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Doc#: 1935846375 Fee: \$98.00

Edward M. Moody

Cook County Recorder of Deeds

Date: 12/24/2019 01:38 PM Pg: 1 of 7

PREPARED BY:

Taft Stettinius & Hollister LLP
111 E. Wacker Drive, Suite 2800
Chicago, Illinois 60601
Attention: Jordan L. Bass, Esq.

Dec ID 20191201663997

ST/CO Stamp 1-749-149-024 ST Tax \$3,729.00 CO Tax \$1,864.50

WHEN RECORDED MAIL TO:

PAPST REAL ESTATE I LLLP
17130 Dallas Parkway, Suite 240
Dallas, Texas 75248
Attention: Martin Crevecoeur

CH 11905962 CO REC
12/24

SPECIAL WARRANTY DEED

For and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, GMX MIDLAND HOMEWOOD II, LLC, an Ohio limited liability company ("**Grantor**"), hereby grants and conveys to PAPST REAL ESTATE I LLLP, a Kentucky limited liability limited partnership ("**Grantee**"), the real property located at 820 W. 175TH STREET, Homewood, Illinois 60430 in Cook County, Illinois, legally described as:

See legal description set forth in Exhibit A attached and incorporated by this reference (the "**Property**").

together with all right, title and interest of Grantor in and to all improvements located on the Property; all appurtenant rights and easements, if any, benefiting the Property; and all rights, benefits, privileges and appurtenances pertaining to the Property, and including without limitation, any right, title and interest of Grantor in and to adjacent streets, alleys or rights-of-way.

SUBJECT TO current real property taxes and all unpaid non-delinquent general and special taxes, bonds and assessments; and those matters shown on Exhibit B, attached hereto and made a part hereof for all purposes.

TO HAVE AND TO HOLD the Property unto said Grantee and its successors and assigns forever, and Grantor will warrant and defend the title to the Property conveyed hereby unto said Grantee against the lawful claims and demands of all claiming by, through and under Grantor, but no other.

[Signature page follows]


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Dated this 10 day of December, 2019.

GRANTOR:

GMX MIDLAND HOMEWOOD II, LLC,
an Ohio limited liability company

By: MAP Homewood II, LLC,
its Operating Manager

By: 

Ryan L. Kyte
Manager

STATE OF OHIO)

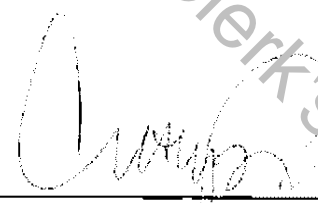
)

COUNTY OF HAMILTON)

)

The foregoing instrument as acknowledged before me this 13 day of December, 2019,
by Ryan L. Kyte as Manager of MAP Homewood II, LLC, as Operating Manager of GMX
MIDLAND HOMEWOOD II, LLC, an Ohio limited liability company.

WITNESS my hand and official seal.



Notary Public

My commission expires: July 30, 2023



CATHY L. SPARKS
Notary Public, State of Ohio
My Commission Expires 07-30-2023

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EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

PARCEL 1:

LOT 2 IN GMX-MIDLAND SUBDIVISION, BEING A SUBDIVISION IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 2018 AS DOCUMENT NUMBER 1826816006 AND A CERTIFICATE OF CORRECTION RECORDED OCTOBER 4, 2019 AS DOCUMENT 1927706144, IN COOK COUNTY, ILLINOIS

PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS GRANTED IN THE ACCESS, PARKING AND SIGN EASEMENT AGREEMENT RECORDED OCTOBER 11, 2017 AS DOCUMENT 1728445074 FOR VEHICULAR AND PEDESTRIAN INGRESS, EGRESS AND PARKING OVER, ACROSS AND UPON THE PAVED ENTRANCEWAY AND DRIVE LANES AS DESCRIBED AND INCLUDED IN THE DESIGNATION OF LETTER "A" AND AS DEPICTED AND DESCRIBED ON EXHIBIT C ATTACHED THERETO.

PARCEL 3:

NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL 1 AS GRANTED IN THE DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS RECORDED NOVEMBER 19, 2018 AS DOCUMENT 182313050 AND AS AMENDED BY AMENDED AND RESTATED DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENT RECORDED SEPTEMBER 17, 2019 AS DOCUMENT NUMBER 1926017094, FOR THE FOLLOWING:

1. CROSS ACCESS EASEMENT FOR VEHICULAR AND PEDESTRIAN USE FOR INGRESS AND EGRESS TO, FROM AND ACROSS THE LOTS; AND ACCESS TO AND FROM PUBLIC AND PRIVATE RIGHT-OF WAYS TO AND FROM THE LOTS AS DEPICTED ON EXHIBIT "B-1" ATTACHED THERETO;
2. CROSS PARKING EASEMENT FOR THE PURPOSES OF PARKING VEHICLES OF AGENTS, EMPLOYEES, CUSTOMERS AND INVITEES, ON, OVER, ACROSS THROUGH AND UPON THE PARKING AREAS, INCLUDING THE JOINT PARKING AREA DEPICTED ON EXHIBIT "B-2" ATTACHED THERETO;
3. CROSS EASEMENT AREA WHICH INCLUDES ALL PAVED AREAS ON THE LOTS AND JOINT PARKING AREA AND PROTECTED DRIVES, AND EXCLUDING ANY BUILDINGS AND IMPROVEMENTS AND OTHER EXCEPTIONS MADE THEREIN AS DEPICTED ON EXHIBIT "C" ATTACHED THERETO;

ALL OVER THE FOLLOWING DESCRIBED LAND:

LOT 1 IN GMX-MIDLAND SUBDIVISION, BEING A SUBDIVISION IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF

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EXHIBIT B

EXCEPTIONS TO TITLE TO THE PROPERTY

1. **Taxes for the year(s) 2019
2019 taxes are not yet due or payable.**
2. **An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document entitled Short Form Lease , GMX Midland Homewood II, LLC, lessor, Chick-Fil-A, Inc. , lessee. recorded on August 8, 2018 as Document No. 1822045048, beginning on commencement date and ending 20 years later with options to extend.**

And all rights thereunder of, and all acts done or suffered thereunder by, said Lessee or by any party claiming by, through or under said Lessee.

First amendment to Short Form Lease recorded April 2, 2019 as document number 1909245035.
3. **Existing unrecorded leases in favor of Panera, LLC and Chick-Fil-A, Inc., as disclosed by the ALTA Statement dated August 21, 2013. and all rights thereunder of the lessees and of any person or party claiming by, through or under the lessees.**
4. **Access, parking and sign easement agreement recorded October 11, 2017, as Document Number 1728445074 for vehicular and pedestrian access, ingress and egress, over and upon paved entranceways and drive lanes, signs and temporary construction easement and the terms, provisions and conditions as set forth therein**

(Affects underlying Land and other property)
5. **Terms, provisions, covenants and conditions of ordinance number N-602 of the Village of Homewood. being entitled "An Ordinance Granting Preliminary Approval for the Washington Park Planned Unit Development and Authorizing the Execution of a Statement of Intent in that Development". said ordinance recorded February 7, 1980 as Document 25353091 .**

(Affects underlying Land)
6. **Public utility easements over the Land as shown on the Plat of Richmond Subdivision aforesaid recorded as Document 25688712 and as amended by documents recorded as 25878037, 25916822, 25949144 and 25949145 .**

Easement for water main added by Plat 25878037 .

Plat of vacation 25916822 and Documents 25949144 - release by Illinois Bell- and 25949145 - release by Commonwealth Edison- purport to vacate the easement located on the West 15 feet of the East 52.5 Feet - but not released by gas company or other utilities

A portion of the Easement is vacated by the Certificate of Correction recorded October 4, 2019 as Document 1927706144 as to that part labeled "hereby vacated".

(Affects underlying land, see documents for particulars)
7. **Ordinance M-654 recorded May 1, 1981 as Document 25856379 granting final approval of Land use.**

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Easements, terms and provisions contained in an agreement creating common driveway easement and providing for the maintenance thereof, between Matteson-Richton Bank and South Holland Trust & Savings Bank, as Trustee under Trust Agreement dated January 27, 1981 known as Trust Number 5683, recorded October 7, 1985 as Document 85223218 .

(Affects underlying Land and other property)

8. Easement of favor of Commonwealth Edison and AT&T, 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 No. 1826816006 over a 10 foot strip of land.
9. Easement of favor of Nicor Gas, its 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 No. 1826816006 over a 10 foot strip of land.
10. Terms, provisions, conditions and restrictions, including but not limited to use restrictions and conditions, Pursuant to Ordinance No. M-20700 recorded May 9, 2018 as document 1812906122 amending the planned unit development at the Northwest Corner of Halsted and 175TH streets to allow demolition of the current building and construction of two restaurants .
11. A perpetual easement appurtenant granted to the Village of Homewood its successors and assigns, over, upon, across, through and under those portions of the described real estate designated as utility easement on GMX-Midland Subdivision recorded as Document Number 1826816006 for the purpose of installing, laying, constructing, operating, maintaining, repairing, renewing and replacing village utilities including but not limited to sanitary sewer lines, and other village utilities , together with all appurtenant structures, and any and all other fixtures and equipment required for the purpose of serving the above described real estate with sanitary sewer service and other municipal services whatsoever. In no event shall any permanent building be placed upon the said easement areas, but they may be used for shrubs, landscaping and such other purposes that do not, and will not in the future, interfere unreasonably with the easement rights herein granted.
12. Per the GMX-Midland Subdivision recorded as Document No. 1826816006, there shall be no direct vehicular access to IDOT IL 1 (Halsted Street) from Lot 1.

All other access shall be via internal circulation.

13. 5 foot sidewalk easement as shown on the plat of subdivision recorded as Document Number 1826816006.
14. 10 X 20 foot sign easement granted per plat of subdivision recorded as Document Number 1826816006
15. Terms, provisions, conditions and restrictions as contained in the Declaration of Restrictions and Grant of Easements dated November 14, 2018 by GMX Midland Homewood II, LLC, an Ohio Limited Liability Company and recorded November 19, 2018 as Document 182313050 including but not limited to grant of easements, use of easements, use of the Lots, including restriction that so long as the Chick-fil-A lease is in full force or effect, no portion of Lot 2 will be leased, uses or occupied for the uses described in Exhibit "G-2", maintenance and maintenance standards, building standards, Construction Requirements for Buildings and Improvements and Insurance.

Amended and Restated Declaration of Restrictions and Grant of Easement recorded September 17, 2019 as Document Number 1926017094.

Easements for cross access, cross parking, cross easement, utility, drainage, signage and maintenance fees as contained in aforesaid instrument.

16. Term, provisions and conditions contained in the Watershed Management Permit Requirements and Obligations of Perpetual Maintenance & Operation recorded August 22, 2019 as Document Number 1923422075.

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17. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat; for purpose Utility Easement, affects a portion of the Land as Document No. 1929134094.

Property of Cook County Clerk's Office