of said body corporate and politic and as its act and deed, he/she executed the above and foregoing Memorandum, after first having been duly authorized by said body corporate and politic to do so.

[Signature]  
Notary Public

My Commission Expires: 3/30/18

[AFFIX NOTARIAL SEAL]



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## EXHIBIT A

### PROPERTY

ALL THAT PART OF LOT 101 IN SANITARY DISTRICT TRUSTEES' SUBDIVISION OF RIGHT OF WAY FROM NORTH AND SOUTH CENTERLINE OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN TO WILL COUNTY LINE, LYING SOUTH OF A LINE 550 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT 101, AND NORTH OF A LINE 850 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT 101, EXCEPT THE WEST 80 FEET THEREOF; ALSO ALL THAT PART OF LOT 99 OF THE AFORESAID SUBDIVISION LYING SOUTH OF A LINE 550 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT 99, EXCEPT THAT PART LYING SOUTH OF A LINE 850 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT 99 AND WEST OF A LINE 125 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 99, CONTAINING 16.58 ACRES, MORE OR LESS, IN COOK COUNTY, ILLINOIS.

Permanent Real Estate Index Number(s): 19-07-100-018-0000

Address of Real Estate: 4811 South Harlem Avenue, Forest View, Illinois

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## GRANTOR/GRANTEE AFFIDAVIT: STATEMENT BY GRANTOR AND GRANTEE AS REQUIRED BY SECTION 35 ILCS 200/31-47

### GRANTOR SECTION

The GRANTOR or her/his agent, affirms that, to the best of her/his knowledge, the name of the GRANTEE shown on the deed or assignment of beneficial interest (ABI) in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or another entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

DATED: Feb. 1, 2016

SIGNATURE: [Signature]  
GRANTOR or AGENT

**GRANTOR NOTARY SECTION:** The below section is to be completed by the NOTARY who witnesses the signature of GRANTOR's agent.

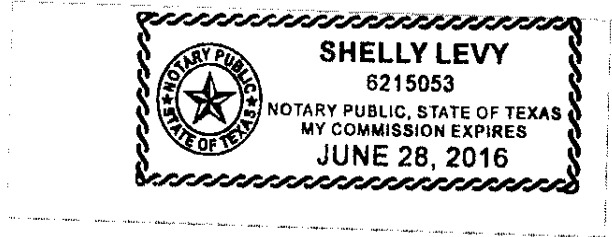
Subscribed and sworn to before me, Name of Notary Public:

By the said (Name of Grantor's agent): John W. Schlosser

On this date of: 1 | 1 | 28 | 2016

NOTARY SIGNATURE: [Signature]

AFFIX NOTARY STAMP BELOW



### GRANTEE SECTION

The GRANTEE or her/his agent affirms and verifies that the name of the GRANTEE shown on the deed or assignment of beneficial interest (ABI) in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

DATED: Feb. 1, 2016

SIGNATURE: [Signature]  
GRANTEE or AGENT

**GRANTEE NOTARY SECTION:** The below section is to be completed by the NOTARY who witnesses the signature of GRANTEE's agent.

Subscribed and sworn to before me, Name of Notary Public:

By the said (Name of Grantee's agent): John W. Schlosser

On this date of: 1 | 28 | 2016

NOTARY SIGNATURE: [Signature]

AFFIX NOTARY STAMP BELOW



### CRIMINAL LIABILITY NOTICE

Pursuant to Section 55 ILCS 5/3-5020(b)(2), Any person who knowingly submits a false statement concerning the identity of a GRANTEE shall be guilty of a **CLASS C MISDEMEANOR** for the **FIRST OFFENSE**, and of a **CLASS A MISDEMEANOR**, for subsequent offenses.

(Attach to DEED or ABI to be recorded in Cook County, Illinois if exempt under provisions of SECTION 4 of the Illinois Real Estate Transfer Act: (35 ILCS 200/Art. 31)