

UNOFFICIAL COPY

96161996

QUIT CLAIM DEED

THIS INDENTURE made this 21st day of February A.D., 1996, WITNESSETH, that the INDIANA HARBOR BELT RAILROAD COMPANY, a corporation of the State of Indiana, with an office at 2721 - 161st Street, Hammond, IN 46323-1099, hereinafter referred to as the "Grantor", for and in the consideration of Ten Dollars and 00/100, and other good and valuable consideration to it paid, the receipt of which is hereby acknowledged, quitclaims and conveys unto Norfolk and Western Railway Company, whose mailing address is 600 West Peachtree Street, Suite 1703, Atlanta, GA 30308, hereinafter referred to as the "Grantee" all right, title and interest of the said Grantor, of, in and to the following described real estate:

THAT PART OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH THAT PART OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID POINT BEING 33 FEET SOUTH OF THE NORTH LINE OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE EAST PARALLEL TO SAID NORTH LINE FOR A DISTANCE OF 179.75 FEET; THENCE SOUTH ALONG A LINE PARALLEL TO SAID WEST LINE FOR A DISTANCE OF 65.28 FEET TO A POINT OF CURVATURE; THENCE ALONG AN ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 1067.5 FEET FOR A DISTANCE OF 822.70 FEET; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL TO AND AT ALL POINTS 100 FEET NORTHEASTERLY OF THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD NORTHEASTERLY RIGHT OF WAY, AS MEASURED PERPENDICULAR FROM SAID RIGHT OF WAY, TO THE COMMON LINE OF STATE OF ILLINOIS AND STATE OF INDIANA; THENCE IN A SOUTHERLY DIRECTION WITH SAID COMMON STATE LINE TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY OF THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD TO THE WEST LINE OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE ALONG SAID WEST LINE IN A NORTHERLY DIRECTION FOR A DISTANCE 432.75 FEET TO THE POINT OF BEGINNING.

DEPT-01 RECORDING \$31.00
 T#0012 TRAN 9405 03/01/96 14:46:00
 #6776 ÷ ER *-96-161996
 COOK COUNTY RECORDER

757533902 dx rd

31/96

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(EXCEPTING THEREFROM A 34.00 FEET WIDE STRIP ON THE NORTHEASTERLY SIDE OF ABOVE DESCRIBED STRIP THAT LIES EASTERLY OF THE WESTERLY RIGHT OF WAY LINE OF CONRAIL AND WESTERLY OF THE ILLINOIS/INDIANA STATE LINE;

AND ALSO EXCEPTING THEREFROM THE WEST 50.00 FEET THEREOF;

AND ALSO EXCEPTING THEREFROM THAT PART THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH 50.00 FEET OF SAID SECTION 31, SAID POINT BEING 179.75 FEET EAST OF THE WEST LINE OF SAID SECTION; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 100.75 FEET; THENCE SOUTHWESTERLY IN A STRAIGHT LINE TO A POINT ON THE EAST LINE OF THE WEST 50.00 FEET OF SAID SECTION, SAID POINT BEING 75.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION; THENCE NORTH ALONG THE EAST LINE OF AFORESAID WEST 50.00 FEET, A DISTANCE OF 42.00 FEET TO THE SOUTH LINE OF THE NORTH 33.00 FEET OF SAID SECTION; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTH 33.00 FEET, A DISTANCE OF 129.75 FEET; THENCE SOUTH, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING;

AND ALSO EXCEPTING THEREFROM THAT PART THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE 50.00 FEET EAST FROM AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 31, WITH A LINE DRAWN PERPENDICULAR TO SAID WEST LINE, AT A POINT 78.00 FEET SOUTH OF THE NORTH WEST CORNER THEREOF AND RUNNING THENCE SOUTH ALONG SAID LINE 50.00 FEET EAST FROM AND PARALLEL WITH THE WEST LINE OF SECTION 31, A DISTANCE OF 330.00 FEET; THENCE EAST ALONG A LINE, PERPENDICULAR TO SAID LAST DESCRIBED LINE, A DISTANCE OF 91.60 FEET; THENCE NORTHWESTWARDLY ALONG THE ARC OF A CIRCLE, CONVEX TO THE WEST, WITH A RADIUS OF 1342.53 FEET, A DISTANCE OF 335.35 FEET TO A POINT WHICH IS 87.07 FEET EAST FROM SAID WEST LINE OF THE NORTHWEST 1/4 OF SECTION 31, AND 78.00 FEET SOUTH OF THE NORTH WEST CORNER THEREOF (AS MEASURED ALONG SAID WEST LINE AND A LINE PERPENDICULAR THERETO), AND THENCE WEST ALONG SAID LINE PERPENDICULAR TO THE WEST LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 37.07 FEET), ALL IN COOK COUNTY, ILLINOIS.

ADDRESS:

Former Partial CWI Right-of-Way from Indiana/Illinois
State Line to 130th and Torrence Avenue

PERMANENT INDEX NUMBER(S):

26-31-502-003-0000
30-05-502-001-0000
30-06-508-001-0000

IN COOK COUNTY, ILLINOIS

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UNDER and SUBJECT, however, to (1) whatever rights the public may have to the use of any roads, alleys, bridges or streets crossing the premises herein described, (2) any easements or agreements of record or otherwise affecting the land hereby conveyed, and to the state of facts which a personal inspection or accurate survey would disclose, and to any pipes, wires, poles, cables, culverts, drainage courses or systems and their appurtenances now existing and remaining in, on, under, over, across and through the premises herein described, together with the right to maintain, repair, renew, replace, use and remove same.

THIS INSTRUMENT is executed and delivered by Grantor, and is accepted by Grantee, subject to the covenants set forth below, which shall be deemed part of the consideration of this conveyance and which shall run with the land and be binding upon, and inure to the benefit of, the respective heirs, personal representatives, successors and assigns of Grantor and Grantee. Grantee hereby knowingly, willingly, and voluntarily waives the benefit of any rule, law, custom, or statute of the State of Illinois now or hereafter in force with respect to the covenant set forth below.

(1) Except as set forth in Section (b) below, Grantee shall indemnify and defend Grantor against, and hold Grantor harmless from all claims, actions, proceedings, judgments and awards, for death, injury, loss, or damage to any person or property, brought by any person, firm corporation, or governmental entity, caused by, resulting to, arising from, or in connection with, the active or passive effects or existence of any physical substance of any nature or character, on, under, or in the land, water, air, structures, fixtures, or personal property comprising the land hereinbefore described; (b) Grantor will be responsible only for its negligence or failure to comply with applicable regulations during ownership of the herein described parcel, but Grantor shall not be responsible: (i) for migration from any non-Grantor adjoining property, and (ii) as to that portion of the property used and/or leased by Grantee, for acts or omissions of Grantee or third parties that occurred after the date use by Grantee began. It shall be Grantee's burden of proof to show that Grantor is responsible for any liability as set forth in this Subparagraph (b).

(2) Should a claim adverse to the title hereby quitclaimed be asserted and/or proved, no recourse shall be had against the Grantor herein.

THE words "Grantor and "Grantee" used herein shall be construed as if they read "Grantors" and "Grantees", respectively, whenever the sense of this instrument so requires and whether singular or plural, such words shall be deemed to include at all times and in all cases the heirs, legal representatives or successors and assigns of the Grantor and Grantee.

IN WITNESS WHEREOF, INDIANA HARBOR BELT RAILROAD COMPANY, Grantor, pursuant to due corporate authority, has caused its named to be signed hereto by its officers hereunto duly authorized and its corporate seal duly attested, to be hereunto affixed as of the day and year first above written.

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2011/11/15

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WITNESS:

INDIANA HARBOR BELT RAILROAD
COMPANY, BY:

Shirley C Jackson

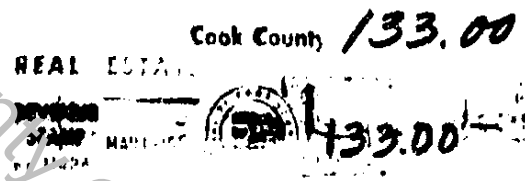
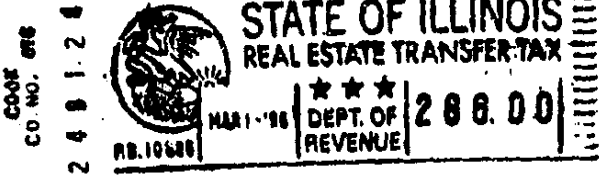
[Signature]
Cary W. Dickerson, President

WITNESS:

ATTEST:

Shirley C Jackson

[Signature]
James D. McGeehan, Secretary



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COMMONWEALTH OF PENNSYLVANIA)
) SS
COUNTY OF PHILADELPHIA)

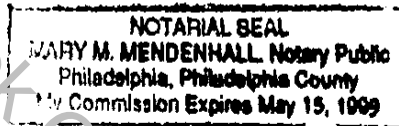
BEFORE ME, the undersigned, a Notary Public in and for said Commonwealth and County, personally appeared CARY W. DICKIESON, President and JAMES D. McGEEHAN, Secretary, respectively, of INDIANA HARBOR BELT RAILROAD COMPANY, and severally acknowledged the execution of the foregoing Instrument to be the voluntary act and deed of said INDIANA HARBOR BELT RAILROAD COMPANY, and their voluntary act and deed as such officers.

WITNESS my hand and notarial seal, this 21st day of February, A. D.

1996.

Notary Public:

Mary M. Mendenhall



THIS INSTRUMENT PREPARED BY:

Roger A. Serpe, General Counsel
Indiana Harbor Belt Railroad Company
175 W. Jackson Boulevard, Suite 1460
Chicago, IL 60604

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BOX 333-CT1

Mail to
DeFrees & Fiske
Jan Short
200 S Michigan
Suite 1100
Chicago 60604

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PLAT ACT AFFIDAVIT

STATE OF ILLINOIS
COUNTY OF COOK } SS.

Roger A. Seipe, being duly sworn on oath, states that
resides at 175 W. JACKSON BLVD., Chicago, IL 60604. That the
attached deed is not in violation of 765 ILCS 205/1 for one of the following reasons:

1. Said Act is not applicable as the grantors own no adjoining property to the premises described in said deed;

- OR -

the conveyance falls in one of the following exemptions as shown by Amended Act which became effective July 17, 1959.

- 2. The division or subdivision of the land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
- 3. The divisions of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
- 4. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- 5.** The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easement of access.
- 6. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
- 7. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- 8. Conveyances made to correct descriptions in prior conveyances.
- 9. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than two parts and not involving any new streets or easements of access.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

Affiant further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of Cook County, Illinois, to accept the attached deed for recording.

Roger A. Seipe

SUBSCRIBED and SWORN to before me

this 28th day of February, 19 96.

Mary Kay Conley
Notary Public



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11/11/2011