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PREPARED BY:

DLA Piper LLP (US)
444 West Lake Street, Suite 900
Chicago, Illinois 60606-0089
Attention: Alison M. Mitchell, Esq.
Telephone Number: 312-368-2156



Doc# 2232116020 Fee \$70.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 11/17/2022 12:23 PM PG: 1 OF 8

RETURN TO:

DLA Piper LLP (US)
444 West Lake Street, Suite 900
Chicago, Illinois 60606-0089
Attention: Alison M. Mitchell, Esq.

Space Above This Line for Recorder's Use

ESTOPPEL AND AGREEMENT

THIS ESTOPPEL AND AGREEMENT is hereby executed this 25th day of October, 2022 by **BNSF RAILWAY COMPANY**, a Delaware corporation ("Grantor"), for the benefit of **NEW YORK LIFE INSURANCE COMPANY**, a New York mutual insurance company, its successors and assigns ("Lender").

Grantor and 3305 Lawndale Dev, LLC, a Delaware limited liability company ("Grantee") entered into that certain Easement Agreement dated December 17, 2021, as evidenced by that certain Memorandum of Easement recorded on February 2, 2022 as Document No. 2203372031 (the "Easement").

Lender is making a loan to Grantee (the "Loan") secured by a mortgage lien on Grantee's interest in and to the real property described on Exhibit A attached hereto (the "Property").

Grantee has requested, and Grantor has agreed, that Grantor provide this estoppel and agreement for the benefit of Lender in connection with the Loan.

Accordingly, Grantor hereby confirms and agrees as follows:

1. There are no defaults by Grantee under the Easement, and no conditions exist that, but for the passage of time or the giving of notice or both, would result in a default by Grantee under the Easement.
2. The Easement is in full force and effect and has not been amended or modified, either orally or in writing.
3. Grantor shall deliver to Lender, at the address set forth below, a copy of each notice delivered to Grantee pursuant to the Easement simultaneously with the delivery of each such notice to Grantee. No termination of the Easement by Grantor shall be effective unless and until Lender has received from Grantor a copy of the notice of default delivered to Grantee, and Lender shall have no less than thirty (30) days from receipt of such notice in order to advise Grantor of Lender's intention to assume the obligations of Grantee under the Easement pursuant to Section 26 of the Easement.

Error! Unknown document property name.

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New York Life Insurance Company
c/o New York Life Real Estate Investors
51 Madison Avenue
New York, New York 10010-1603
Attn: Senior Director - Loan Management
Loan No. 374-1285

with a copy to:

New York Life Insurance Company
Office of the General Counsel
51 Madison Avenue
New York, New York 10010-1603
Attn: Vice President – Real Estate Section
Loan No. 374-1285

with an email copy to:

REI_Servicing@nylinvestors.com

The undersigned acknowledges that this estoppel and agreement may be relied upon by Lender in connection with the Loan.

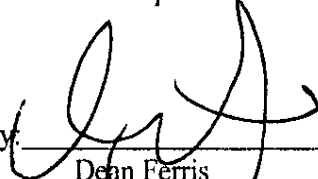
[Remainder of page intentionally left blank]

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IN WITNESS WHEREOF, the undersigned has executed this Estoppel and Agreement as of the date first written above.

GRANTOR:

BNSF RAILWAY COMPANY,
a Delaware corporation

By: 
Dean Ferris
Its: Director Right-of-Way and
Real Estate Management

Property of COOK COUNTY CLERK'S OFFICE

ACKNOWLEDGMENT

STATE OF TEXAS


§
§
§

COUNTY OF TARRANT

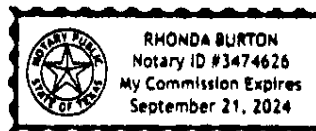
On this the 25th day of October, 2022, before me, the undersigned officer, personally appeared Dean Ferris who acknowledged himself to be the Director Right-of-Way and Real Estate Management of BNSF RAILWAY COMPANY, a Delaware corporation, and that he, as such officer, being authorized to do so, executed the foregoing instrument for the purposes and consideration therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:
9/21/2024


Notary Public

Rhonda Burton
Printed/Typed Name of Notary



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ACCEPTED:

NEW YORK LIFE INSURANCE COMPANY,
a New York mutual insurance company

By: *Lisa Bai*

Name: Lisa Bai

Title: Corporate Vice President

ACKNOWLEDGMENT

STATE OF NEW YORK

§

§ ss.

COUNTY OF Bronx

§

On this the 12th day of October, 2022, before me, the undersigned officer, personally appeared Lisa Bai who acknowledged himself to be the Corporate Vice President of NEW YORK LIFE INSURANCE COMPANY, a New York mutual insurance company, and that she, as such officer, being authorized to do so, executed the foregoing instrument for the purposes and consideration therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

February 27, 2026

Vanessa M. Hill
Notary Public

VANESSA M. HILL

Notary Public, State of New York

No. 01HI6031892

Printed/Typed Name of Notary

Qualified in Bronx County

Commission Expires 2-27-26

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ACCEPTED:

3305 LAWNDALDE DEV, LLC,
a Delaware limited liability company

By: _____
Name: Anne Garr
Title: Assistant Secretary

ACKNOWLEDGMENT

STATE OF ILLINOIS

COUNTY OF COOK

§
§ ss.
§

On this the 13th day of October, 2022, before me, the undersigned officer, personally appeared Anne Garr who acknowledged herself to be the Assistant Secretary of 3305 LAWNDALDE DEV, LLC, a Delaware limited liability company, and that she, as such officer, being authorized to do so, executed the foregoing instrument for the purposes and consideration therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:
January 25, 2023

Beatrice M Ghislandi
Notary Public



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EXHIBIT A

LEGAL DESCRIPTION

Property of Cook County Clerk's Office

COOK COUNTY CLERK'S OFFICE
RECORDING DIVISION
118 N. CLARK ST. ROOM 120
CHICAGO, IL 60602-1387

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EXHIBIT A

Legal Description of Premises

PREMISES DESCRIPTION

THAT PART OF THE RIGHT OF WAY OF BNSF RAILWAY COMPANY (FORMERLY THE CHICAGO GRAND TRUNK RAILROAD) IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83):

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35 AND THE SOUTH LINE OF THE RIGHT OF WAY OF CHICAGO MADISON AND NORTHERN RAILROAD, SAID LINE ALSO BEING A LINE 100 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE NORTH 88 DEGREES 17 MINUTES 57 SECONDS EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 30.00 FEET TO A POINT ON THE EAST LINE OF THE CHICAGO GRAND TRUNK RAILROAD, ALSO BEING A LINE 30.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE SOUTH 01 DEGREES 32 MINUTES 47 SECONDS EAST, ALONG SAID LAST DESCRIBED LINE, 111.50 FEET TO A POINT ON A LINE BEING A LINE 211.50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE SOUTH 88 DEGREES 17 MINUTES 57 SECONDS WEST, ALONG SAID PARALLEL LINE, 30.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE SOUTH 88 DEGREES 17 MINUTES 30 SECONDS WEST, ALONG A LINE 211.50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST LINE OF THE CHICAGO GRAND TRUNK RAILROAD, ALSO BEING A LINE 20.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE NORTH 01 DEGREE 32 MINUTES 47 SECONDS WEST, ALONG SAID LAST DESCRIBED LINE, 111.50 FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF CHICAGO MADISON AND NORTHERN RAILROAD, SAID LINE ALSO BEING A LINE 100 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE NORTH 88 DEGREES 17 MINUTES 30 SECONDS EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 20.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

CONTAINING 5,575 SQUARE FEET OR 0.128 ACRES, MORE OR LESS.

Parcel 1	16-35-204-001-0000
Parcel 2	16-35-204-002-0000
Parcel 3	part of 16-35-501-001-0000
Parcel 4	(lots 41 & 42, Block 5) 16-35-120-006-0000
Parcel 4	(lots 1 & 2 of Block 5) 16-35-120-004-0000
Parcel 4	(lots 39 of Block 6) 16-35-119-001-0000
Parcel 4	(lots 1 & 2 of Block 6) 16-35-119-003-0000
Parcel 5	part of 16-35-505-004-0000

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EXHIBIT A - PREMISES

