

UNOFFICIAL COPY

95346758

Authorization No. P-3229

73-78-571 DG
(52)

CONSENT INSTRUMENT

Whereas, by deed dated July 11, 1969, bearing Deed No. 75399, recorded in the Cook County, Illinois Recorder's Office on August 7, 1969 as Document No. 20923911 CHICAGO AND NORTH WESTERN RAILWAY COMPANY, whose principal office is now located at 165 N. Canal Street, Chicago, Illinois 60606 (hereinafter called the "Railway Company"), conveyed to JOHNE BUCHHAUS certain real estate located in the South Half of Section 16, Township 39 North, Range 13 East of the Third Principal Meridian in the City of Chicago, Cook County, Illinois.

DEPT-01 RECORDING \$23.00
T#0012 TRAN 4347 05/26/95 11:19:00
46383 JH *-95346758
COOK COUNTY RECORDER

Whereas, said deed contained the following reservation (the "Deed Reservation"):

Saving and reserving unto the Grantor, its successors and assigns, the spur tracks now located upon the above described real estate together with the right to use, occupy and enjoy, for the proper maintenance and operation of said tracks, the following portion of the above described parcel of land, to wit:

A Northwesterly-Southeasterly strip of land, lying Southwesterly of a line parallel with and distant 9 feet Northeasterly, measured at right angles and radially, from the center line of the main connecting track crossing said above described parcel of land being conveyed, and lying Northeasterly of a line parallel with and distant 9 feet Southwesterly, measured at right angles, from said main connecting track center line, and Northeasterly of a line parallel with and distant 9 feet Southwesterly, measured at right angles and radially, from the center line of the side track lying Southwesterly of said above described connecting track.

until such time as said Grantor, its successors and assigns, shall permanently abandon the use of said tracks and remove the same from said premises.

Whereas, said real estate is located as follows:

Common Address: Property east of Central Avenue and North of Roosevelt Road, Chicago, Illinois.

Property Identification Number: 16-16-310-018

Whereas, DuPage Water Commission, a Body Corporate and Politic, (hereinafter called the "Commission") wishes to obtain an easement to survey, construct, reconstruct, use, operate, maintain, test, inspect, repair, replace, alter or remove (said activities hereinafter collectively referred to as "Installation") a water transmission main(s) of not greater than 96 inches diameter together with related attachments, equipment and appurtenances thereto (said transmission main(s) and said attachments, equipment and appurtenances, hereinafter collectively referred to as the "Pipeline"), in, upon, under, along and across

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said real estate and to obtain the consent of the owner of said tracks for the installation of the Pipeline under said tracks.

Therefore, in consideration of the payment of ten dollars (\$10.00) and other good and valuable consideration, the Railway Company, as holder of rights and interests of the Deed Reservation hereby consents to the installation of the Pipeline subject to the rights of any other party having an interest in said real estate or in said tracks, providing, however, that the installation of the Pipeline complies with the specifications of the American Railway Engineering Association and any railroad company having an interest in the Deed Reservation and providing that the Commission reimburses the Railway Company and any other party using said tracks for any costs they may incur in protecting said tracks or in repairing any damage to said tracks resulting from the installation of the Pipeline.

DATED this 12th day of May, 1995.

Signed, Sealed and Delivered in Presence of:

CHICAGO AND NORTH WESTERN RAILWAY COMPANY

By [Signature]
B. W. Bruce, Vice President

Attest [Signature]
Robin Bourne-Caris, Asst. Secretary

[Signature]
[Signature]

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Larry A. Whitney, a Notary Public, duly commissioned and qualified in and for the County and State aforesaid and residing therein, DO HEREBY CERTIFY that B. W. Bruce and Robin Bourne-Caris, to me personally known and known to me to be, respectively, Vice President and Assistant Secretary of CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a Delaware corporation, and the identical persons whose names are subscribed to the foregoing Instrument, appeared before me this day in person, and being first duly sworn by me, severally acknowledged to me that they are, respectively, Vice President and Assistant Secretary of said corporation; that as such officers they signed, sealed and delivered said instrument in behalf of said corporation by authority and order of its Board of Directors, as the free and voluntary act and deed of said corporation, and as their own free and voluntary act; that the seal affixed to said instrument is the seal of said corporation; and that said corporation executed said instrument for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as such Notary Public, at Chicago, Illinois, this 12th day of May, 1995.

BOX 333-CTI

[Signature]
Notary Public, In and for the County of Cook, in the State of Illinois

This instrument was prepared by the Chicago and North Western Railway Company, 165 North Canal Street, Chicago, Illinois 60606.

(602-153) 1045

RECORDS, MAIL TO: [Address]
55 W. Monroe
Suite 800
Chicago, IL 60603