

CA-85-649 D1



AFFIDAVIT

CHICAGO TITLE INSURANCE COMPANY

STATE OF NEW HAMPSHIRE

Order No. 69 85 649

COUNTY OF ROCKINGHAM

County: Cook

State: Illinois

The undersigned affiant, being first duly sworn, on oath, deposes and says:

1. That affiant is the successor to The Pullman Company, an Illinois corporation, which entered into a certain agreement (hereinafter referred to as the "Agreement") dated June 30, 1913 by which it leased to the Pullman Railroad Company, an Illinois corporation, for 99 years certain lands therein particularly described for right-of-way purposes. The Agreement was amended by Supplemental Agreement dated October 10, 1956 and recorded September 10, 1957 as Document 17 008 133.

2. That the Agreement, as Amended, contains the following reservations (the "reservations") in paragraph II thereof:

The Lessor, however, reserves to itself the right to at all times operate its engines, trains and cars, with its employees, agents, and servants in the ordinary course of its business over the tracks known as the east and west main line tracks and the Lessor's plant tracks connecting therewith now on the said right-of-way, provided that in such operation the engines, trains and cars and the employees, agents and servants of the Lessor shall be subject to the reasonable rules and instructions of the Lessee for operation over said tracks and to the reasonable orders of the Superintendent of the Lessee with respect to the movement of trains, cars and engines; and the Lessor shall pay its proper share of the cost of maintenance of said tracks so operated over, as hereinafter set forth. The Lessor also reserves to itself the right to maintain and have or to remove at its pleasure and expense, its present crossing and railroad tracks now laid across the right-of-way herein demised, and also its present tracks connecting with the tracks now or hereafter on the right-of-way herein demised, and to lay down, build and construct, also at its own expense, any additional tracks that it, the Lessor, may at any time desire across said right-of-way, or connecting with the tracks now or hereafter on said demised right-of-way, together with all usual intersection rails, fastenings and other parts of such crossing or connection as may be necessary for safe convenient use, and the same to take up and remove at its pleasure and expense; and the Lessor also further reserves the right to cross and recross, over and upon its said tracks now or hereafter laid across said demised right-of-way, with its engines, trains, cars and its employees, agents and servants in the ordinary course of business without charge therefor, other than the Lessor's proper proportion of the cost of repair and maintenance as hereinafter provided, and to enter in and upon said right-of-way for the purpose of removing any of its said tracks across said right-of-way, or its said connecting tracks, or of laying down other connecting track or tracks across said right-of-way, giving the Lessee not less than 72 hours notice of the Lessor's intention so to do, and provided that the work of putting in or taking out any such crossing or connection shall be so done as to cause as little interruption to the business of the Lessee as is possible and consistent with the proper doing of the work. It is agreed by each of the parties hereto that they shall and will use all usual and necessary precautions against accident in the operation of engines, trains and cars over any and all of such crossings and tracks.

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3. That, pursuant to the reservations, The Pullman Company constructed the access road from Parcel A to Parcel B as shown on Survey No. 10495-A (file G-14) dated March 15, 1985 and revised April 17, 1985 made by Silander & Son.

4. That this Affidavit is given to induce Chicago Title Insurance Company to issue its ALTA Owners Title Insurance policy or policies covering the parcels of real estate described in Order No. 69 85 649 containing an affirmative access endorsement covering such roadway, and further affiant saith not.

THE M. W. KELLOGG COMPANY

By

R. P. He

Vice President

Subscribed and sworn to before me this 2nd day of July, 1985.

Mary M. Vancie

Notary Public

My Commission Expires Nov. 2, 1988

25-14-100-042

25-14-300-080

25-15-406-024

111th St & Calumet Expressway

The Instrument Prepared by
and
Mail to

William Eldridge
45 Walker Ave
Clarendon Hills Ill
60514

BOX 333 - HV

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