

Illinois (Schaumburg)

44488

PP

Exempt

1/8/98

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ILLINOIS  
SPECIAL WARRANTY DEED

THIS INDENTURE, made as of this <sup>9th</sup> day of January, 1998, between **John M. Smyth Company**, an Illinois corporation, party of the first part, and **Kimco Select Chicago 694, L.L.C.**, a Delaware limited liability company, having an address at c/o Kimco Realty Corporation, 3333 New Hyde Park Road, New Hyde Park, New York 11042, party of the second part, WITNESSETH, that the party of the first part, for, and in consideration of the sum of TEN DOLLARS and NO/100 (\$10.00), in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and pursuant to authority of the Board of Directors of John M. Smyth Company 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 situated in the County of Cook, State of Illinois, known and described as follows, to wit:

See legal description attached hereto as Exhibit A and made a part hereof.

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, 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 along with (a) all buildings, structures, fixtures and other improvements, (b) any interest of grantor in the adjacent streets and (c) all easements, rights of way, servitudes and other appurtenant rights. 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.

Exempt under provisions of Paragraph 1 Section 4.  
1/7/98  
Date Buyer, Seller, or Representative

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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, and its predecessor corporations by merger, consolidation, change of name, etc., have not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered 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 the following: Permitted Encumbrances as defined on Exhibit B attached hereto to the extent (and only to the extent) that the same are now in effect and affect said real estate or parts thereof.

THE COVENANTS OF SPECIAL WARRANTY are hereby expressly limited to the acts of the party of the first part and its predecessor corporations by merger, consolidation, change of name, etc. (but not acts of predecessor grantors) during the time which it (and such predecessor corporations) has (have) been holder of record of the title to the above described real estate.

Commonly known as 1733 East Woodfield Road, Schaumburg, Illinois

P.I.N. 07-13-400-004 VOL. NO. 187

In Witness Whereof, said party of the first part has caused its name to be signed to these presents by its Vice President, and attested to by its Secretary this 8<sup>th</sup> day of January, 1998.

JOHN M. SMYTH COMPANY, an Illinois corporation

By: Edward P. Zimmer  
Name: Edward P. Zimmer  
Its: Vice President

Attest Chris Bontz  
RGS Secretary

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State of FLORIDA }  
County of PALM BEACH } SS

I, Jill M. Gaumer, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that EDWARD P. ZIMMOTL, personally known to me to be the VICE President of John M. Smyth Company, an Illinois corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such VICE President, he signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation as his free and voluntary act and the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 26th day of January, 1998.



Jill M. Gaumer  
Notary Public

This instrument was prepared by:

Skadden, Arps, Slate, Meagher & Flom  
333 West Wacker Drive, Suite 2100  
Chicago, Illinois 60606

After recording return to:

Kimco Realty Corporation  
3333 New Hyde Park Road  
New Hyde Park, New York 11042  
Attn: Bruce M. Kauderer, Esq.

SEND SUBSEQUENT TAX BILLS TO:

Kimco Realty Corporation  
3333 New Hyde Park Road  
New Hyde Park, New York 11042  
Attn: Paul Dooley

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Schaumburg, Illinois

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## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1:

THAT PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF WOODFIELD ROAD AS DEDICATED PER DOCUMENT 20944554 WITH THE EAST LINE OF SAID WEST ½ OF THE SOUTHEAST ¼; THENCE SOUTH 0 DEGREES 33 MINUTES 31.5 SECONDS WEST ALONG SAID EAST LINE 700 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 28.5 SECONDS WEST 450 FEET ALONG A LINE DRAWN PERPENDICULARLY TO SAID EAST LINE; THENCE NORTH 0 DEGREES 33 MINUTES 31.5 SECONDS EAST 694.283 FEET ALONG A LINE PARALLEL WITH SAID EAST LINE TO A POINT IN SAID SOUTH LINE OF WOODFIELD ROAD; THENCE EASTERLY 45.846 FEET ALONG SAID SOUTH LINE OF WOODFIELD ROAD BEING THE ARC OF A CIRCLE OF 1859.86 FEET RADIUS CONVEX TO THE NORTH WHOSE CHORD BEARS NORTH 89 DEGREES 45 MINUTES 1 SECOND EAST TO A POINT OF TANGENCY; THENCE SOUTH 83 DEGREES 22 MINUTES 56 SECONDS EAST 5.294 FEET ALONG SAID SOUTH LINE OF WOODFIELD ROAD TO HEREIN DESIGNATED POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 CREATED BY AGREEMENT RECORDED JULY 1, 1971 AS DOCUMENT 21532098 MADE BY LASALLE NATIONAL BANK AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 1, 1971 AND KNOWN AS TRUST NUMBER 42050 TO LASALLE NATIONAL BANK AS TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 25, 1964 AND KNOWN AS TRUST NUMBER 33071 OVER THE WEST 20 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

A STRIP OF LAND 40 FEET WIDE IN THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTH LINE OF WOODFIELD ROAD PER DOCUMENT 20944554 AND NORTH OF A LINE DRAWN PERPENDICULARLY TO THE EAST LINE OF SAID WEST ½ OF THE SOUTHEAST ¼, SAID LINE BEING 700 FEET (AS MEASURED ALONG SAID EAST LINE); THE CENTER LINE OF SAID STRIP OF LAND BEING A LINE 450 FEET (MEASURED PERPENDICULARLY) WEST OF AND PARALLEL WITH SAID EAST LINE, (EXCEPT THE SOUTH 105.89 FEET THEREOF), IN COOK COUNTY, ILLINOIS.

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## EXHIBIT B

SUBJECT ONLY TO THE FOLLOWING:

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1. General Real Estate Taxes not yet due and payable;
2. Information and disclosures in Environmental Disclosure Document for Transfer of Real Property recorded July 28, 1994 as Document No. 94-667608;
3. Building line over the North 35 feet of land and over the East, West and South 10 feet of the land;
4. Easement for ingress and egress by passenger and service vehicles and for the installation, maintenance and operation of underground utility services and lines for the benefit of property West and adjoining over the West 40 feet of land as created by Easement Agreement recorded July 1, 1971 as Document No. 21532098;
5. Rights of the Public, the State of Illinois and the Municipality in and to that part of the land, if any, taken or used for road purposes; and
6. Any other fact disclosed, or which would be disclosed, on a survey of the real property.

STATEMENT BY GRANTOR AND GRANTEE

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

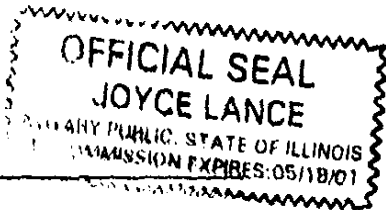
Dated 01/12, 1998

Signature:

Grantor or Agent

Subscribed and sworn to before me by the said affiant this day of 19

Notary Public



The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquired and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

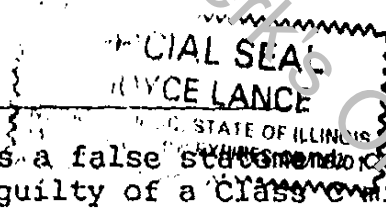
Dated 01/12, 1998

Signature:

Grantee or Agent

Subscribed and sworn to before me by the said affiant this day of 19

Notary Public



NOTE: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

(Attach to deed or ABI to be recorded in Cook County, Illinois, if exempt under the provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.)