



1102644043

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Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 01/26/2011 12:02 PM Pg: 1 of 11

This document prepared by and after recording return to:
Judith A. El-Amin, Esq.
Assistant Corporation Counsel
Department of Law
121 North LaSalle Street, Room 600
Chicago, IL 60602

SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT (this "Amendment") is made and entered into as of the 18th day of January, 2011 between the City of Chicago by and through its Department of Community Development (the "City") and W2005 CMK Realty, LLC, a Delaware limited liability company (the "Developer").

RECITALS

A. On February 22, 2006, the Developer and the City entered into that certain W2005 CMK Realty, LLC Redevelopment Agreement concerning the property legally described on Exhibit A attached hereto and dated February 22, 2006 and recorded on February 23, 2006 in the Office of the Recorder of Deeds of Cook County, IL as Document No. 0605410032, as authorized by the City Council of City on September 14, 2005 (the "Redevelopment Agreement").

B. On June 11, 2008, the City and the Developer entered into that certain Amendment to the Redevelopment Agreement dated June 11, 2008 and recorded on November 14, 2008 in the Office of the Recorder of Deeds of Cook County, IL as Document No. 0831939017, as authorized by the City Council (the "First Amendment", and together with the Redevelopment Agreement, the "Agreement").

C. The Developer and the City desire to amend the Agreement in accordance with the terms hereof.

NOW, THEREFORE, for good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, the Developer and the City agree as hereinafter set forth:

AGREEMENTS

1. Incorporation of Recitals. The above recitals are incorporated herein by reference and constitute a material part hereof.
2. Capitalized Terms. Capitalized terms used in this Amendment shall have the meanings set forth herein or, if not defined herein, shall have the meanings given in the Agreement.
3. Exhibit K to the Agreement. Exhibit K attached to the Agreement is hereby deleted and substituted with the new Exhibit K attached hereto as Exhibit B.
4. Revised Completion Date. The Agreement is hereby amended to extend the outside date in Section 3.01(ii) of the Agreement by which the Initial Improvements and Secondary Improvements must have been completed to December 1, 2013.
5. Section 17. Notice. Add above the last paragraph in this section the following

If to Lender: Chatham Market Lender LLC
 c/o WH&H Realty Advisers, LLC
 150 North Wacker Drive, Suite 1825
 Chicago, Illinois 60606
 Attention: Gary H. Heigl

With Copies to: Kenneth W. Bosworth
 2500 West Higgins Road, Suite 1200
 Hoffman Estates, Illinois 60169
6. Full Force and Effect. Except as amended hereby, the Agreement shall remain in full force and effect, and the terms of such Agreement are incorporated herein by reference, as if fully set forth herein.
7. Miscellaneous. In the event of any inconsistency between the terms of this Amendment and the Agreement, this Amendment shall govern and control in all instances.

[Signature Pages Follow]

IN WITNESS WHEREOF, this Amendment has been signed as of the date first written above.

W2005 CMK REALTY, LLC

a Delaware limited liability company, *by its Manager,*
MONROE ASSET MANAGEMENT LLC

By: *Thomas R. Brasler*
Name: THOMAS R. BRASLER
Its: MANAGER

CITY OF CHICAGO, acting by and through its Department
of Community Development

By: _____
Andrew J. Mooney
Its: Acting Commissioner

IN WITNESS WHEREOF, this Amendment has been signed as of the date first written above.

W2005 CMK REALTY, LLC
a Delaware limited liability company

By: _____
Name: _____
Its: _____

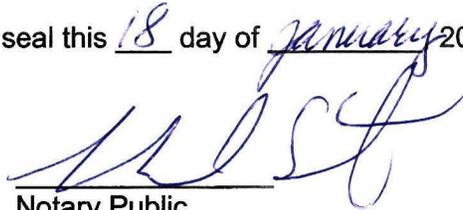
CITY OF CHICAGO, acting by and through its Department
of Community Development

By:  _____
Andrew J. Mooney
Its: Acting Commissioner

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a notary public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT THOMAS R BRASHEER, 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 in his/her capacity as MANAGER OF THE MANAGER of W2005 CMK Realty, LLC, he/she signed and delivered the said instrument pursuant to authority, as his/her free and voluntary act, and as the free and voluntary act and deed of the Developer, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 18 day of January 2011.



Notary Public

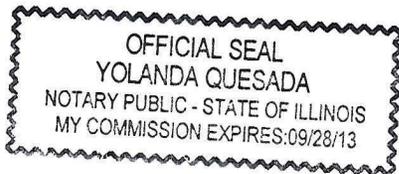
My Commission Expires



STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a notary public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Andrew J. Mooney, personally known to me to be Acting Commissioner of the Department of Community Development of the City of Chicago, Illinois (the "City") 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 Acting Commissioner, (s)he signed and delivered the said instrument pursuant to authority, as his/her free and voluntary act, and as the free and voluntary act and deed of said City, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 18 day of January 2011.



(SEAL)

Yolanda Quesada
Notary Public

My Commission Expires

EXHIBIT A tso Second Amendment

Legal Description of the Property

An irregular parcel of land in the Southwest Quarter and in the Southeast Quarter of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, being part of Lots 1 to 4 and part of Lots 14 to 17 in Seymour Estate Subdivision of the West Half of the Southeast Quarter of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, and part of Lot C in Chicago and Western Indiana Railroad Company's Subdivision of part of Section 33, aforesaid described as follows; commencing at a point on the West line of the Southeast Quarter of Section 33, aforesaid, 1249.59 feet South of the Northwest corner thereof, said point being on the Southerly terminus of South Stewart Avenue as shown in Document Number 19624147; thence South $89^{\circ} 59' 22''$ East along a line perpendicular to the West line of the Southeast Quarter of said Section, a distance of 46.00 feet; thence north $0^{\circ} 00' 38''$ East along a line parallel to the West line of the Southeast Quarter of Section 33, aforesaid, a distance of 100.00 feet; thence North $89^{\circ} 59' 22''$ West, 13.00 feet to a point on a line 33.00 feet East of and parallel with the West line of the Southeast Quarter of Section 33 aforesaid; thence North $0^{\circ} 00' 38''$ East along said parallel line, a distance of 1116.60 feet to a point on a line 33 feet South of and parallel with the North line of the Southeast Quarter of Section 33 aforesaid; thence North $89^{\circ} 58' 06''$ East along said parallel line, a distance of 1290.02 feet to a point on the East line of the Northwest Quarter of the Southeast Quarter of Section 33 aforesaid; thence South along said East line, a distance of 969.78 feet to a point on the North line of the South Quarter of the Northwest Quarter of the Southeast Quarter of Section 33 aforesaid; thence South $89^{\circ} 44' 06''$ West, 32.68 feet along said North line; thence Southwesterly along the arc of a circle of 353.77 feet radius, convex Southeasterly and whose chord bears South $32^{\circ} 07' 57''$ West to a point which is 60.26 feet North of the North line of the Southwest Quarter of the Southeast Quarter of said section and 205.46 feet West of the East line of the Northwest Quarter of the Southeast Quarter of said Section; thence South $55^{\circ} 06' 42''$ West to a point which is 7.20 feet South of the North line of the Southwest Quarter of the Southeast Quarter of said Section and 303.04 feet West of the East line of the Southwest Quarter of the Southeast Quarter of said Section; thence South $62^{\circ} 15' 42''$ West along a line forming an angle of $7^{\circ} 09'$ as measured from South to West with the extension of the last described course, a distance of 314.97 feet to a point of curve; thence Southwesterly 92.365 feet along the arc of a circle of 273.04 feet radius, convex Northwesterly, tangent to the last described course and whose chord bears South $52^{\circ} 34' 17''$ West; thence along the following courses being the Easterly line of the tract of land described in lease agreement Document Number 19597865; Southwesterly 176.104 feet along the arc of a circle of 273.04 feet radius, convex Westerly and whose chord bears South $24^{\circ} 24' 08''$ West; thence South $5^{\circ} 55' 30''$ West, 195.434 feet, along a line tangent to said arc, to a line drawn 746.50 feet (measured perpendicularly) West of and parallel with the East line of the West Half of the Southeast Quarter of said Section 33; thence South along said parallel line 85.912 feet; thence Southwesterly 94.444 feet along a line drawn 10.00 feet Southeasterly of and concentric with the center line of a railroad tract as now constructed and occupied; said concentric line being the arc of a circle of 396.37 feet radius, convex Southeasterly and whose chord bears South $26^{\circ} 34' 54.5''$ West to a point of reverse curve; thence continuing Southwesterly 142.38 feet along said reverse curve, being a line drawn 10.00 feet Southeasterly of and concentric with the center line of said railroad track and an arc of a circle of 314.94 feet radius, convex Northwesterly and whose chord bears South $20^{\circ} 27' 23''$ West to a point on a line 838.00 feet West of

and parallel with the East line of the West Half of the Southeast Quarter of Section 33, aforesaid; thence North 73.667 feet along said parallel line to a point on said line 787.24 feet South of the North line of the Southwest Quarter of the Southeast Quarter of Section 33 aforesaid (as measured along said parallel line); thence Southerly 231.77 feet along the arc of a circle of 347.77 feet radius, convex Westerly and whose chord bears South 0° 44' 46" East; thence South 19° 50' 21" East, 121.82 feet; thence South 4° 32' 48" East along a line forming an angle of 15° 17' 30" as measured from East to South with the extension of the last described course, a distance of 17.0 feet, more or less, to a point which is 194.82 feet North of the South line of the Southeast Quarter of said Section; thence South 89° 20' 48" West along a line parallel with the South line of the Southeast Quarter of said Section, 2.79 feet; thence South 7° 56' 32" East, 113.40 feet; thence South 89° 55' 42" West, 79.52 feet; thence North 40° 28' 12" West, 44.538 feet to a point on the Southeasterly line of South Holland Road as shown in Document Number 19624147 aforesaid; thence North 22° 43' 48" East along said Southeasterly line, 23.563 feet; thence South 67° 16' 12" East, 17.0 feet; thence North 22° 43' 48" East, along the Easterly line of South Holland Road, 31.93 feet; thence North 32° 35' 03" West, along the Easterly line of South Holland Road, 18.95 feet; thence Northerly 48.26 feet, along the Easterly line of South Holland Road, being the arc of a circle, having a radius of 439.00 feet, convex Easterly and whose chord bears North 11° 17' 28" East a distance of 48.24 feet to the Northerly terminus of South Holland Road; thence North 67° 16' 12" West along the Northerly terminus of South Holland Road aforesaid 74.85 feet to the Northwest corner thereof; thence South 22° 43' 48" West, along the Westerly line of South Holland Road, 22.14 feet; thence Southerly 55.10 feet, along the Westerly line of South Holland Road, being the arc of a circle, having a radius of 361.00 feet, convex Easterly and whose chord bears South 12° 55' 18" West a distance of 55.04 feet; thence North 40° 28' 12" West, 82.98 feet; thence North 26° 05' 42" West, 3.34 feet; thence Northwesterly 220.88 feet along the arc of a circle of 1432.69 feet radius, convex to the Southwest and whose chord bears North 21° 40' 42" West; thence North 19° 27' 42" West, 333.80 feet; thence Northwesterly 104.74 feet along the arc of a circle of 342.26 feet radius, convex to the Southwest, tangent to the last described course and whose chord bears North 10° 41' 42" West; thence North 1° 55' 42" West, 56.68 feet; thence Northwesterly 78.80 feet along the arc of a circle of 376.26 feet radius, convex to the Northeast tangent to the last described course and whose chord bears North 7° 55' 42" West; thence North 13° 55' 42" West, 39.90 feet; thence Northwesterly 51.06 feet along the arc of a circle of 1163.28 feet radius convex to the Northeast and tangent to the last described course to the point of intersection with the Southwesterly line of vacated South Holland Road as shown in Document 19624148; thence North 22° 06' 16" West along said Southwesterly line of vacated South Holland Road to the point of intersection with the North line of the Southeast Quarter of the Southwest Quarter of said Section; thence South 89° 39' 26" West along said North line to a point on a line 33.00 feet West of and parallel with the East line of the Southwest Quarter of said Section; thence North 0° 00' 38" East along the last described parallel line to a point on a line drawn perpendicular to the East line of the Southwest Quarter of said Section through the place of beginning; thence South 89° 59' 22" East along said perpendicular line, being also the Southerly terminus of South Stewart Avenue aforementioned, to the place of beginning, all in Cook County, Illinois.

Excepting therefrom that part if any falling in the West 33 feet of Lot 17 in Seymours subdivision conveyed to the City of Chicago by Document 25965445

Also,

An irregular parcel of land in the Southwest Quarter and in the Southeast Quarter of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, being part of Lot C in Chicago and Western Indiana Railroad Company's Subdivision of part of Section 33 aforesaid and a part of the Northeast Quarter of Section 4, Township 37 North, Range 14, East of the Third Principal Meridian, described as follows: beginning at the Southwest corner of Lot 2 in 87th-Dan Ryan Home Depot Subdivision of part of the West Half of the Northeast Quarter of Section 4, Township 37 North, Range 14, East of the Third Principal Meridian, and part of the West Half of the Southeast Quarter of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian; thence North $10^{\circ} 39' 07''$ West along the West line of Lot 2 for a distance of 219.63 feet to a bend in said West line; thence North $22^{\circ} 06' 22''$ West along said West line 202.0 feet to another bend therein; thence North $00^{\circ} 04' 50''$ West along said West line 110.38 feet to a corner of said Lot 2; thence North $00^{\circ} 00' 02''$ West 73.66 feet; thence Southerly 231.77 feet along an arc of a circle convex Westerly with a radius of 347.77 feet and whose chord bears South $00^{\circ} 44' 54''$ East a distance of 227.50 feet; thence South $19^{\circ} 50' 21''$ East 121.82 feet; thence South $04^{\circ} 32' 51''$ East 17.0 feet; thence South $89^{\circ} 20' 48''$ West 2.79 feet; thence South $07^{\circ} 56' 32''$ East 113.40 feet; thence South $89^{\circ} 55' 42''$ West 79.52 feet; thence South $37^{\circ} 28' 41''$ East 146.33 feet to the South line of Lot 2 extended West being on the North line of 87th Street; thence North $89^{\circ} 20' 48''$ East along said extension, 48.72 feet to the point of beginning;

also,

that part of Lot 1 in 87th-Dan Ryan Home Depot Subdivision of part of the West Half of the Northeast Quarter of Section 4, Township 37 North, Range 14, East of the Third Principal Meridian, and part of the West Half of the Southeast Quarter of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, described as follows: commencing at the Northeast corner thereof, being also the point of intersection of the North line of the South Quarter of the Northwest Quarter of the Southeast Quarter of Section 33, aforesaid with the East line of the Northwest Quarter of the Southeast Quarter of Section 33, aforesaid; thence South $89^{\circ} 44' 06''$ West, along the North line of said Lot 1, a distance of 32.68 feet to the Westerly line thereof; thence Southwesterly 337.50 feet along the Westerly line of Lot 1, aforesaid, being the arc of a circle having a radius 353.77 feet, convex Southeasterly, and whose chord bears South $32^{\circ} 07' 57''$ West a distance of 324.85 feet; thence South $55^{\circ} 06' 42''$ West, along the Westerly line of Lot 1, aforesaid, 48.07 feet to the point of beginning; thence North $89^{\circ} 39' 26''$ East 244.90 feet to the East line of the Northwest Quarter of the Southeast Quarter of Section 33, aforesaid; thence South $00^{\circ} 00' 02''$ East along said East line, 53.73 feet; thence South $89^{\circ} 39' 26''$ West 329.07 feet to the Westerly line said Lot 1; thence North $62^{\circ} 15' 42''$ East, along said Westerly line, 29.40 feet to a bend therein; thence North $55^{\circ} 06' 42''$ East, along said Westerly line, 70.89 feet to the point of beginning, in Cook County, Illinois.

Containing 2,202,463 Square Feet or 50.56 Acres, more or less

Also known as:

Lots 1 through 17 of the Chatham Market Subdivision, being a subdivision in the southwest quarter and in the southeast quarter of Section 33, Township 38 north and in the northeast quarter of Section 4, Township 37 north all in Range 14, east of the Third Principal Meridian, in Cook County, Illinois.

Parcel Identification Numbers

20-33-412-001
20-33-405-002
20-33-405-003
20-33-405-010
20-33-405-011
20-33-405-012
20-33-405-004
20-33-405-005
20-33-405-006
20-33-405-013
20-33-405-014
20-33-405-015
20-33-405-016
20-33-405-017
20-33-405-018
20-33-405-019
20-33-405-020
20-33-405-021
20-33-412-007
20-33-412-008
20-33-405-022
25-04-200-033

EXHIBIT B to Second Amendment

New Exhibit K

PROHIBITED USES

- Adult oriented businesses
- Astrology, card-reading, palm-reading or fortune telling businesses
- Currency exchanges
- Houses of worship
- Inter-track wagering facilities
- Laundromats
- Pawn shops
- Pay day loan stores/predatory lenders
- Tattoo parlors
- Dollar stores
- Bingo parlors
- Game rooms or arcades
- Night clubs or discotheques
- Flea markets
- Junkyard or recycling center
- Automobile, truck, motorcycle, trailer or recreational vehicle sale, display, or repair
- Mortuaries or funeral homes
- Second hand stores or thrift shops
- Liquidators