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9445/0150 16 001 Page 1 of 6
1998-08-20 16:07:52
Cook County Recorder 31.50

QUIT CLAIM DEED

THIS INDENTURE made this

13th day of August

A.D., 1998, WITNESSETH,

that the **INDIANA HARBOR**

BELT RAILROAD

COMPANY, an Indiana

corporation, f/i/a Indiana Harbor

Belt Railroad Company

of Illinois, who acquired title as the Terminal Railroad Company, an Illinois Corporation, with an

office at 2721 - 161st Street, Hammond, Indiana 46323-1099, hereinafter referred to as the

"Grantor," for Ten Dollars (\$10.00) and other good and valuable consideration to it paid, the

receipt of which is hereby acknowledged, quitclaim, and conveys unto **MARQUETTE**

NATIONAL BANK, not individually, but as Trustee under Trust Agreement dated June 1, 1994

and known as Trust No. 13137 or nominee, whose mailing address is 6155 South Pulaski Road,

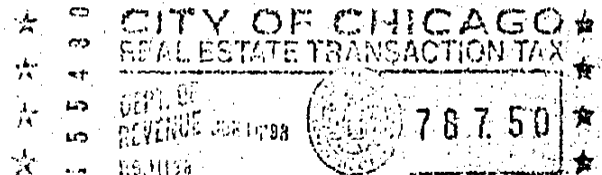
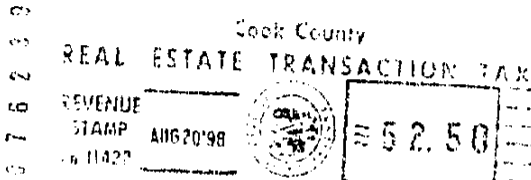
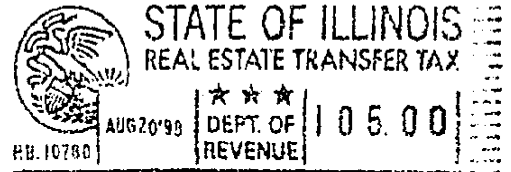
Chicago, Illinois, 60629 hereinafter referred to as the "Grantee," all right, title and interest of the

said Grantor, of, in and to the following described real estate:

[LEGAL DESCRIPTION ATTACHED]

PROPERTY ADDRESS: 66' wide vacant strip between
Central to Long Avenue

PIN NUMBER: 19-09-500-003



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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 Indiana now or hereafter in force with respect to the covenants set forth below.

- (1) 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 of 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 premises, from and after the date of delivery of this deed. However, Grantee's indemnity under this item (1) shall not apply to conditions created prior to the date of this Deed unless caused by Grantee.
- (2) Should a claim adverse to the title hereby quitclaimed be asserted and/or proved, no recourse shall be had against the Grantor herein.
- (3) Grantor shall neither be liable or obligated to construct or maintain any fence or similar structure between the land herein before described and adjoining land of Grantor nor shall Grantor be liable or obligated to pay for any part of the cost or expense of constructing or maintaining any fence or similar structure, and Grantee hereby forever releases Grantor from any loss or damage, direct or consequential, that may be caused by or arise from the lack or failure to maintain any such fence or similar structure.
- (4) Grantee hereby forever releases Grantor from all liability for any loss or damage, direct or consequential, to the land herein before described and to any buildings or improvements now or hereafter erected thereon and to the contents thereof, which may be caused by or arise from the normal operation, maintenance, repair, or renewal of Grantor's railroad, or which may be caused by or arise from vibration resulting from the normal operation, maintenance, repair or renewal thereof.
- (5) In the event the tracks or land of Grantor are elevated or depressed, or the grades of any streets, avenues, roads, lanes, highways or alleys over such railroad in the vicinity of the land herein before described are changed so that they shall pass overhead or underneath such tracks or

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land, or in the event any grade crossing is vacated and closed, Grantee forever releases Grantor from all liability for any loss or damage, direct or consequential, caused by or arising from the separation or change of grades of such railroad or such streets, avenues, roads, lanes, highways, or alleys, or from the vacating and closing of any grade crossing.

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 name 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.

WITNESS:

INDIANA HARBOR BELT
RAILROAD COMPANY

Kathleen A. Felici

By:

Cary W. Dickieson

Cary W. Dickieson, President

WITNESS:

ATTEST:

Kathleen A. Felici

Wilberta Jackson

Wilberta Jackson, 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 WILBERTA JACKSON, 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 29th day of July, A. D. 1998.

Elizabeth C. Gallagher
Notary Public

NOTARIAL SEAL
ELIZABETH C. GALLAGHER, Notary Public
City of Philadelphia, Phila. County
My Commission Expires May 31, 1999

THIS INSTRUMENT PREPARED BY:

Roger A. Serpe, General Counsel
Indiana Harbor Belt Railroad Company
175 W. Jackson Boulevard, Suite 1460
Chicago, IL 60604-2704
(312) 715-3868

MAIL TO:
GLENN AZUMA
HARBOR WAY L.L.C.
222 S. RIVERSIDE PLAZA
SUITE 1616
CHICAGO IL 60606

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LEGAL DESCRIPTION

A STRIP OF LAND SIXTY-SIX (66) FEET WIDE ACROSS THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION NINE (9), TOWNSHIP THIRTY EIGHT (38) NORTH, RANGE THIRTEEN (13) EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING THIRTY THREE (33) FEET ON EACH SIDE OF A CENTER LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION NINE (9), WHICH IS EIGHT HUNDRED SEVENTY AND EIGHT TENTHS (870.8) FEET NORTH OF THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER OF SECTION NINE (9); THENCE WESTERLY, PARALLEL WITH THE SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION NINE (9), A DISTANCE OF ELEVEN HUNDRED AND NINE AND TWO TENTHS (1109.2) FEET TO A POINT; THENCE SOUTHWESTERLY, BY A CURVE CONVEXED TO THE NORTHWEST WITH A RADIUS OF EIGHT HUNDRED AND SEVENTY AND EIGHT TENTHS (870.8) FEET, TO A POINT ON THE WEST LINE OF SAID SECTION NINE (9) (EXCEPT THE WEST 33 FEET AND EXCEPT THE EAST 33 FEET THEREOF), ALL IN COOK COUNTY, ILLINOIS.

Parcel D
Central to Long Avenue

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PLAT ACT AFFIDAVIT

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

WAYNE BENNETT FOR
ROGER A. SERPE, ATTY

being duly sworn on oath, states that he resides at 175 W. JACKSON BLDG #1460 CHGO IL 60604. That the attached deed is not in violation of Section 1 of the Plat Act (765 ILCS 205/1) for one of the following reasons:

Section A. Said deed is not applicable as the grantors own no adjoining property to the premises described in said deed.

OR

Section B. The conveyance falls within one of the following exemptions set forth the Act, paragraph (b) of 1:

1. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. 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;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

CIRCLE LETTER OR NUMBER WHICH IS APPLICABLE TO ATTACHED DEED.

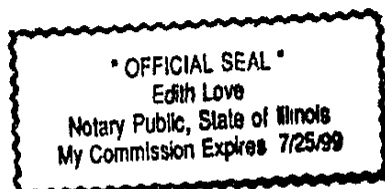
Affiant further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of COOK County, Illinois to accept the attached deed for recording.

Wayne K. Bennett

SUBSCRIBED AND SWORN to before me

this 1st day of Aug 1998

Edith Love
NOTARY PUBLIC



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