



Doc# 2102719097 Fee \$85.00

KAREN A. YARBROUGH

**MEMORANDUM OF EASEMENT**

COOK COUNTY CLERK

DATE: 01/27/2021 03:48 PM PG: 1 OF 5

THIS MEMORANDUM OF EASEMENT is hereby executed this 5<sup>th</sup> day of May, 2020, by and between **BNSF RAILWAY COMPANY**, a Delaware corporation ("**Grantor**"), whose address for purposes of this instrument is 2500 Lou Menk Drive, Fort Worth, Texas 76131, and The Illinois State Toll Highway Authority, an instrumentality and administrative agency of the State of Illinois ("**Grantee**"), whose address for purposes of this instrument is 2700 Ogden Avenue Downers Grove, IL 60515, which terms "Grantor" and "Grantee" shall include, wherever the context permits or requires, singular or plural, and the heirs, legal representatives, successors and assigns of the respective parties:

**WITNESSETH:**

**WHEREAS**, Grantor owns or controls certain real property situated in Cook County, Illinois as described on **Exhibit "A"** attached hereto and incorporated herein by reference (the "**Premises**");

**WHEREAS**, Grantor and Grantee entered into an Easement Agreement, dated May 5, 2020 (the "**Easement Agreement**") which set forth, among other things, the terms of an easement granted by Grantor to Grantee over and across the Premises (the "**Easement**"); and

**WHEREAS**, pursuant to the Easement Agreement, the certain Easement dated January 17, 1958 by and between the Chicago, Burlington & Quincy Railroad Company and the Illinois State Toll Highway Commission, recorded with the Cook County Recorder of Deeds at Book 55838, Page 356 ("1958 Easement") is to be released by Grantee to Grantor as part of the conveyance of the Easement; and

**WHEREAS**, Grantor and Grantee desire to memorialize the terms and conditions of the Easement Agreement of record.

For valuable consideration the receipt and sufficiency of which are hereby acknowledged, Grantor does grant unto Grantee and Grantee does hereby accept from Grantor the Easement over and across the Premises.

The term of the Easement, unless sooner terminated under provisions of the Easement Agreement, shall be perpetual.

All the terms, conditions, provisions and covenants of the Easement Agreement are incorporated herein by this reference for all purposes as though written out at length herein, and both the Easement Agreement and this Memorandum of Easement shall be deemed to constitute a single instrument or document. This Memorandum of Easement is not intended to amend, modify, supplement, or supersede any of the provisions of the Easement Agreement and, to the extent there may be any conflict or inconsistency between the Easement Agreement or this Memorandum of Easement, the Easement Agreement shall control.

# UNOFFICIAL COPY

The 1958 Easements previously granted to Grantee and recorded at Book 55838, Page 356 is hereby conveyed, quit claimed, and released by Grantee to Grantor pursuant to the terms provided in the Easement Agreement.

**IN WITNESS WHEREOF;** Grantor and Grantee have executed this Memorandum of Easement to as of the date and year first above written.

**GRANTOR:**

**BNSF RAILWAY COMPANY**, a Delaware corporation

By: *Blaine Bilderback*  
Blaine Bilderback  
Its: Director Real Estate

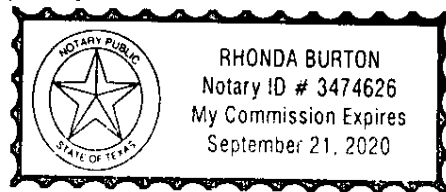
STATE OF TEXAS           §  
  §  
COUNTY OF TARRANT   §

This instrument was acknowledged before me on the 5<sup>th</sup> day of May, 2020, by Blaine Bilderback as Director Real Estate of **BNSF RAILWAY COMPANY**, a Delaware corporation.

*Rhonda Burton*  
Notary Public

My appointment expires: 9/4/2020

(Seal)



# UNOFFICIAL COPY

**GRANTEE:**

**Illinois State Toll Highway Authority**, an instrumentality and administrative agency of the State of Illinois

By: Jose R. Alvarez

Name: **Jose R. Alvarez**

Title: **Executive Director**

STATE OF Illinois §

COUNTY OF DuPage §  
§

This instrument was acknowledged before me on the 24th day of February, 2020, by Jose R. Alvarez as Executive Director of The Illinois State Toll Highway Authority, an Instrumentality and Administrative Agency of the State of Illinois.

Nancy L. Cordero  
Notary Public

My appointment expires: 3/18/23

(Seal)



# UNOFFICIAL COPY

## EXHIBIT A

LEGAL DESCRIPTION: PERMANENT EASEMENT PARCEL TW-5-16-134.01P

THAT PART OF THE SOUTH WEST QUARTER OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. BEARINGS BASED ON ILLINOIS STATE PLANE COORDINATES, EAST ZONE, NAD 83 (2011 ADJUSTMENT), ALL DISTANCES ARE GRID, ALL AREAS ARE GROUND. COMBINED FACTOR=0.999958161 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE NORTH 87 DEGREES 53 MINUTES 01 SECONDS EAST, 1695.03 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE WEST RIGHT OF WAY LINE OF THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY PARCEL T-5-95 PER DOCUMENT 1759508 RECORDED SEPTEMBER 19, 1957; THENCE NORTH 16 DEGREES 12 MINUTES 35 SECONDS WEST, 851.13 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF SAID PARCEL T-5-95, ALSO BEING THE SOUTHERLY RIGHT OF WAY OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, SAID LINE BEING 75.00 FEET SOUTHERLY AND PARALLEL WITH THE CENTERLINE OF THE MAIN TRACK OF SAID RAILROAD, TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 16 DEGREES 12 MINUTES 35 SECONDS WEST, 25.26 FEET; THENCE SOUTH 73 DEGREES 46 MINUTES 38 SECONDS WEST, 26.06 FEET; THENCE NORTH 16 DEGREES 13 MINUTES 22 SECONDS WEST, 16.00 FEET; THENCE NORTH 73 DEGREES 46 MINUTES 38 SECONDS EAST, 26.06 FEET; THENCE NORTH 16 DEGREES 12 MINUTES 35 SECONDS WEST, 48.33 FEET; THENCE SOUTH 73 DEGREES 46 MINUTES 38 SECONDS WEST, 19.74 FEET; THENCE NORTH 16 DEGREES 13 MINUTES 22 SECONDS WEST, 16.00 FEET; THENCE NORTH 73 DEGREES 46 MINUTES 38 SECONDS EAST, 19.75 FEET; THENCE NORTH 16 DEGREES 12 MINUTES 35 SECONDS WEST, 24.42 FEET TO THE SOUTHWEST CORNER OF THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY PARCEL T-5-97 PER DOCUMENT 17025655 ALSO BEING THE NORTH RIGHT OF WAY OF SAID BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE NORTH 72 DEGREES 56 MINUTES 09 SECONDS EAST, 250.03 FEET ALONG THE SOUTH LINE OF SAID PARCEL T-5-97 AND THE NORTH LINE OF SAID BURLINGTON NORTHERN SANTA FE RAILROAD TO THE SOUTHEAST CORNER OF SAID PARCEL T-5-97; THENCE SOUTH 16 DEGREES 12 MINUTES 35 SECONDS EAST, 24.93 FEET; THENCE NORTH 73 DEGREES 46 MINUTES 38 SECONDS EAST, 22.15 FEET; THENCE SOUTH 16 DEGREES 13 MINUTES 22 SECONDS EAST, 16.00 FEET; THENCE SOUTH 73 DEGREES 46 MINUTES 38 SECONDS WEST, 22.15 FEET; THENCE SOUTH 16 DEGREES 12 MINUTES 35 SECONDS EAST, 48.33 FEET; THENCE NORTH 73 DEGREES 46 MINUTES 38 SECONDS EAST, 22.16 FEET; THENCE SOUTH 16 DEGREES 13 MINUTES 22 SECONDS EAST, 16.00 FEET; THENCE SOUTH 73 DEGREES 46 MINUTES 38 SECONDS WEST, 22.17 FEET; THENCE SOUTH 16 DEGREES 12 MINUTES 35 SECONDS EAST, 24.75 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL T-5-95, ALSO BEING THE SOUTHERLY RIGHT OF WAY OF SAID BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE SOUTH 72 DEGREES 56 MINUTES 09 SECONDS WEST, 250.03 FEET, ALONG THE NORTH LINE OF SAID PARCEL T-5-95 AND THE SOUTHERLY RIGHT OF WAY OF SAID BURLINGTON NORTHERN SANTA FE RAILROAD TO THE POINT OF BEGINNING.

SAID PARCEL TW-5-16-134.01P CONTAINS 0.779 ACRES (33,946 SQUARE FEET), MORE OR LESS.

# UNOFFICIAL COPY

## EXHIBIT A

LEGAL DESCRIPTION: PERMANENT EASEMENT PARCEL TW-5-16-134.02P

THAT PART OF THE SOUTH WEST QUARTER OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. BEARINGS BASED ON ILLINOIS STATE PLANE COORDINATES, EAST ZONE, NAD 83 (2011 ADJUSTMENT), ALL DISTANCES ARE GRID, ALL AREAS ARE GROUND. COMBINED FACTOR=0.999958161 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH WEST CORNER OF SAID SECTION 6; THENCE NORTH 87 DEGREES 58 MINUTES 01 SECONDS EAST, 1695.03 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE WEST RIGHT OF WAY LINE OF THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY PARCEL T-5-95 PER DOCUMENT 1759508 RECORDED SEPTEMBER 19, 1957; THENCE NORTH 15 DEGREES 12 MINUTES 35 SECONDS WEST, 851.13 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF SAID PARCEL T-5-95, ALSO BEING THE SOUTHERLY RIGHT OF WAY OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, SAID LINE BEING 75.00 FEET SOUTHERLY AND PARALLEL WITH THE CENTERLINE OF THE MAIN TRACK OF SAID RAILROAD; THENCE SOUTH 72 DEGREES 56 MINUTES 09 SECONDS WEST, 162.99 FEET ALONG SAID SOUTHERLY RIGHT OF WAY OF THE BURLINGTON NORTHERN SANTA FE RAILROAD TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 72 DEGREES 56 MINUTES 09 SECONDS WEST, 120.00 FEET ALONG SAID SOUTHERLY RIGHT OF WAY; THENCE NORTH 17 DEGREES 03 MINUTES 51 SECONDS WEST, 130.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE NORTH 72 DEGREES 56 MINUTES 09 SECONDS EAST, 120.00 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE; THENCE SOUTH 17 DEGREES 03 MINUTES 51 SECONDS EAST, 130.00 FEET TO SAID SOUTHERLY RIGHT OF WAY OF THE BURLINGTON NORTHERN SANTA FE RAILROAD AND THE POINT OF BEGINNING.

SAID PARCEL TW-5-16-134.02P CONTAINS 0.358 ACRES (15,600 SQUARE FEET), MORE OR LESS.