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## SECOND AMENDMENT TO GRANT OF EASEMENT

THIS SECOND AMENDMENT TO GRANT OF EASEMENT (this "Second Amendment") is made this 21<sup>st</sup> day of February, 1988 by NORTHBROOK TRUST & SAVINGS BANK, as Trustee under Trust Agreements dated February 27, 1979 and known as Trust Numbers LT-2048 and LT-2049 ("Grantor").

### RECITALS

A. Grantor holds title to certain real estate ("Grantor's Property") located in the Village of Deerfield, Illinois and legally described on Exhibit A attached hereto and made a part hereof. The Revised Lake-Cook Curb Cut (as defined below) lies entirely within Grantor's Property.

B. Pursuant to that certain Grant of Easement dated February 7, 1984 and recorded with the Recorder of Deeds of Cook County, Illinois (the "Recorder") as Document No. 27021045, as amended by that certain Amendment to Grant of Easement dated January 16, 1985 and recorded with the Recorder as Document Number 27419485 (said Grant of Easement, as amended as aforesaid, being referred to herein as the "Declaration"), Grantor and others created perpetual, nonexclusive easements over and across the land described on Exhibit B attached hereto and made a part hereof (the "Easement Parcel") for the purpose of ingress, egress and access to and from the land described on Exhibit C attached hereto and made a part hereof (the "Benefitted Parcel"), as more particularly set forth in the Declaration. The parties to the Declaration contemplated that a roadway would be constructed in the Easement Parcel to provide access to Lake-Cook Road for the Baxter Property (as defined in the Declaration) and the Benefitted Parcel.

C. The Easement Parcel has been improved with a frontage roadway and appurtenances thereto (the "Frontage Road"), and Grantor desires to amend the legal description of the Easement Parcel so that the area thereof conforms to the as-built Frontage Road.

NOW, THEREFORE, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, and of the Recitals and terms and provisions hereof, Grantor hereby agrees as follows:

1. The Recitals set forth above are incorporated into this Second Amendment as if fully set forth in this Paragraph 1.
2. Grantor hereby amends the Declaration by amending the legal description of the Easement Parcel by substituting therefor the legal description attached hereto and made a part hereof as Exhibit D (the "Revised Easement Parcel"), the effect of which will be to modify that portion of the Easement Parcel which connects the Frontage Road with Lake-Cook Road. The revised description of said portion of the Easement Parcel (the "Revised Lake-Cook Curb Cut") is attached hereto and made a part hereof as Exhibit E. All of the terms, covenants and provisions of the Declaration shall apply and be in full force and effect with respect to the Revised Easement Parcel.
3. The easement hereby granted over the Revised Easement Parcel shall be appurtenant to the Benefitted Parcel and shall run to the benefit of the current owner or owners of the Benefitted Parcel, their

THIS INSTRUMENT WAS PREPARED BY AND AFTER RECORDING SHOULD BE RETURNED TO:

David B. Sickle, Esq.  
Rudnick & Wolfe  
203 North LaSalle Street  
Chicago, Illinois 60601  
(312) 368-4081

PROPERTY ADDRESS:

Southwest Corner of Huel Road and Lake-Cook Road, Deerfield, Illinois

P.I.N.: SEE EXHIBIT A THROUGH E

*Box 15*

771 # 237039 Dkw Debt Box 15

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Attached &  
Incorporate

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the power conferred upon it as such Trustee; and this no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the NORTHBROOK TRUST & SAVINGS BANK on account of this instrument or on account of any representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

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**CONSENT OF MORTGAGEE**

The undersigned, being the mortgagee of a portion of the Baxter Property pursuant to that certain Mortgage recorded with the Recorder on June 19, 1979 as Document Number 25010869 (the "Mortgage"), hereby consents to the Declaration as amended by the foregoing Second Amendment; and, only with respect to the portion of the Revised Lake-Cook Curb Cut which is encumbered by the Mortgage, does hereby subordinate the Mortgage and the lien thereby created to the easement granted in the Declaration as amended by the Second Amendment. Provided, however, nothing herein shall affect the validity, priority or enforceability of the Mortgage or the lien thereof as the same affects any other portion or portions of the Baxter Property; and provided further that said mortgagee does not hereby release the Mortgage or the lien thereof as the same affects the Revised Easement Parcel or any other portion of the Baxter Property.

Unless otherwise defined herein, all capitalized terms used in this Consent of Mortgagee shall have the same meanings as are ascribed to such terms in the Second Amendment to Grant of Easement to which this Consent of Mortgagee is attached.

Date: \_\_\_\_\_, 1988

ATTEST:

**PACIFIC MUTUAL LIFE INSURANCE COMPANY**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF ILLINOIS        )  
                                  ) SS.  
COUNTY OF COOK        )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_, personally known to me to be a \_\_\_\_\_ Vice President of PACIFIC MUTUAL LIFE INSURANCE COMPANY and \_\_\_\_\_, personally known to me to be the \_\_\_\_\_ of said corporation and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered said instrument as such officers of said corporation, as their free and voluntary act and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this \_\_\_\_\_ day of February, 1988.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

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## EXHIBIT A

### THE GRANTOR'S PROPERTY

THE EAST 161.35 FEET (AS MEASURED ON THE NORTH LINE OF LOT 2) OF THE NORTH 1/2 OF LOT 2 (EXCEPT THE SOUTH 383.67 FEET OF SAID NORTH 1/2 OF LOT 2) AND (EXCEPT THE NORTH 50 FEET THEREOF DEEDED FOR COOK COUNTY HIGHWAY OF SAID LOT 2) IN THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE WEST 130.65 FEET OF THE NORTH 1/2 OF LOT 2 (EXCEPT THE SOUTH 383.67 FEET OF SAID NORTH 1/2 OF LOT 2) AND (EXCEPT THE NORTH 50 FEET THEREOF DEEDED FOR COOK COUNTY HIGHWAY OF SAID LOT 2) IN THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS CONTAINING 1.6137 ACRES.

THE SOUTH 383.67 FEET OF THE EAST 161.33 FEET (AS MEASURED ON THE SOUTH LINE) OF THE NORTH 1/2 OF LOT 2 IN THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE WEST 256.65 FEET OF THE NORTH 1/2 OF LOT 2 (EXCEPT THE NORTH 50 FEET THEREOF DEEDED FOR COOK COUNTY HIGHWAY OF SAID LOT 2) AND (EXCEPT THE WEST 130.65 FEET OF THE NORTH 290.80 FEET OF SAID NORTH 1/2 OF LOT 2) IN THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN COOK COUNTY, ILLINOIS CONTAINING 4.3776 ACRES.

PTs 04-06-201-009  
04-06-201-008  
04-05-100-009  
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THE EASEMENT PARCEL.

The South 47 feet of the North 160 feet of the North 1/2 of the South 1/2 of Lot 2 (except the East 25.0 feet thereof) of the North West 1/4 of Section 5, Township 42 North, Range 12 East of the Third Principal Meridian; also the South 47 feet of the North 160 feet of the East 5 acres (except therefrom the West 162 feet of the East 5 acres) of the North 1/2 of the East 1/2 of Lot 2 of the North East 1/4 of Section 6, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois;

AND

A strip of land 80 feet wide, extending 63 feet South from the South right of way line of County Line Road, the center line of such 80 foot wide strip being a line parallel to and 596.44 feet West of the East line of the West 1/2 of Lot 2 of the North West 1/4 of Section 5, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois;

AND

A strip of land 80 feet wide, extending 63 feet South from the South right of way of County Line Road, the center line of such 80 foot strip being a line parallel to and 103.62 feet East of the West line of Section 6, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois;

AND

That part of Lot 2 in the Northeast 1/4 of Section 6, Township 41 North, Range 12, East of the Third Principal Meridian (a) said Lot is represented on the map of Government Survey described as follows: Beginning at a point on the South line of the North 80.0 feet of the North 1/2 of the East 1/2 of Lot 2 of the North East 1/4 of Section 6 aforesaid which is 162 feet East of the West line of the East 5 acres of the North 1/2 of the East 1/2 of Lot 2 in the North East 1/4 of Section 6 aforesaid; thence South 0 Degrees 27 Minutes 47 Seconds West parallel with the West line of said East 5 acres 25.0 feet; thence North 72 Degrees 59 Minutes 48 Seconds East 87.0 feet to the South line of the North 160.0 feet aforesaid; thence South 89 Degrees 41 Minutes 39 Seconds West 83.0 feet to the point of beginning, in Cook County, Illinois.

PIN's = 04-06-201-009  
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THE BENEFITTED PARCEL

That part of Lot 2 in the Northeast Quarter of Section 6, Township 42 North, Range 12, East of the Third Principal Meridian, as said Lot is represented on Map of Government Survey together with that part of the South Half of the West Half of Lot 2 in the Northwest Quarter of Section 5, Township 42 North, Range 12, East of the Third Principal Meridian, according to the Plat thereof recorded on Government Survey, described as follows: Beginning at a point on the North line of said Section 6, 268.65 feet East of the Northwest corner of the East Half of said Lot 2 in the Northeast Quarter of Section 6; thence Southwesterly a distance of 820.54 feet, along a line forming an angle of 109° 52' 05" from East to South with said North line of Section 6; thence in a Southeasterly direction a distance of 543.94 feet along a line forming an angle to the left of 78° 58' 06" with the preceding line extended; thence Southeasterly a distance of 499.34 feet along a line forming an angle to the left of 26° 0' 23" with the preceding line extended; thence East a distance of 351.08 feet more or less to a point on the East line of said Section 6, 254.11 feet North of the Southeast corner of said Lot 2 in the Northeast Quarter of said Section 6; thence continuing East along the last described course, a distance of 1330.65 feet more or less to a point on the East line of the West Half of Lot 2 in the Northwest Quarter of Section 5, 253.66 feet North of the Southeast corner of the West Half of said Lot 2; thence North along the East line of the West Half of said Lot 2, to the North line of the South Half of the West Half of said Lot 2; thence West along said North line of the South Half of the West Half of Lot 2, in the Northwest Quarter of Section 5, aforesaid and along the South line of the East 5 acres of the North Half of the East Half of Lot 2, in the Northeast Quarter of said Section 6, to a point 162 feet East of the West line of said East 5 acres; thence North along a straight line to a point on the North line of Section 6, which is 162 feet East of the West line of said East 5 acres; thence West along the North line of said Section 6, 889.56 feet to the place of beginning, in Cook County, Illinois.

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EXHIBIT D

## THE REVISED EASEMENT PARCEL

The South 47 feet of the North 160 feet of the North 1/2 of the South 1/2 of Lot 2 (except the East 25.0 feet thereof) of the North West 1/4 of Section 5, Township 42 North, Range 12 East of the Third Principal Meridian; also the South 47 feet of the North 160 feet of the East 5 acres (except therefrom the West 162 feet of the East 5 acres) of the North 1/2 of the East 1/2 of Lot 2 of the North East 1/4 of Section 6, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois;

AND

A strip of land 80 feet wide, extending 63 feet South from the South right of way line of County Line Road, the center line of such 80 foot wide strip being a line parallel to and 596.44 feet West of the East line of the West 1/2 of Lot 2 of the North West 1/4 of Section 5, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois;

AND

That part of the North Half of the West Half of Lot 2 in the Northwest Quarter of Section 5, Township 42, Range 12, East of the Third Principal Meridian, described as beginning at the intersection of the South right of way line of County Line Road with a line 103.62 feet East of and parallel with the West line of Section 5 aforesaid; Thence North 89° 49' 07" West along said right of way line for a distance of 94.50 feet; Thence South 70° 46' 12" East 33.18 feet to a point of curve; Thence Southerly along an arc of a circle convex Easterly and having a radius of 26.13 feet for a distance of 49.64 feet to a point of tangency (the chord of said arc having a bearing of South 16° 21' 16" East); Thence South 38° 03' 41" West 14.48 feet to a line 63.0 feet South of and parallel with the South line of said right of way; Thence South 89° 49' 07" East along said parallel line 111.29 feet; Thence Northerly along an arc of a circle convex Westerly and having a radius of 32.0 feet for a distance of 75.69 feet to a point of tangency (the chord of said arc having a bearing of North 18° 11' 00" East); Thence North 85° 56' 19" East 90.08 feet to the South right of way line of County Line Road aforesaid; Thence North 89° 49' 07" West along said right of way line 159.50 feet to the point of beginning in Cook County, Illinois.

AND

That part of Lot 2 in the Northeast 1/4 of Section 6, Township 41 North, Range 12, East of the Third Principal Meridian, as said lot is represented on the map of Government Survey described as follows: Beginning at a point on the South line of the North 80.0 feet of the North 1/2 of the East 1/2 of Lot 2 of the North East 1/4 of Section 6 aforesaid which is 162 feet East of the West line of the East 5 acres of the North 1/2 of the East 1/2 of Lot 2 in the North East 1/4 of Section 6 aforesaid; thence South 0 Degrees 27 Minutes 47 Seconds West parallel with the West line of said East 5 acres 28.0 feet; thence North 72 Degrees 59 Minutes 48 Seconds East 87.0 feet to the South line of the North 160.0 feet aforesaid; thence South 89 Degrees 41 Minutes 39 Seconds West 83.0 feet to the point of beginning, in Cook County, Illinois.

Plat = 04-06-201-009

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EXHIBIT E

THE REVISED LAKE-COOK CURB CUT

That part of the North Half of the West Half of Lot 2 in the Northwest Quarter of Section 5, Township 42, Range 12, East of the Third Principal Meridian, described as beginning at the intersection of the South right of way line of County Line Road with a line 103.62 feet East of and parallel with the West line of Section 5 aforesaid; Thence North 89° 49' 07" West along said right of way line for a distance of 94.50 feet; Thence South 70° 46' 12" East 33.18 feet to a point of curve; Thence Southerly along an arc of a circle convex Easterly and having a radius of 26.13 feet for a distance of 49.64 feet to a point of tangency (the chord of said arc having a bearing of South 16° 21' 16" East); Thence South 38° 03' 41" West 11.48 feet to a line 63.0 feet South of and parallel with the South line of said right of way; Thence South 99° 49' 07" East along said parallel line 111.29 feet; Thence Northerly along an arc of a circle convex Westerly and having a radius of 32.0 feet for a distance of 75.59 feet to a point of tangency (the chord of said arc having a bearing of North 18° 11' 00" East); Thence North 85° 56' 19" East 90.08 feet to the South right of way line of County Line Road aforesaid; Thence North 89° 49' 07" West along said right of way line 159.50 feet to the point of beginning in Cook County, Illinois.

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