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 T42222 TRAN 9892 11/30/95 15:56:00
 #8701 # KB #-95-830060
 COOK COUNTY RECORDER

SUBCONTRACTOR'S NOTICE AND CLAIM FOR LIEN 95830060

STATE OF ILLINOIS)
COUNTY OF Cook) ss:

Claimant, Excel Trenching Inc. of P.O. Box 538, Warrenville, County of DuPage, State of ILLINOIS, hereby files a notice and claim for lien against Power Design, 3215 W. Lake St. Melrose Park, IL 60160, subcontractor, and Pepper Construction Co., 411 Lake Zurich, Barrington, IL 60010, contractor, and Westcoast Estates, 100 Pine St., #3200, San Francisco, CA 94111 and Pacific Freeholds, 100 Pine St., #3200, San Francisco, CA 94111, The Wilder Company of Illinois, 2171 Northbrook Ct. Mall, Northbrook, IL 60062, owner/agent (hereinafter referred to as "owner"), and states:

That on June 8, 1995 the owner owned the following described land in the County of Cook, State of Illinois, to wit:
See Attached Legal Description

Theater Construction
Address of premises: 2171 Northbrook Court Mall, Northbrook, IL 60062.

And Pepper Construction Co. was the owner's contractor for the improvement thereof.

That on June 8, 1995 said contractor made a subcontract with claimant to furnish Underground boring, wiring, light poles and bases and related materials and/or labor for and in said improvement, and that on September 21, 1995 the claimant completed thereunder delivery of materials and/or furnishing of labor to the value of Three Hundred Three Thousand, Seven Hundred and 00/100 (\$303,700.00) dollars.

That said owner, or the agent, architect or superintendent of owner: (a) cannot, upon reasonable diligence, be found in said county, or (b) does not reside in said county.

That said contractor is entitled to credits on account thereof as follows:

\$165,000.00

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leaving due, unpaid and owing to the claimant, after allowing all credits, the sum of One Hundred Thirty Eight Thousand, Seven Hundred and 00/100 (\$138,700.00) dollars, for which, with interest, the claimant claims a lien on said land and improvements and on the monies or other considerations due or to become due from the owner under said contract against said contractor and owner.

Excel Trenching Inc.

BY: [Signature]
ALLAN R. POPPER
Attorney and agent for
Excel Trenching Inc.

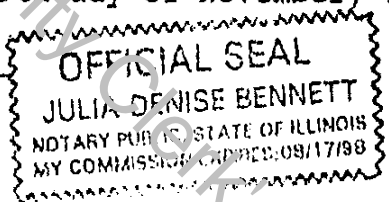
STATE OF ILLINOIS)
COUNTY OF COOK) ss:

Affiant, ALLAN R. POPPER, being first duly sworn, on oath deposes and says that he is the attorney and agent of Excel Trenching Inc., the claimant; that he has read the foregoing notice and claim for lien and knows the contents thereof; and that all statements therein contained are true.

[Signature]
ALLAN R. POPPER
Attorney and agent for
Excel Trenching Inc.

Subscribed and sworn to before me this 29th day of November, 1995.

[Signature]
JULIA DENISE BENNETT, Notary Public



Prepared by: ALLAN R. POPPER
POPPER & WISNIEWSKI
One North LaSalle Street
Suite 3300
Chicago, Illinois 60602

Mail to: POPPER & WISNIEWSKI
One North LaSalle Street
Suite 3300
Chicago, Illinois 60602



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STATE OF ILLINOIS

RECORDS TAX

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BRANCE CO

STATE OF

EXHIBIT A - LEGAL DESCRIPTION

PARCEL 11

That part of the Northeast 1/4 and the Northwest 1/4 of Section 3, Township 42 North, Range 12 East of the Third Principal Meridian described as follows: Beginning at the Southeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 3, Township 42 North, Range 12; thence North 09 Degrees 54 Minutes 08 Seconds West along the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 3, a distance of 139.24 feet; thence North 0 Degrees 03 Minutes 18 Seconds East, a distance of 66.51 feet; thence North 13 Degrees 03 Minutes 18 Seconds East, a distance of 275.64 feet; thence North 17 Degrees 03 Minutes 18 Seconds East, a distance of 20.00 feet; thence South 72 Degrees 56 Minutes 42 Seconds East, a distance of 227.59 feet; thence North 70 Degrees 07 Minutes 07 Seconds East, a distance of 84.18 feet; thence North 17 Degrees 03 Minutes 18 Seconds East, a distance of 324.00 feet; thence North 29 Degrees 56 Minutes 42 Seconds West, a distance of 78.57 feet; thence North 72 Degrees 56 Minutes 42 Seconds West, a distance of 124.80 feet; thence North 42 Degrees 59 Minutes 29 Seconds West, a distance of 68.10 feet; thence North 72 Degrees 56 Minutes 42 Seconds West, a distance of 335.56 feet; thence South 17 Degrees 03 Minutes 18 Seconds West, a distance of 35.50 feet; thence North 72 Degrees 56 Minutes 42 Seconds West, a distance of 288.74 feet; thence South 65 Degrees 29 Minutes 25 Seconds West, a distance of 28.40 feet to a point of curvature; thence Southwesterly 60.30 feet along the arc of a circle convex to the Northwest, and having a radius of 225.00 feet; thence North 39 Degrees 51 Minutes 54 Seconds West, a distance of 25.00 feet; thence North 9 Degrees 56 Minutes 42 Seconds West, a distance of 65.97 feet to a point of curvature; thence Northerly 104.72 feet along the arc of a circle convex to the West, and having a radius of 600.00 feet to a point of tangency; thence North 0 Degrees 03 Minutes 18 Seconds East, a distance of 142.73 feet to a point of intersection with the South line of Lake Cook Road as widened per Document No. 23-033-339; thence South 87 Degrees 38 Minutes 42 Seconds East, a distance of 2.95 feet to an angle point; thence South 89 Degrees 56 Minutes 08 Seconds East along said South line of Lake Cook Road, a distance of 47.89 feet to a point on a curve; thence Southwesterly 35.01 feet along the arc of a circle convex to the Northwest, and having a radius of 47.00 feet to a point of curvature; thence South 0 Degrees 03 Minutes 18 Seconds West, a distance of 132.82 feet to a point of curvature; thence Southeasterly 42.61 feet along the arc of a circle convex to the Southwest, and having a radius of 85.00 feet to a point of compound curvature; thence Southeasterly 100.54 feet along the arc of a circle convex to the Southwest and having a radius of 72.00 feet to a point of tangency; thence North 65 Degrees 29 Minutes 25 Seconds East, a distance of 412.39 feet to a point; thence North 0 Degrees 03 Minutes 18 Seconds East, a distance of 53.41 feet to a point of intersection with the South line

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INSURANCE

EXHIBIT A - LEGAL DESCRIPTION

of Lake Cook Road, aforesaid; thence South 89 Degrees 56 Minutes 03 Seconds East, along said South line of Lake Cook Road, a distance of 115.17 feet to an angle point; thence South 89 Degrees 56 Minutes 42 Seconds East along said South line, a distance of 308.78 feet to an angle point; thence North 88 Degrees 23 Minutes 57 Seconds East, a distance of 799.97 feet; thence South 89 Degrees 56 Minutes 42 Seconds East, a distance of 702.31 feet; thence South 23 Degrees 03 Minutes 18 Seconds West, a distance of 192.78 feet; thence South 57 Degrees 03 Minutes 18 Seconds West, a distance of 175.44 feet; thence North 89 Degrees 56 Minutes 42 Seconds West, a distance of 58.87 feet to a point on a curve, thence Southwesterly 45.32 feet along the arc of a circle convex to the Southeast, and having a radius of 55.00 feet to a point of tangency; thence South 60 Degrees 16 Minutes 37 Seconds West, a distance of 138.84 feet to a point of curvature; thence Northwesterly 71.55 feet along the arc of a circle convex to the Southwest and having a radius of 2.00 feet to a point of tangency; thence North 40 Degrees 56 Minutes 42 Seconds West, a distance of 21.29 feet; thence North 81 Degrees 56 Minutes 42 Seconds West, a distance of 22.64 feet; thence South 57 Degrees 03 Minutes 18 Seconds West, a distance of 105.50 feet to a point; thence South 12 Degrees 03 Minutes 18 Seconds West, a distance of 14.14 feet to a point; thence South 57 Degrees 03 Minutes 18 Seconds West, a distance of 14.14 feet; thence North 77 Degrees 56 Minutes 42 Seconds West, a distance of 49.35 feet; thence South 57 Degrees 03 Minutes 18 Seconds West, a distance of 27.11 feet; thence South 32 Degrees 27 Minutes 41 Seconds East, a distance of 320.00 feet; thence North 57 Degrees 03 Minutes 18 Seconds East, a distance of 327.04 feet; thence South 32 Degrees 56 Minutes 42 Seconds East, a distance of 274.92 feet to a point on a curve; thence Northeasterly 196.80 feet along the arc of a circle convex to the Southeast, and having a radius of 316.00 feet; thence South 66 Degrees 13 Minutes 52 Seconds East, a distance of 44.00 feet to a point on a curve; thence Northeasterly 55.80 feet along the arc of a circle convex to the Southeast, and having a radius of 422.00 feet to a point of tangency; thence North 22 Degrees 11 Minutes 35 Seconds East, a distance of 75.13 feet to a point of curvature; thence Northerly 257.64 feet along the arc of a circle convex to the East, and having a radius of 322.00 feet to a point of tangency; thence North 23 Degrees 39 Minutes 12 Seconds West, a distance of 137.53 feet to a point of curvature; thence Northwesterly 80.00 feet along the arc of a circle convex to the Northwest, and having a radius of 322.00 feet to a point of reverse curve; thence North 36.44 feet, along the arc of a circle convex to the West, and having a radius of 34.26 feet to a point of tangency; thence North 23 Degrees 03 Minutes 18 Seconds East, a distance of 93.92 feet to a point on a curve; thence Northeasterly 105.44 feet along the arc of a circle convex to the Northwest, and having a radius of 150.00 feet to a point of intersection with the South line of Lake Cook Road as widened as per Document No. 23-1138-12; thence South 89 Degrees 56 Minutes 42 Seconds East along said South line, a distance of 40.00 feet; thence South

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RANGE C

EXHIBIT A - LEGAL DESCRIPTION

25 Degrees 13 Minutes 49 Seconds West, a distance of 46.99 feet to a point on a curve; thence Southwesterly 75.15 feet along the arc of a circle convex to the Northwest and having a radius of 103.00 feet to a point of tangency; thence South 23 Degrees 03 Minutes 18 Seconds West, a distance of 25.92 feet to a point; thence South 51 Degrees 19 Minutes 08 Seconds East, a distance of 18.82 feet to a point on a curve; thence Southeasterly 143.05 feet along the arc of a circle convex to the Northeast, and having a radius of 467.00 feet to a point; thence South 53 Degrees 09 Minutes 43 Seconds West, a distance of 47.07 feet to a point on a curve; thence Southeasterly and Southwesterly 406.43 feet along the arc of a circle convex to the East, and having a radius of 420.00 feet to a point of tangency; thence South 27 Degrees 01 Minutes 10 Seconds West, a distance of 240.30 feet; thence South 89 Degrees 54 Minutes 25 Seconds East along a line 366.00 feet (measured at right angles) North of and parallel with the South line of the Northeast 1/4 of the Northeast 1/4 of Section 3, a distance of 715.19 feet to a point of intersection with a line 50.00 feet West of and parallel with the East line of the Northeast 1/4 of Section 3, also being the West line of Lee Road as per Document No. 23-13-62; thence South 0 Degrees 05 Minutes 06 Seconds East, a distance of 66.00 feet along said lines to a point of intersection with a line 300.00 feet North and parallel with the South line of the Northeast 1/4 of the Northeast 1/4 of said Section 3; thence North 89 Degrees 54 Minutes 25 Seconds West along said North line, a distance of 747.57 feet to a point on a curve; thence Southwesterly 72.62 feet along the arc of a circle convex to the Southeast and having a radius of 100.00 feet to a point of tangency; thence South 82 Degrees 11 Minutes 15 Seconds West, a distance of 12.47 feet to a point of curvature; thence Southwesterly 407.32 feet along the arc of a circle convex to the Northwest and having a radius of 900.00 feet to a point of tangency; thence South 56 Degrees 15 Minutes 26 Seconds West, a distance of 7.72 feet to a point of curvature; thence Southeasterly 138.42 feet along the arc of a circle convex to the Northwest and having a radius of 150.00 feet to a point on the South line of the Northeast 1/4 of the Northeast 1/4 of said Section 3; thence South 89 Degrees 54 Minutes 25 Seconds East along said South line, a distance of 6.24 feet to the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 3 aforesaid; thence South 0 Degrees 10 Minutes 24 Seconds West along the East line of the West 1/4 of the Northeast 1/4 of Section 3 aforesaid 1239.85 feet to the point of intersection with the Northerly line of Illinois Tri-State Toll Road; thence South 81 Degrees 46 Minutes 45 Seconds West along said Northerly line, a distance of 1308.03 feet to a point of intersection with the East and West center line of said Section 3; thence North 87 Degrees 51 Minutes 43 Seconds West along said center line, a distance of 35.33 feet to a point of intersection with the West line of the Southwest 1/4 of the Northeast 1/4 of said Section 3; thence North 0 Degrees 25 Minutes 56 Seconds East, a distance of 419.16 feet; thence South 89 Degrees 34 Minutes 04 Seconds East, a distance of 28.00 feet; thence North 66 Degrees 13 Minutes 30 Seconds East, a

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STATE OF ILLINOIS
DEPARTMENT OF REVENUE
PROPERTY TAX

RANGE C

Parcel No. 1 220753

EXHIBIT A - LEGAL DESCRIPTION

Westerly of the Northeast corner thereof; thence South along a line 2750.00 feet West and perpendicular to said Westerly extension, a distance of 104.98 feet to the point of beginning of the parcels of land herein described; thence North 89 Degrees 56 Minutes 08 Seconds East, parallel with the Westerly extension of the North line of the Northeast 1/4 of Section 3 aforesaid, a distance of 453.16 feet; thence South 0 Degrees 03 Minutes 18 Seconds West, a distance of 0.09 feet to a point on a curve; thence Southwesterly 35.01 feet along the arc of a circle, convex to the Northwest and having a radius of 47.00 feet to a point of tangency; thence Southwest 0 Degrees 03 Minutes 18 Seconds West, a distance of 132.82 feet to a point of curvature; thence Southeasterly 42.61 feet along the arc of a circle, convex to the West and having a radius of 85.00 feet to a point of compound curvature; thence Southeasterly and Easterly 100.54 feet along the arc of a circle convex to the Southwest and having a radius of 72.00 feet to a point of tangency; thence North 65 Degrees 29 Minutes 25 Seconds East, a distance of 412.39 feet along the Northwesterly line of the "Ring Road" Easement as per Document No. 23-126-333 and Document No. LR2341284 to a point of intersection with a line 2750.00 feet West of the Northeast corner of said Section 3 and perpendicular to the Westerly extension of the North line of the Northeast 1/4 of said Section 3; thence North 0 Degrees 03 Minutes 18 Seconds East along said line, a distance of 53.41 feet to the hereinabove designated point of beginning, all in Cook County, Illinois.

PARCEL 4:

Easements appurtenant to and for the benefit of Parcel 1, created limited, and defined by that certain Operating Agreement recorded on June 24, 1973 as Document No. 23,126,333, re-recorded September 12, 1975 as Document No. 23,219,179, re-recorded January 9, 1976 as Document No. 23,349,231, filed November 18, 1975 as Document No. LR-2,841,284, First Amendment thereto recorded March 4, 1976 as Document No. 23,405,570 and filed April 2, 1976 as Document No. LR-2,882,028, Correction to First Amendment recorded May 7, 1976 as Document No. 23,477,852, re-recorded May 20, 1976 as Document No. 23,492,076, filed May 20, 1976 as Document No. LR-2,870,558, Second Amendment thereto recorded August 30, 1978 as Document No. 24,607,414 filed August 30, 1978 as Document No. LR-3,043,161, Supplement to Second Amendment recorded August 30, 1978 as Document No. 24,607,415, filed August 30, 1978 as Document No. LR-3,043,162, Third Amendment thereto recorded January 26, 1984 as Document No. 26,945,586 and filed January 25, 1984 as Document No. LR-2,352,289 and Assignment recorded October 16, 1985 as Document No. 86,482,154, executed by Homart Development Co. (Developer); Sears, Roebuck and Co., J.C. Penney Properties, Inc. (Penney); Adcor Realty Corporation (Lord & Taylor); Carter Hewley Hale Stores, Inc. (Heilan); and Federated Department Stores, Inc. (I. Magnin) over, upon and under the property described in said Operating Agreement, said easements more specifically described as follows:

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SECTION 10.1
 SUBSECTION A - Continued

EXHIBIT A - LEGAL DESCRIPTION

- (1) The non-exclusive easement to use the Common Area, as defined in Section 1.1(g) of said Operating Agreement; said easement to include without limitation the use of Parking Area, roadways, walkways;
- (2) The non-exclusive easement to enter upon the parcel of each grantor, and into all improvements thereon, for the purpose of performing any obligation which the grantor is required to perform under this agreement, but fails or refuses to do so, and which the grantee has the right then so to perform under Article XI hereof;
- (3) Easements for the management, operation, maintenance, reconstruction and repair of the Common Area pursuant to Section 10.1 of the Operating Agreement;
- (4) Easements to have the Mall and the Developer Building abut and connect to (but not bear structurally upon) the Fenner Building, the Lord & Taylor Building, the I. Magnin Building, and the Keenan Building, but only to the extent indicated on the Developer Preliminary Plans and Specifications referred to in Section 5.1 of the Operating Agreement;
- (5) Non-exclusive easements for the purpose of maintaining, repairing or reconstructing any of the facilities of each grantee located in such proximity to the parcel of each grantor that such facilities can, as a practical matter, be so maintained, repaired or reconstructed most advantageously from the parcel of the grantor;
- (6) Non-exclusive easements for use, for itself and its permittees, of the portion of the Ring Road located on the parcel of each grantor, for the purpose of two-way vehicular traffic (passenger vehicles and trucks) and pedestrian access, between the parcels of each grantee and abutting highways, and between the various portions of each such parcel;
- (7) Non-exclusive easements in the "Developer Parcel", as defined in said Operating Agreement, and in the other grantors' parcels, for Common Utility Facilities and other utility facilities;
- (8) Non-exclusive easements in each grantor's parcel in, to, over, under and across the Common Area of its parcel at locations approved by the grantor for the purpose of constructing, reconstruction, erection and maintenance of such footings, foundations, supports, canopies, roofs, building and other overhangs, awnings, alarm bells, signs, lights and lighting devices and other similar appurtenances to each grantee's improvements.

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TICOR TITLE INSURANCE COMPANY OF CALIFORNIA

Schedule A - Continued

Policy No.: 220753

EXHIBIT A - LEGAL DESCRIPTION

Permanent Tax Numbers:

- 04-03-200-017
- 04-03-200-010
- 04-03-200-011
- 04-03-200-016
- 04-03-200-007
- 04-03-200-014
- 04-03-200-020
- 04-03-101-010
- 04-03-101-017
- 04-03-101-011
- 04-03-101-012

Cook County
 REAL ESTATE TRANSACTION TAX
 REVENUE
 STAMP NO. 1191
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PROPERTY TAXES
 COOK COUNTY CLERK'S OFFICE
 1221 N. LAKE ST., CHICAGO, ILL. 60610

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