

# UNOFFICIAL COPY

## SPECIAL WARRANTY DEED (Illinois)

THIS AGREEMENT, made this 18<sup>th</sup> day of October, 1996, between Endowment and Foundation Realty, Ltd. - JMB-IV, 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, party of the first part, and Security Capital Industrial Trust, a Maryland real estate investment trust, party of the second part, WITNESSETH, that the party of the first part, for and in consideration of the sum of Ten Dollars and 00/100 in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and by these presents does REMISE, RELEASE, ALIEN AND CONVEY unto the party of the second part and to its successors and assigns, FOREVER, all the following described real estate, situation in the County of Cook and State of Illinois known and described as follows, to wit:

See Exhibit A attached hereto and made a part hereof.

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversionary remainder and remainders, rents, issues and profits thereof, and all the estate, right, title interest, claim or demand whatsoever, of the party of the first part, either in law or equity, of, in and to the above described premises, with the hereditaments and appurtenances; TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the party of the second part, its successors and assigns forever.

And the party of the first part, for itself, and its successors, does covenant, promise and agree, to and with the party of the second part, its successors and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner incumbered or charged, except as herein recited; and that the said premises, against all persons lawfully claiming, or to claim the same, by through or under it, it WILL WARRANT AND DEFEND, subject to:

See Exhibit B attached hereto and made a part hereof.

Permanent Real Estate Number: 08-34-402-052, Volume 050

Address of real estate: 1480 - 1540 Devon Avenue, Elk Grove Village, Illinois

IN WITNESS WHEREOF, said party of the first part has executed and delivered this instrument as of the day and year first above written.

This instrument was prepared by:

Anthony Bergamino, Esq.  
Alzheimer & Gray  
10 South Wacker Drive, Suite 4000  
Chicago, IL 60606

After recording return to:

Lynne Heffand Wolfberg, Esq.  
Mayer, Brown & Platt  
190 South LaSalle Street  
Chicago, IL 60603

ENDOWMENT AND FOUNDATION REALTY, LTD.  
- JMB-IV, a Delaware corporation

By: Heitman/JMB Endowment Advisors, L.P., an Illinois limited partnership, Investment Advisor

By: Heitman Capital Management Corporation, an Illinois corporation, General Partner

By: [Signature]  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

DEPT-11 TORRENS +31.50  
T#0015 TRAN 6872 10/18/96 16:04:00  
#1771 CT \*--96-795958  
COOK COUNTY RECORDER

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Above Space for Recorder's Use Only

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1480-1540 Devon

## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1:

LOT 3 IN FOUR COLUMNS RESUBDIVISION IN ELK GROVE VILLAGE, BEING A RESUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN ELK GROVE VILLAGE, COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JULY 30, 1980 AS DOCUMENT NUMBER 25530614, IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

(A) EASEMENT FOR THE BENEFIT OF PARCEL 1 CREATED AND GRANTED BY GRANT OF EASEMENT DATED AUGUST 18, 1980 AND RECORDED AUGUST 29, 1980 AS DOCUMENT NUMBER 25566450 FOR A 10 FOOT WIDE UNDERGROUND EASEMENT TO INSTALL, CONSTRUCT, USE, REPAIR, MAINTAIN, RENEW OR REMOVE PIPES, LINES, WIRES AND CONDUITS TO PROVIDE SEWER, WATER, DRAINAGE, ELECTRICITY, NATURAL GAS, TELEPHONE AND OTHER UTILITIES UNDER THE FOLLOWING DESCRIBED TRACT TO AND FOR THE BENEFIT OF PARCEL 1: THAT PART OF LOT 269 IN CENTEX INDUSTRIAL PARK UNIT 151, BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 269; THENCE EASTWARD ALONG THE NORTH LINE OF SAID LOT 269, ALSO BEING THE SOUTH LINE OF ARTHUR AVENUE, NORTH 89 DEGREES 30 MINUTES 00 SECONDS EAST A DISTANCE OF 339.52 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 112.00 FEET; THENCE NORTH 89 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 00 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 31.00 FEET; THENCE NORTH 89 DEGREES 30 MINUTES 00 SECONDS EAST A DISTANCE OF 10.00 FEET; THENCE NORTH 00 DEGREES 30 MINUTES 00 SECONDS WEST A DISTANCE OF 41.00 FEET; THENCE SOUTH 89 DEGREES 30 MINUTES 00 SECONDS WEST A DISTANCE OF 12.00 FEET; THENCE NORTH 00 DEGREES 30 MINUTES 00 SECONDS WEST, A DISTANCE OF 102.00 FEET TO A POINT ON THE SAID NORTH LINE OF LOT 269; THENCE WESTWARD ALONG THE SAID NORTH LINE, SOUTH 89 DEGREES 30 MINUTES 00 SECONDS WEST, A DISTANCE OF 10 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

(B) EASEMENT FOR THE BENEFIT OF PARCEL 1 CREATED AND GRANTED BY GRANT OF EASEMENT DATED AUGUST 18, 1980 AND RECORDED AUGUST 29, 1980 AS DOCUMENT NUMBER 25566451 FOR A 15 FOOT WIDE UNDERGROUND EASEMENT TO INSTALL, CONSTRUCT, USE, REPAIR, MAINTAIN, RENEW OR REMOVE PIPES, LINES, WIRES AND

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CONDUITS TO PROVIDE SEWER, WATER, DRAINAGE ELECTRICITY, NATURAL GAS, TELEPHONE AND OTHER UTILITIES UNDER THE FOLLOWING DESCRIBED TRACT TO AND FOR THE BENEFIT OF PARCEL 1: THAT PART OF LOT 269 IN CENTEX INDUSTRIAL PARK UNIT 151, BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 269; THENCE EASTWARD ALONG THE NORTH LINE OF SAID LOT 269, ALSO BEING THE SOUTH LINE OF ARTHUR AVENUE, NORTH 89 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 716.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 3 DEGREES 38 MINUTES 41 SECONDS WEST, A DISTANCE OF 143.38 FEET; THENCE NORTH 89 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 15.04 FEET; THENCE NORTH 3 DEGREES 38 MINUTES 41 SECONDS EAST, A DISTANCE OF 143.38 FEET TO A POINT ON THE SAID NORTH LINE OF LOT 269; THENCE WESTWARD ALONG THE SAID NORTH LINE, SOUTH 89 DEGREES 30 MINUTES 00 SECONDS WEST, A DISTANCE OF 15.04 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

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Cook County  
REAL ESTATE TRANSACTION TAX  
REVENUE  
STAMP OCT 18 '96  
No. 11422  
999.00

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Cook County  
REAL ESTATE TRANSACTION TAX  
REVENUE  
STAMP OCT 18 '96  
No. 11422  
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Cook County  
REAL ESTATE TRANSACTION TAX  
REVENUE  
STAMP OCT 18 '96  
No. 11422  
10.75

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## EXHIBIT B

1. Real Estate taxes for the year 1996.
2. Building lines as shown on the plat of resubdivision recorded as Document Number 25530614 and as shown on the plat of subdivision of Centex Industrial Park Unit 151 recorded as Document Number 21360549.  
  
(Only affects South 25 feet of Parcel 1 and North 25 feet of Parcel 2).
3. Easement for public utilities, underground public utilities, drainage, sewer, and water as shown on the plat of resubdivision recorded as Document Number 25530614 and as shown on plat of subdivision of Centex Industrial Park Unit 151 recorded as Document Number 21360549.  
  
(Only affects South 25 feet of Parcel 1 and North 25 feet of Parcel 2).
4. Easement for public utilities and drainage as shown on the plat of resubdivision recorded as Document Number 25530614.  
  
(Only affects North 15 feet of Parcel 1).
5. Easement for the purpose of installing and maintaining all equipment necessary for the purpose of serving the subdivision and other property with telephone and electric service and also with right of access thereto as granted to the Illinois Bell Telephone Company and the Commonwealth Edison Company and their respective successors and assigns, as shown on the plat of subdivision recorded as Document Number 25530614 and as shown on plat of subdivision recorded as Document Number 21360549.  
  
(Only affects areas shown above at numbers 3 and 4).
6. Easement reserved and granted to the Northern Illinois Gas Company, its successors and assigns, in all platted easement areas, streets, alley and other public ways and places as shown on the plat of said subdivision, said easement to be for installation maintenance, relocation, renewal and removal of gas mains and appurtenances, as shown on the plat of said subdivision recorded as Document Number 25530614 and as shown on plat of subdivision recorded as Document Number 21360549.

(Only affects areas shown above at numbers 3 and 4)

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7. Covenants, conditions and restrictions contained in deed from Chicago Title and Trust Company, an Illinois corporation, as trustee under trust agreement dated April 12, 1962 and known as Trust Number 44344 to Chrysler Corporation, a Delaware corporation dated January 18, 1971 recorded January 22, 1971 as Document Number 21378351 relating to, among other things, use, type, character, location construction and height of buildings, location of buildings and loading docks, provision of off-street parking facilities, construction and exterior walls or surfaces of buildings and finish of exterior walls or surfaces, use of the land between building lines and street property lines, landscaping, maintenance, height of towers, tanks, elevators, stairways etc., and other roof structures or equipment, reservation of right and easements, storage yards and screening devices, prohibitions against dumping rubbish, garbage and refuse or waste disposal, fences, walls hedges and shrubs, height and sight lines at intersection.
8. Terms, provisions and conditions as set forth in the instrument(s) creating the easement described and referred to herein as Parcel 2 (A) and (B), and rights of adjoining owner or owners to the concurrent use of the easement described and referred to herein as Parcel 2 (A) and (B).
9. Plat of survey dated August 5, 1996 by Zarko Sekerez & Associates: discloses the following:
- (a.) Utility power poles and overhead utility lines located within, over across and along the East 10 feet of Parcel 1 of the subject premises, and relative thereto we also note the rights of the utility companies thereto; and,
- (b.) Drainage ditch and inlets on easterly part of Parcel 1 of the subject premises.
10. Adverse encroachment of the fence located mainly on the property, lying East and adjoining over and onto the subject land by an undisclosed distance, as disclosed by survey prepared by Zarko Sekerez & Associates dated August 5, 1996 as Job Number 105236.

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