

89-01115

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WARRANTY DEED
Inventory (ILLINOIS)
(Corporation to Corporation)

CAUTION: Consult a lawyer before using or acting under this form. Neither the publisher nor the seller of this form makes any warranty with respect thereto, including any warranty of merchantability or fitness for a particular purpose.

THE GRANTOR **Planters LifeSavers Company,**

90092602

a corporation created and existing under and by virtue of the laws of the State of Delaware and duly authorized to transact business in the State of Illinois, for and in consideration of One (\$10.00)

DEPT-01 \$20.00
751111 TRAN 0068 02/27/90 16:38:00
\$2778 + A * -90-092602
COOK COUNTY RECORDER

One (\$10.00) DOLLARS, and other good and valuable consideration in hand paid, and pursuant to authority given by the Board of Directors of said corporation, CONVEYS and WARRANTS to

(The Above Space For Recorder's Use Only)

Nestle Foods Corporation

a corporation organized and existing under and by virtue of the laws of the State of New York having its principal office at the following address 100 Manhattanville Road, Purchase New York 10577, the following described Real Estate situated in the County of Cook and State of Illinois, to wit: as more particularly described in Schedule A attached hereto and part hereof. This conveyance is subject to those matters set forth in Schedule B attached hereto and part hereof.

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Permanent Real Estate Index Number(s): 12-19-310-119-010 and-005

Address(es) of Real Estate: 3401 Mount Prospect Road, Franklin Park, Illinois 60131

In Witness Whereof, said Grantor has caused its corporate seal to be hereunto affixed, and has caused its name to be signed to these presents by its Vice President, and attested by its Assistant Secretary, as of the 22nd day of February, 1990.

IMPRESS
CORPORATE SEAL
HERE

PLANTERS LIVESAVERS COMPANY
(NAME OF CORPORATION)
BY Robert F. Sharpe, Jr. Vice PRESIDENT
ATTEST Suzanne P. Jenney Assistant SECRETARY

New York
State of Illinois, County of New York ss. I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Robert F. Sharpe, Jr. personally known to me to be the Vice President of the Planters LifeSavers Company, a Delaware

IMPRESS
NOTARIAL SEAL
HERE

corporation, and Suzanne P. Jenney personally known to me to be the Assistant Secretary 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 as such Vice President and Assistant Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors 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 official seal, this 22nd day of February, 1990.

Commission expires Jan 31 1991 Thomas S. Holman
James A. Parker, Esq. NOTARY PUBLIC

This instrument was prepared by 203 North LaSalle Street, Suite 1500, Chicago, Illinois 60601
(NAME AND ADDRESS)

MAR TO {
CRAIG FEDER
LTIC ASSOC, INC.
32 EAST 39TH ST
NEW YORK, NEW YORK 10016
(City, State and Zip)

SEND SUBSEQUENT TAX BILLS TO:
SAME AS GRANTEE ABOVE
(Name)
(Address)
(City, State and Zip)

OR RECORDER'S OFFICE BOX NO. 334

AFFIX "RIDERS" OR REVENUE ST

90092602

BOX 334

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WARRANTY DEED

Corporation to Corporate

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SCHEDULE A TO WARRANTY DEED FROM PLANTERS LIFESAVERS COMPANY TO NESTLE FOODS CORPORATION

The real estate conveyed by this Warranty Deed is situated in Cook County, Illinois and includes all improvements situated thereon, and is more particularly described as follows:

PARCEL 1:

That part of the Southwest Fractional Quarter of Section 19, Township 40 North, Range 12 East of the Third Principal Meridian, bounded and described as follows: Commencing at the intersection of the South line of the North 445.00 feet of said Southwest Fractional Quarter and the West line of the East 200 feet of said Southwest Fractional Quarter; thence South 1 degree 56 minutes 20 seconds East along said West line a distance of 866.22 feet; thence South 12 degrees 42 minutes 34 seconds West a distance of 24.87 feet; thence Southwesterly along a curve convex to the Southeast, having a radius of 1145.00 feet, and whose long chord bears South 21 degrees 43 minutes 48 seconds West, a distance of 154.863 feet; thence Southwesterly along a curve tangent to the last described curve, convex to the Southeast and having a radius of 286.48 feet, a distance of 168.838 feet to the point of beginning of the parcel of land herein described; thence Northeasterly along said last described curve a distance of 7 feet, more or less, to a point distant 4 feet Northerly, measured at right angles, from a line drawn at right angles to the West line of said Southwest Fractional Quarter through the point of beginning; thence Easterly along a line parallel with said last described right angle line a distance of 146 feet, more or less, to a point distant 155 feet Westerly, measured at right angles, from the center line between the two main tracks of the Chicago and North Western Railway Company, as said main tracks are now located; thence Southerly along a line parallel with said center line a distance of 4 feet, more or less, to a point on said line drawn at right angles to the West line of said Southwest Fractional Quarter through the point of beginning; thence Westerly along said last described right angle line a distance of 150 feet, more or less, to the point of beginning, in Cook County, Illinois.

PARCEL 2:

The South 4.00 feet of Lot 2 in Franklin Park Industrial Center part of the Southwest Fractional 1/4 of Section 19, Township 40 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

PARCEL 3:

A tract of land being: That part of the Southwest Fractional Quarter (SW Fr. 1/4) of Section Nineteen (19), Township Forty (40) North, Range Twelve (12), East of the Third Principal Meridian, bounded and described as follows: Commencing at the point of intersection of the center line of Grand Avenue with the West line of the Northwest Fractional Quarter (NW Fr. 1/4) of Section Thirty (30), in said Township and Range; thence North along the West line of the Northwest Fractional Quarter (NW Fr. 1/4) of Section Thirty (30) and the Southwest Fractional Quarter (SW Fr. 1/4) of said Section Nineteen (19), a distance of One Thousand Six Hundred Eighty-one and Ninety-one One-hundredths (1,681.91) feet to the point of beginning of the land herein described;

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thence continuing North Zero Degrees Ten Minutes (0 degrees 10') West, along the West line of the Southwest Fractional Quarter (SW Fr. 1/4) of said Section Nineteen (19), a distance of One Thousand Twenty-five and No One-hundredths (1,025.00) feet; thence North Eighty-nine Degrees Fifty Minutes (89 degrees 50') East, a distance of One Thousand Four Hundred Twenty and Forty One-hundredths (1,420.40) feet, more or less, to a point One Hundred Fifty-five and No One-hundredths (155.00) feet West of, as measured at right angles, from the center line between two main tracks of the Chicago and North Western Railway Company's Des Plaines Valley Line, as now located and established; thence South Two Degrees Six Minutes (2 degrees 06') East, and parallel with the center line between said two main tracks, a distance of Four Hundred Eighty and No One-hundredths (480.00) feet to a point One Hundred Ten and No One-hundredths (110.00) feet Northwesterly, as measured at right angles from the Northwesterly boundary line of the Tri-State Route of the Northern Illinois Toll Road; thence South Thirty-six Degrees Forty-three Minutes (36 degrees 43') West, a distance of Two Hundred (200) feet to a point Fifty and No One-hundredths (50.00) feet Northwesterly, as measured at right angles from the Northwesterly boundary line of said Toll Road; thence South Fifty-four Degrees Eleven Minutes Thirty Seconds (54 degrees 11' 30") West, a distance of Two Hundred Ninety-nine and Thirty One-hundredths (299.30) feet (said line being Fifty and No One-hundredths (50.00) feet Northwesterly of, measured at right angles with the Northwesterly line of said Toll Road); thence South Thirty-nine Degrees Forty-one Minutes Thirty Seconds (39 degrees 41' 30") West (along a line Fifty and No One-hundredths (50.00) feet Northwesterly of, measured at right angles with the Northwesterly line of said Toll Road), a distance of Two Hundred Seventy-five and No One-hundredths (275.00) feet; thence South Eighty-nine Degrees Fifty Minutes (89 degrees 50') West, a distance of Eight Hundred Ninety-six and Ninety-five One-hundredths (896.95) feet to the place of beginning, EXCEPT from said tract herein described, the West Thirty-three and No One-hundredths (33.00) feet thereof taken for Mt. Prospect Road, all in Cook County, Illinois.

P. I. N.

12-19-300-019

12-19-300-010

12-19-300-005

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SCHEDULE B

EXCEPTIONS

1. Reservation contained in Deed from Chicago and North Western Railway Company, a Wisconsin corporation, grantor, to Standard Brands Incorporated, a Delaware corporation, grantee, dated December 23, 1969, recorded December 14, 1987, as Document Number 87658384, excepting and reserving unto the Grantor, its successors and assigns, forever, the ownership of all coal, oil, gas, casinghead gas, and all minerals of every kind and nature, in, on or under the surface of the land, together with the full right and license at any and all times to enter upon said land to explore or drill for, and to protect, conserve, mine, drill, take, remove and market any and all such products in any manner which will not interfere with the use by the Grantee of the surface of the land. (Affects Parcel 1).
2. Reservation and easement contained in Deed from Chicago and North Western Railway Company, a Wisconsin corporation, grantor, to Standard Brands Incorporated, a Delaware corporation, grantee, dated December 23, 1969, recorded December 14, 1987, as Document Number 87658384, excepting and reserving, however, unto the Grantor, its lessees, licensees, successors and assigns, the right to maintain, operate, use, reconstruct and replace any and all existing conduits, sewers, water mains, gas lines, electric power lines, communication lines, wires and other utilities on the land. (Affects Parcel 2).
3. Reservations of easement contained in Deed from Chicago and North Western Railway Company, a Wisconsin corporation, grantor, to New England Mutual Life Insurance Company, a Massachusetts corporation, grantee, dated February 26, 1969, recorded March 4, 1969, as Document Number 20772422, conveying Parcel 2 of the subject premises and other adjoining property, reserving to said grantor and grantor's successors and assigns, a permanent and perpetual easement for utility purposes over and across the westerly 10 feet of Parcel 2 of the land, together with the right of ingress to and egress from said easement area for the proper maintenance, operation, use, reconstruction, replacement and relocation of any and all utilities located on the land.
4. Easement for public utilities and drainage as shown on the plat of subdivision recorded as Document No. 21071633.
5. Covenants, conditions and restrictions contained on the plat of subdivision recorded as Document Number 21071633, relating to, among other things, water distribution system, storm sewers, retention basin, lift station and sanitary sewers and construction and dedication of same, and construction of fences.

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6. Reservation of easement in Deed from Chicago and North Western Railway Company, a Wisconsin corporation, grantor, to Standard Brands Incorporated, a Delaware corporation, grantee, dated July 14, 1965, recorded July 21, 1965, as Document Number 19533927, conveying Parcel 3 of the subject premises, reserving unto said grantor and said grantor's successors and assigns, a permanent and perpetual easement in and to the subject real estate as shall be required for the construction, maintenance, use, operation, repair and renewal of a million gallon ground level reservoir. (Affects Parcel 3).
 7. Reservation of easement in Deed from Chicago and North Western Railway Company, a Wisconsin corporation, grantor, to Standard Brands Incorporated, a Delaware corporation, grantee, dated July 14, 1965, recorded July 21, 1965, as Document Number 19533927, conveying Parcel 3 of the subject premises, reserving unto said grantor and said grantor's successors and assigns, a permanent and perpetual easement for the construction, maintenance, use, operation, repair and renewal of a roadway along and within the Southerly and Southwesterly lines of Parcel 3 of the subject real estate of sufficient width for the ingress and egress of persons and vehicles between the aforementioned reservoir and Mt. Prospect Road, provided, that upon six (6) months notice in writing, the Grantee may change the location of said roadway to another location which will be acceptable to the road, if any, in existence at the time of relocation and providing the new location is acceptable to the Village of Franklin Park, Illinois. (Affects Parcel 3).
 8. Reservation of easement in Deed from Chicago and North Western Railway Company, a Wisconsin corporation, grantor, to Standard Brands Incorporated, a Delaware corporation, grantee, dated July 14, 1965, recorded July 21, 1965, as Document Number 19533927, conveying Parcel 3 of the subject premises, reserving unto said grantor and said grantor's successors and assigns, a permanent and perpetual easement for the installation, maintenance, use, operation, repair and renewal of water lines along and within the Westerly line of the subject real estate, all work done with respect to such water lines to be performed in a manner which will not unreasonably interfere with Grantee's use of the subject real estate or Grantee's access thereto from Mt. Prospect Road. (Affects Parcel 3).
 9. Condition and restriction contained in Deed from Chicago and North Western Railway Company, a Wisconsin corporation, grantor, to Standard Brands Incorporated, a Delaware corporation, grantee, dated July 14, 1965, recorded July 21, 1965, as Document Number 19533927, conveying Parcel 3 of the subject premises, and which recites that said conveyance is made upon the express condition that if the Grantee shall fail to construct or cause to be constructed and completed upon the subject real estate within two (2) years from the date of this deed, a manufacturing and warehouse building of not less than 100,000 square feet of floor space costing not less than \$1,000,000.00 and a standard gauge railroad track extending between said building and the main line track of Grantor, the title to the subject real estate (Parcel 3) shall immediately revert to Grantor with the right of immediate re-entry. (Affects Parcel 3).
 10. Rights-of-way for railroads, switch tracks and spur tracks; and relative thereto, we also note the rights of the railroad company servicing the railroad tracks located on insured premises in and to the ties, rails and other properties constituting said railroad tracks or in and to the use thereof and also rights of others thereto entitled in and to the use thereof. (Affects Parcels 1, 2 and 3).
 11. Gas Main Easement grant dated September 6, 1966, recorded October 6, 1966, as Document Number 19962282 to Northern Illinois Gas Company, an Illinois corporation, its successors and assigns, to lay, maintain, operate, renew, replace, and remove gas mains and any necessary gas facilities appurtenant thereto, together with right of access thereto, in, upon, under, along and across the East 6 feet of the West 16 feet of the subject premises. (Affects Parcel 3).

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12. Terms, provisions, and conditions contained in and easements, rights and obligations, and liens or charges created by the following:

(a.) Unrecorded Bond Purchase and Lease Agreement (\$1,000,000.00) Village of Franklin Park, Illinois Industrial Development Revenue Bonds (Standard Brands Incorporated Project) dated as of September 1, 1979 to Liberty Mutual Insurance Company by Village of Franklin Park, Illinois (the Issuer) and Standard Brands Incorporated, a Delaware corporation, concerning issuance and purchase and sale of State of Illinois Industrial Development Revenue Bonds, application of bond proceeds and lease of the Project by said Issuer to the Company, prepayment of bonds, covenants and obligations of Company and Issuer, construction and use of the Project, transfer and exchange or substitution of bonds, default provisions

and remedies; and,

(b.) Unrecorded Lease of the Project by said Issuer to Standard Brands Incorporated (as disclosed by the Agreement shown above at a.) for and during the term commencing September 1, 1979 and terminating upon the termination of said Agreement shown above at (a.); and,

(c.) Unrecorded Guaranty and Indemnification Agreement dated as of September 1, 1979 by and between Standard Brands Incorporated and Liberty Mutual Insurance Company, concerning Village of Franklin Park \$1,000,000.00 Industrial Development Revenue Bonds (Standard Brands Incorporated Project); and,

(d.) Unrecorded Easement Agreement dated as of September 1, 1979 by and between Standard Brands Incorporated, Grantor, and Village of Franklin Park, Illinois, Grantee, granting non-exclusive easement and right-of-way over, across and through Parcel 3 of the subject premises for the purpose of granting said Grantee the right to acquire, construct, equip, inspect and maintain in place the Project, in the manner and to the extent permitted in the Lease, and subject to the terms, provisions and conditions therein contained; and,

(e.) Unrecorded Deed and Bill of Sale dated as of September 1, 1979 made by Standard Brands Incorporated, a Delaware corporation, to the Village of Franklin Park, Illinois, a municipal corporation, and its successors and assigns, for and in consideration of the execution and delivery of a Bond Purchase and Lease Agreement shown above at (a.), granting and conveying to the Village all right, title and interest in and to the Project.

13. General real estate taxes not yet due and payable.

14. Those obligations assumed by Grantee as set forth in Schedule 6 of that certain Asset Purchase Agreement among Grantor, Grantee and Nestle S. A., a Swiss corporation dated as of October 27, 1989, as the same may relate to the Real Estate.

15. Matters disclosed by plat of survey dated October 20, 1989-prepared by Gremly & Biedermann, Inc., Order No. 892546, revised October 25, 1989.

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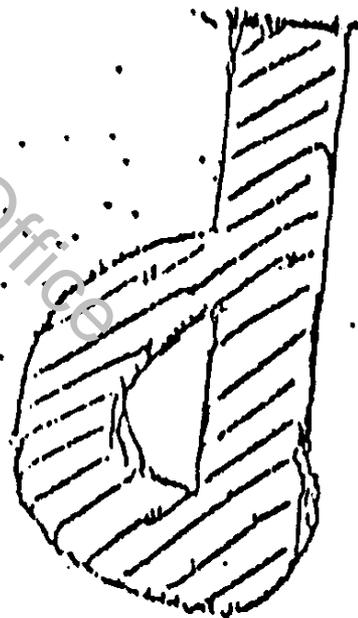
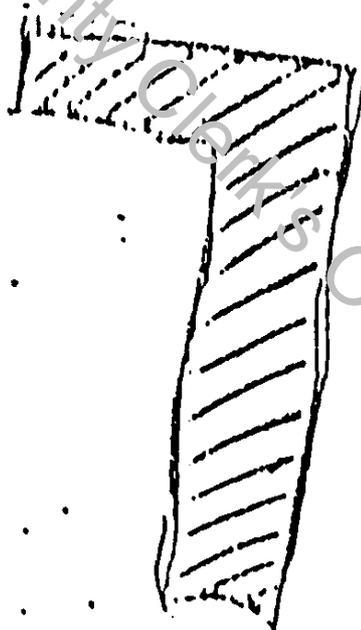
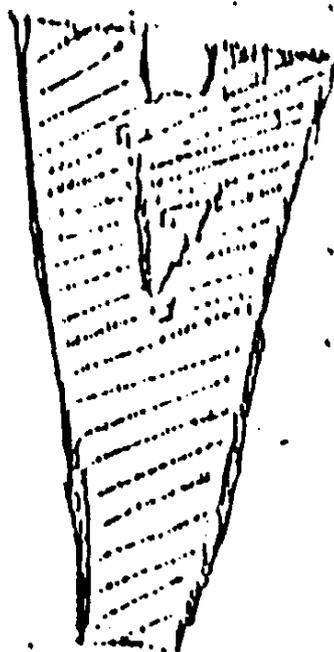
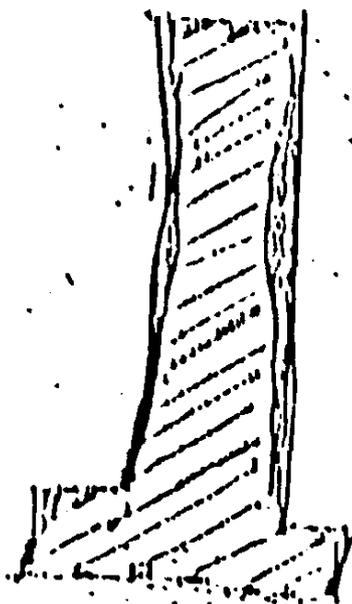
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THOMAS J. HOLLAN
Notary Public, State of New York
No. 014710283
Qualified in New York County
Commission Expires March 28, 19—

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