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95462017

## "Amendment to Easement"

. DEPT-01 RECORDING \$29.50  
. T#6666 TRAN 6802 07/17/95 12:52:00  
. #1226 # SA \* 95-462017  
. COOK COUNTY RECORDER



Williams Pipe Line Company

Prepared by  
(and please return to):  
WorldCom Network Services, Inc.  
P.O. Box 21348, Mail Drop 26-3  
Tulsa, OK 74121

95462017

Tract Number: 2609A

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## AMENDMENT TO EASEMENT

THIS AMENDMENT TO EASEMENT is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 1995, by Martin Mueller and Felizetas Mueller (collectively, the "Grantor") in favor and for the benefit of the Williams Pipe Line Company, a Delaware corporation ("WPL"), its successors assigns.

### RECITALS:

A. Grantor is the record owner of a parcel of property in the County of Cook, and State of Illinois, more particularly described on Exhibit A attached hereto (the "Property").

B. WPL, as successor by assignment to Great Lakes Pipe Line Company, is the grantee under: (1) that certain Right of Way Agreement, dated June 02, 1931, recorded in the records of Cook County, Illinois in Book 28766, Page 197, as amended prior to the date hereof, and (2) that certain Right of Way Agreement, dated, August 29, 1956, recorded in the records of Cook County, Illinois in Book 53944, Page 210, as amended prior to the date hereof (collectively, the "Existing Easements"). pursuant to which Existing Easements WPL has the right, among other things, to construct, maintain and repair a pipe line or pipe lines for the transportation of oil, oil products, gas, water on, over and through the Property.

C. Pursuant to a Settlement Agreement in the cause entitled Young v. Williams Pipe Line Company, et al., bearing No. 92 CH 00267 and lately pending in the Circuit Court of Cook County, Illinois, County Department, Chancery Division, approved by the Judge Presiding on February 9, 1995, this form of Amendment To Easement was prescribed.

D. WPL requested Grantor to amend the Existing Easements, and Grantor has agreed to amend the Existing Easement, in order that such Existing Easements, as so amended, may be used for commercial communications purposes by WPL, its successor and assigns, all as more fully described below.

NOW THEREFORE, Grantor, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby agree as follows:

I. AMENDMENT TO EASEMENTS. Grantor hereby agrees that each of the Existing Easements is hereby amended to grant to WPL, its successors and assigns, the perpetual right, privilege and easement to construct, install, operate, maintain, replace, repair, and remove conduit, piping, ductwork, lines, cables (fiber optic and otherwise), tubing, and other facilities, fittings, appliances and apparatus which are now or hereafter used to transmit communications, whether by sound, light or other means or methods, for the purpose of transmitting, carrying, broadcasting, sending or receiving communications, commercial or otherwise. Any use of other Existing Easements for the foregoing purposes prior to the date hereof is hereby deemed ratified

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and permitted by Grantor.

WPL will not install any additional pipeline for housing fiber optic cable or other communication transmission materials on or under the property of any Settlement Class member.

Nothing contained herein shall be construed as granting WPL the right, privilege or easement to construct, install, operate or maintain a communication network which principally utilizes above-ground towers or poles on, or lines, wires or cables running across Grantor's property. Such restriction shall not apply to above-ground appurtenances of an underground communication network.

2. ASSIGNMENT: APPOINTMENT: Grantor further agrees that WPL shall have the right, from time to time, to assign its rights under the Existing Easement, as amended, in whole or in part, and otherwise to apportion, license, lease or sublease such rights, or any of them, to others as WPL shall determine, and any such successor, assignee, licensee, lessee, sublessee shall be bound by the terms, provisions and conditions of the Existing Easement, as amended.

3. MISCELLANEOUS. (a) The provisions of this Amendment will be binding upon, and shall inure to the benefit of, Grantor and WPL, and their respective successors and assigns.

(b) WPL shall have the right, at its expense, to cause this Amendment to be recorded in the real estate records of Cook County, Illinois.

(c) The Existing Easements, as amended, shall be governed by and construed in accordance with the internal laws of the State of Illinois.

(d) As amended, the Existing Easement remain in full force and effect, and are binding upon WPL and Grantor. This Amendment is intended to grant additional rights to WPL and shall not be deemed or construed to limit or abrogate the rights, privileges and easements set forth in the Existing Easements.

(e) The undersigned Grantor(s) represent(s) and warrant(s) to WPL, its successors and assigns, that, as of the date hereof, he/she/it/they is/are the sole owner(s) of the Property.

  
\_\_\_\_\_  
Martin Mueller

  
\_\_\_\_\_  
Felizetas Mueller

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## Exhibit A

Parcel 1: That part of the Northwest fractional 1/4 of Section 19, Township 40 North, Range 12 East of the Third Principal Meridian, described as follows: Commencing at the center line of Franklin Avenue and a point 797.46 feet (Measured at right angle) East of the West line of said Section, thence South on a line 797.46 feet East and parallel with the West line of said Section 872.87 feet to the point of beginning, thence continuing South on said parallel line 202.40 feet, thence East perpendicular to the last described line 205.44 feet, thence North parallel with the West line of said Section, 202.40 feet, thence West to the point of beginning, in Cook County, Illinois. Parcel 2: That part of the Northwest 1/4 of Section 19, Township 40 North, Range 12 East of the Third Principal Meridian described as follows: Commencing at the center line of Franklin Avenue and a point 797.46 feet (measured at right angles) East of the West line of said Section; thence South on a line 797.46 feet East of and parallel with the West line of said Section, 658.87 feet to the point of beginning; thence continuing South on said parallel line, 214.0 feet; thence East perpendicular to the last described line, 205.44 feet; thence North parallel with the West line of said Section, 214.0 feet; thence West to the point of beginning, in Cook County, Illinois.

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TAX ID NO. **12-19-100-101**

In Section: 19

Township: 40 North

Range: 12 East

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STATE OF )  
 ) SS:  
COUNTY OF )

## ACKNOWLEDGEMENT - INDIVIDUAL GRANTOR

I, the undersigned, a notary public in and for the State and County aforesaid, do certify that \_\_\_\_\_, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she/they signed and delivered the said instrument as his/her/their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 1995.

My Commission Expires: \_\_\_\_\_

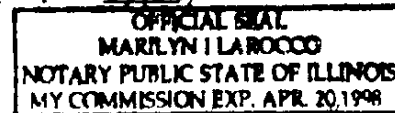
\_\_\_\_\_  
Notary Public

STATE OF )  
 ) SS:  
COUNTY OF )

## ACKNOWLEDGEMENT - INDIVIDUAL GRANTOR

I, the undersigned, a notary public in and for the State and County aforesaid, do certify that Miguel Y Felicitas Alvarez, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she/they signed and delivered the said instrument as his/her/their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this 31 day of May 1995.



My Commission Expires: \_\_\_\_\_

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

4-20-98

*Marilyn LaRocco*

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