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RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

King & Spalding, LLP
300 South Tryon Street
Suite 1700
Charlotte, North Carolina 28202
Attn: R. Davis Powell

Doc# 1935017080 Fee \$88.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 12/16/2019 02:35 PM PG: 1 OF 22

Address and Permanent Tax Index Numbers:

See Exhibit A and Exhibit B

THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS AND RECIPROCAL EASEMENTS

(Block 37 Air Rights)

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS AND RECIPROCAL EASEMENTS (this "Amendment"), is made as of the _____ day of December, 2019, 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 the real property located in Cook County, Illinois.

RECITALS

WHEREAS, Retail Owner and Air Rights Owner entered into that certain Declaration of Covenants, Conditions & Restrictions and Reciprocal Easements dated as of November 21, 2013 and recorded on January 29, 2015, as Document Number 1502945047, in the Recorder's Office of Cook County, Illinois, as amended by that certain First Amendment of Declaration of Covenants, Conditions & Restrictions and Reciprocal Easements dated as of January 23, 2015 and recorded January 29, 2015, as Document Number 1502945048, as amended further by that certain Second Amendment of Declaration of Covenants, Conditions & Restrictions and Reciprocal Easements dated as of January 10, 2017 and recorded on March 29, 2017, as Document Number 1708847080 (collectively, the "Original Declaration"); and

WHEREAS, Retail Owner is the owner of the land located in Chicago, Illinois legally described on Exhibit A attached hereto (the "Retail Parcel"), on which a retail project is located (the "Retail Project"); and

WHEREAS, Air Rights Owner is the owner of the three dimensional legal parcel situated above the Retail Project and legally described on Exhibit B attached hereto (the "Air Rights Parcel"), on which a residential project is located (the "Air Rights Project"); and

WHEREAS, certain physical improvements on the fifth and sixth floors of the Air Rights Project that are the property of Air Rights Owner, and which benefit the structure and improvements of the Air Rights Project, partially encroach upon the Retail Parcel as depicted on Exhibit C attached hereto (the "Encroaching Improvements"); and

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WHEREAS, Retail Owner is willing to grant, and Air Rights Owner desires to receive, a perpetual appurtenant nonexclusive encroachment easement for the use of that certain portion of the Retail Parcel where the Encroachment Improvements are located, the approximate location of which is depicted on Exhibit C attached hereto (the “**Encroachment Easement Premises**”), for the existence, maintenance, demolition and removal of the Encroachment Improvements (the “**Encroachment Easement**”); and

WHEREAS, the Retail Owner and the Air Rights Owner desire to further amend the Original Declaration as set forth herein. The Original Declaration as modified by this Amendment shall be referred to as the “**Declaration**”.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration the receipt and adequacy of which are hereby acknowledged, Retail Owner and Air Rights Owner, for itself, its successors and assigns, hereby declare as follows:

1. Incorporation of Recitals. All of the foregoing recitals are incorporated herein by this reference hereto with the same force and effect as though recited herein.

2. Amendment of Article 1. Article 1 of the Original Declaration is amended by adding a new Section 1.88:

“1.88 Additional Defined Terms:

1.88.1 “**Encroachment Easement**” shall have the meaning set forth in that certain Third Amendment to Declaration of Covenants, Conditions & Restrictions and Reciprocal Easements, dated as of December 1, 2019, by and between Retail Owner and Air Rights Owner (the “**Third Amendment to Declaration of Covenants, Conditions & Restrictions and Reciprocal Easements**”).

1.88.2 “**Encroachment Easement Premises**” shall have the meaning set forth in the Third Amendment to Declaration of Covenants, Conditions & Restrictions and Reciprocal Easements.

1.88.3 “**Encroachment Improvements**” shall have the meaning set forth in the Third Amendment to Declaration of Covenants, Conditions & Restrictions and Reciprocal Easements.

3. Grant of Encroachment Easement. Section 2.3 of the Original Declaration is amended by adding the following new Sections 2.3.1 and 2.3.2:

“2.3.1 Retail Owner hereby grants to Air Rights Owner and its Permittees the Encroachment Easement. The foregoing easement right shall include the right to access the Encroachment Easement Premises over, upon, across and through such portions of the Retail Parcel as are reasonable and appropriate in order to perform any maintenance, demolition or removal of the Encroaching Improvements or any portion thereof.

2.3.2 Unless otherwise provided in this Declaration or otherwise agreed in writing by the Retail Owner and Air Rights Owner, the Air Rights Owner shall be responsible (as between the Air Rights Owner and the Retail Owner) for the maintenance and repair of the Encroachment Improvements installed in the Encroachment Easement Premises.”

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4. Enforcement Rights. A new Section 15.27 is hereby added to the Original Declaration as follows:

"15.27 Enforcement Rights. Air Rights Owner and Retail Owner acknowledge that Retail Owner is a party to that certain Reciprocal Easement and Operating Agreement dated December 31, 2008 and recorded as Document Number 0836611089 in the Recorder's Office of Cook County, Illinois (as amended and assigned, the "**REA**") that encumbers the Retail Project and the Air Rights Project. Retail Owner agrees that Air Rights Owner shall have the right to cause Retail Owner to exercise remedies that are available to Retail Owner in respect of any default (beyond any applicable notice and cure periods) by any other party to the REA that would reasonably be expected to have a material adverse effect on the Air Rights Project. Retail Owner also grants to Air Rights Owner an irrevocable power of attorney, coupled with an interest, to exercise such remedies (but only to the extent that Retail Owner fails to do so within ten days after Air Rights Owner's written request)."

5. Defined Terms. Capitalized terms used herein, but not otherwise defined herein, shall have the meanings given to them in the Original Declaration.

6. Entire Agreement. Except as expressly modified by this Amendment, the Original Declaration shall remain in full force and effect.

7. Governing Law. This Amendment shall be governed by and construed in accordance with the laws of the State of Illinois.

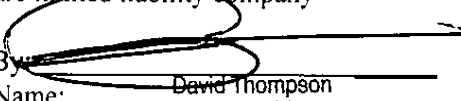
[Remainder of Page Intentionally Left Blank]

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IN WITNESS WHEREOF, the parties hereto have executed and delivered this Amendment under seal the date first above written.

RETAIL OWNER:

108 NORTH STATE STREET (CHICAGO) OWNER, LLC,
a Delaware limited liability company

By: 
Name: David Thompson
Title: Vice President
and
Chief Financial Officer

STATE OF _____

COUNTY OF _____

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:
_____ (insert name only (not title) of individual signing document).

Date: _____

Official Signature of notary

Notary's printed or typed name, Notary Public

Property of Cook County Clerk's Office

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CIVIL CODE § 1189

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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 }

On Dec 4, 2019, before me, MAGGIE MURADIAN, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared DAVID THOMPSON who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.



Place Notary Seal and/or Stamp Above

Signature *Maggie Muradian*
Signature of Notary Public

Office

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AIR RIGHTS OWNER:

**NORTH STATE STREET AIR RIGHTS (CHICAGO)
OWNER, LLC**, a Delaware limited liability company

By: _____
Name: David Thompson
Title: Vice President
and
Chief Financial Officer

STATE OF _____

COUNTY OF _____

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:
_____ (insert name only (not title) of individual signing document).

Date: _____

Official Signature of notary

Notary's printed or typed name, Notary Public

Property of Cook County Clerk's Office

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CIVIL CODE § 1189

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State of CALIFORNIA }
County of LOS ANGELES }

On Dec. 4, 2019, before me, MAGGIE MURADIAN, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared DAVID THOMPSON who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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 
Signature of Notary Public

Place Notary Seal and/or Stamp Above

Property of County Clerk's Office

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EXHIBIT A

Retail Parcel Legal Description

COOK COUNTY
RECORD OF DEEDS

COOK COUNTY
RECORD OF DEEDS

COOK COUNTY
RECORD OF DEEDS

Property of Cook County Clerk's Office

[Exhibit A]

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(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

(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;

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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, 324.00 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 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 -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 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;

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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 parallel line, 120.13 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;

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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, 329.63 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 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;

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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 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

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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 273.96 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 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, 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 and elevation +14.50 Chicago City Datum; thence North

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88°54'02" West, along the aforementioned South line, 16.29 feet 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, 18.20 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;

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;

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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 50°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 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 +117.83 C.C.D. Lower Limit +103.83 C.C.D.)

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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 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;

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EXHIBIT B

Air Rights Parcel Legal Description

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.

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

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CORNER OF BLOCK 37, AFORESAID; THENCE SOUTH 89°08'58" EAST, ALONG THE NORTH LINE 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.

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

[Exhibit B]

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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").

PARCEL 4:

EASEMENTS (INCLUDING FOR PEDESTRIAN ACCESS, TEMPORARY CONSTRUCTION, UTILITIES, COMMON AREAS AND MAINTENANCE AND REPAIR), AFFORDED TO THE "AIR RIGHTS PARCEL" AS DEFINED IN, AND AS ARE SET FORTH AND MORE PARTICULARLY DESCRIBED IN, THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS AND RECIPROCAL EASEMENTS (BLOCK 37 AIR RIGHTS) DATED NOVEMBER 21, 2013, RECORDED JANUARY 29, 2015, AS DOCUMENT NUMBER 1502945047 AS AMENDED BY THE FIRST AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS AND RECIPROCAL EASEMENTS (BLOCK 37 AIR RIGHTS) DATED JANUARY 23, 2015, AND RECORDED JANUARY 29, 2015 AS DOCUMENT NUMBER 1502945048.

Pin No. 17-09-451-036-0000

Pin No. 17-09-451-037-0000

Pin No. 17-09-451-038-0000

Note for information: Being commonly known as Air Rights Parcel at 108 North State Street, in the City of Chicago, Cook County, Illinois.

[Exhibit B]

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EXHIBIT C

Encroachment Easement Premises

COOK COUNTY
RECORDERS OFFICE

Property of Cook County Clerk's Office

COOK COUNTY
RECORDERS OFFICE

COOK COUNTY
RECORDERS OFFICE

[Exhibit C]

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