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Doc#: 2323549126 Fee: \$107.00
Karen A. Yarbrough
Cook County Clerk
Date: 08/23/2023 02:51 PM Pg: 1 of 7

This Instrument Prepared By:
James W. Hollis Jr., Head of Legal Affairs,
Real Estate, USA
Circle K Stores Inc.
19500 Bulverde Road, Suite 100
San Antonio, Texas 78259

Dec ID 20230501625553
ST/CO Stamp 1-063-098-064 ST Tax \$375.00 CO Tax \$187.50

After Recording Mail Deed and
Send Future Tax Bills to:
GW ELMHURST DP LLC
2211 N Elston #400
Chicago, Illinois 60614

Attn: Alex Kur
Attn: Jeremy Feldman

DESPL Real Estate Transfer Tax
PLAINES 8/11/23 No. 69259
ILLINOIS \$2.00 per \$1,000.00
827 ELMHURST RD
CITY OF DES PLAINES

The above space for recorder's use only.

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made as of the 19th day of May, 2023 by and between RDK VENTURES LLC, a Delaware limited liability company, with an address of 4080 W. Jonathan Moore Pike, Columbus Indiana 47201 (herein called "Grantor"), and GW ELMHURST DP LLC, an Illinois limited liability company, with an address of 2211 Elston #400, Chicago, Illinois 60614 (herein called "Grantee").

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable consideration to the Grantor in hand paid by Grantee, the receipt and sufficiency whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, its successors and assigns, all that certain land situated in Cook County, Illinois, to wit:

Tax Parcel ID Number: 08-24-100-031-0000

Address of Property: 827 Elmhurst Road, Des Plaines, Illinois 60016

As further described on Exhibit A attached hereto and made a part hereof.

TOGETHER WITH all of Grantor's right, title and interest in the improvements, hereditaments, easements and appurtenances thereunto belonging, or in anyway appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, either in law or equity, of, in and to

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the above described premises, (collectively, the "Property"), TO HAVE AND TO HOLD the Property, unto Grantee and Grantee's successors and assigns forever, subject only to the restrictions set forth below and the title encumbrances set forth on Exhibit B attached hereto and made a part hereof, and WILL WARRANT AND DEFEND against all persons lawfully claiming or to claim the same by, through or under Grantor, subject to the matters described on Exhibit B, and not otherwise.

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, the Property shall not be used (a) for the sale of any food or food products, dairy products, coffee or coffee based products, and soft drinks, except as may be sold through vending machines or as may be sold by a sit-down restaurant, quick-service restaurant with drive-thru window(s), or bar, (b) as a convenience store, (c) for retail sale of gasoline or motor fuels, (d) for retail sale of electronic cigarettes, cigarettes, and tobacco products, (e) for the retail sale of beer and wine for off-premises consumption, (f) for the sale of food, drinks and/or snacks utilizing a mobile or "food truck" type use, including, without limitation, a moveable trailer, van or truck, (g) for the sale of lottery tickets, (h) as a self-service or full-service car wash, (i) for the operation of a national discount variety store, including but not limited to, Dollar General, Dollar Tree, 99 Cents Only or Family Dollar and (j) for any use ancillary (including, but not limited to, a parking lot, stormwater drainage retention pond or other storm water purposes) to a business engaged in the restricted activities referred to in subclauses (a) through (i) above. As used herein, the phrase "sale of gasoline or motor fuels" shall include the sale or lease of any other energy source for motor vehicles as may hereafter be used in conjunction with or as an alternative to gasoline.

[SIGNATURE AND NOTARY ACKNOWLEDGMENT ON THE FOLLOWING
PAGE]

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Exhibit A

Legal Description

PARCEL 1:

LOT 2 IN VANDERCAR SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 18, 2008, AS DOCUMENT 0817016012, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS BY VEHICULAR AND PEDESTRIAN TRAFFIC, VEHICULAR PARKING, UTILITY LINES AND FACILITIES, BUILDING ENCROACHMENTS, AND PERMANENT DRIVE, AS SET FORTH AND DEFINED IN DECLARATIONS OF RESTRICTIONS AND EASEMENTS MADE BY AND BETWEEN ELMHURST AND DEMPSTER, LLC AND JETCO PROPERTIES INC. DATED JUNE 13, 2008, AND RECORDED JUNE 16, 2008, AS DOCUMENT NUMBER 0817016013.

PARCEL 3:

A NON-EXCLUSIVE PERPETUAL EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY DECLARATION OF EASEMENTS DATED NOVEMBER 9, 2011, AND RECORDED NOVEMBER 10, 2011, AS DOCUMENT 1131422109 BY JETCO PROPERTIES ("DECLARANT") FOR THE PURPOSE OF ACCESS, UTILITIES, AND DRAINAGE, AS THEREIN DEFINED, OVER THE FOLLOWING DESCRIBED LAND:

LOT 1 IN VANDERCAR SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 18, 2008, AS DOCUMENT 0817016012, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY VANDERCAR SUBDIVISION RECORDED JUNE 18, 2011, AS DOCUMENT 0817016012 FOR THE PURPOSE OF INGRESS AND EGRESS BY VEHICULAR AND PEDESTRIAN TRAFFIC, VEHICULAR PARKING, PUBLIC OR PRIVATE UTILITIES OR UNDERGROUND FACILITIES, INCLUDING STORMWATER DETENTION, SUBJECT TO THE CONDITIONS OF THE DECLARATION OF RESTRICTIONS AND EASEMENTS, OVER THE FOLLOWING DESCRIBED LAND:

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LOTS 1, 3 AND 4 IN VANDERCAR SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 18, 2008, AS DOCUMENT 0817016012, IN COOK COUNTY, ILLINOIS.

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Exhibit B

Permitted Exceptions

1. General real estate taxes for the year(s) 2022 and subsequent years.
2. Terms, provisions and conditions of the agreement made by and between the City of Des Plaines and Des Plaines-Dempster Properties, Inc., recorded December 2, 1983 as document 26882542, relating to the regulation of traffic.
3. 5 foot building line as shown on the Plat of Vandercar Subdivision recorded as document 0817016012, over the West line of Lot 2.
4. Easement for public utility and drainage as shown on the Plat of Subdivision aforesaid, as follows: The North, East and South 5 feet of Lot 2.
5. Easement in Favor of SBC/AT&T, Illinois Bell Telephone Co. (Ameritech), the Commonwealth Edison Company, Northern Illinois Gas Company, Comcast and Wide Open West, and its/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/filed as Document No. 0817016012, affecting those portions of the Land shown within the dotted lines and marked "Public Utility Easement" "Common Area or Areas".
6. Notation as shown on the Plat of Subdivision, aforesaid: Each owner, as grantor, hereby grants to the other owners, a non-exclusive easement for ingress and egress by vehicular and pedestrian traffic and vehicular parking, subject to conditions of the Declaration of restrictions and easements. Each owner, as grantor, hereby grants to the other owners, a non-exclusive easement for public or private utilities or underground facilities, including stormwater detention, subject to the conditions of the declaration of restrictions and easements.
7. Easements, covenants, conditions and restrictions contained in the declaration of restrictions and easements executed between Elmhurst and Dempster, LLC, an Illinois Limited Liability Company and Jetco Properties, Inc., a Delaware Corporation, recorded June 18, 2008 as document 0817016013.
8. Terms, provisions, and conditions relating to the easement described as Parcels 2, 3 and 4 contained in the instrument creating said easement. Rights of the adjoining owner or owners to the concurrent use of said easement.
9. Purchase and Use Restriction Agreement made as of November 9, 2011 and recorded November 10, 2011 as Document 1131422108, by and between Jewel Food Stores, Inc., a New York Corporation ("purchaser") and RDK Ventures LLC, a Delaware Limited Liability Company ("owner"), relating to certain agreements with respect to owner's use of

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the property, purchaser's use of the adjacent property, and purchaser's repurchase of the property, all on the terms and conditions as set forth in the agreement.

10. Easements as Contained in the Declaration of Easements dated November 9, 2011 and recorded November 10, 2011 as Document 1131422109, by Jetco Properties, Inc., a Delaware Corporation ("declarant") for access, utilities and drainage, as therein defined and the provisions pertaining thereto.
11. Terms, conditions, and limitations contained in the No Further Remediation Letter issued by the Illinois Environmental Protection Agency recorded on October 21, 2020 as Document No. 2029517136.

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