1341203 MS

THIS DOCUMENT PREPARED BY AND AFTER RECORDING RETURN TO: Kevin P. Breslin, Esq. Kate Rundail Weinberg & Richmond

ASSIGNMENT OF

RAIL EASEMENT

333 West Wacker Drive State 1800 Chicago, Winois 60606 KRW File No. 07056,36200

70

HIII County Recorder Will County

R 2020985273

MORY OWN STUKEL

Page 1 of 7

Time 11:24:59 LSK Date 08/11/2009

Recording Fees:

THIS ASSIGNMENT OF RAIL EASEMENT ("Assignment") is made as of the 2d day of Amest, 2000 by JOLIET ARSENAL DEVELOPMENT AUTHORITY ("Assignor"), a municipal corporation of the State of Illinois, having its principal office located at 500 South Water Street. Wilmington, Illinois 60481 ("Assignor") in favor of CENTERPOINT INTERMODAL LLC, an Illinois limited liability company, having its principal office located at 1808 Swift Road, Oak Brook, Illinois 60523 ("Assignee")

#### RECITALS

Assignor is the grantee under the terms of that certain Department of the Army - Easement for Railroad Right of Way dated Arkerst 2 2000 and recorded in the office of the Will County Recorder on \$2000-86267, 2000 ("Easement") with respect to certain property described in Exhibit A august 11, 2000, as Document No.

Subject to the terms of this Assignment, it is the desire of Assignor to hereby sell, assign, transfer, convey, set over and deliver to Assignee all of Assignor's right, title and interest in and to the

Easement

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows

- Assignment Assignor does hereby sell, assign, transfer, set-over and deliver the Easement and all rights of Assignor thereunder unto Assignee, its successors and assigns, to have and to hold forever To the extent of this Assignment. Assignor is hereby relieved of its obligations and liabilities pursuant to the Casement.
- Assumption. Assignee does hereby expressly assume the Easement and all obligations and liabilities of Assignor thereunder. At the time of any further assignment or transfer of the Easement, Assignce shall be relieved of its liabilities thereunder and such assignee shall be deemed to have assumed all liability of Assignor under the Easement.

ALOX: 0WSK141, 134.3

Successors and Assigns This Assignment shall run with the land and shall be binding upon and inure to the benefit of each and every one of Assignce's successors and assigns.

IN WITNESS WHEREOF, the Assignor has caused this Assignment to be executed as of the date first written above.

> AUTRORITY By Ufrector, Joliet Arsenal Development Authority Name: Richard A. Kwasneski ASSIGNEE: CENTERPOINT INTERMODAL LLC.,

ASSIGNOR: JOLIET ARSENAL DEVELOPMENT

an Illinois limited fiability company

By. CenterPoint Properties Trust, a Maryland real estate investment trust lts: Manager

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Name:				

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3 Successors and Assigns This Assignment shall run with the land and shall be binding upon and inure to the benefit of each and every one of Assignee's successors and assigns.

IN WITNESS WHEREOF, the Assignor has caused this Assignment to be executed as of the date first written above.

ASSIGNOR: JOLIET ARSENAL DEVELOPMENT AUTHORITY

By:
Its Executive Director, Ioliet Arsenal Development
Authority

Name: Richard A. Kwasneski

ASSIGNEE: CENTERPOINT INTERMODAL LLC., an illinois limited liability company

By CenterPoint Properties Trust, a Maryland real estate investment trust. Its Manager

By ()

Its. <u>HEAUTIVE Vice Persident</u>

Name: Michael H. Muller

By / Mall A. (Th)
Its ASSISTANT SPARATARY

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Order: OPENLANDS Doc: WILL:2000 86273

STATE OF ILLINOIS )	e a companyan
COUNTY OF MICH	
1 /12 man Cal	holin, a Notary Public in and for said County, in the
State aforesaid, DO HEREBY CERTIFY that Development Authority who is personally know foregoing instrument as such Executive Director	Richard A. Kwasneski as Executive Director, Joliet Arsenal in to me to be the same person whose name is subscribed to the papeared before me this day in person and acknowledged that as his own free and voluntary act and as the free and voluntary
GIVEN under my hand and no	varial seal this and day of August, 2000.
· :	Notary Public
STATE OF ILLINOIS )	OFFICIAL SEAL SUZ-WINE JOHN DISTON NOTARY PUBLIC STATE OF ILLINOIS MY CONTRIBUTION EXP. NOV. 212903
COUNTY OF)	
I,	, a Notary Public in and for said County, in the and
of CENTERPOINT INTERMODAL LLC, an to me to be the same persons whose names are and acknowledged that they signed and delivere	and  TRUST, a Maryland real estate investment trust, as Manager Illinois limited liability company, who are personally known subscribed to the foregoing instrument as such  appeared before me this day in person d the forgoing instrument as their own free and voluntary act
purposes therein set forth.	on behalf of said limited liability company for the uses and
GIVEN under my hand and no	tarial seal this day of 2000.
	Notary Public
ANDZEDANARIEM)	e Agenta

STATE OF ILLINOIS	)			
COUNTY OF	)			
State aforesaid, DO HEI Development Authority of foregoing instrument as si- the signed and delivered the act of the Johet Arsenal	who is personally known uch Executive Director, se foregoing instrument of	Richard A. Kwasne i to me to be the sam appeared before me as his own free and v	ski as Executive I ie person whose na this day in person foluntary act and as	Director, Joliet Arsena me is subscribed to th and acknowledged tha s the free and voluntary
GIVEN	under my hand and not	tarial seal this	day of	, 2000
		Notary Public		· · · · · · · · · · · · · · · · · · ·
STATE OF ILLINOIS  COUNTY OF COOK	) ) )			
State aforesaid, DO HER Tortorici respectively, of CENTER of CENTERPOINT INT to me to be the same per Vice President; and acknowledged that thand as the free and volumpurposes therein set forth	POINT PROPERTIES FERMODAL LLC, and sons whose names are sand ABBISTANT Shey signed and delivered names act of said trust of said	TRUST, a Marylar Illinois limited liabi subscribed to the fo secretary d the forgoing instra	nd real estate invest lity company, who regoing instrumen , appeared befor iment as their own	ment trust, as Manage are personally known t as such Executive e me this day in person free and voluntary ac
GIVEN  GIVEN  "OFFICIAL SE  Jamece G. R. W  Notary Public, State of  Sty Commission Exp. of	/aters } of Blacois }	Notary Public	day of Aver	<b>5</b> <u>Z</u> , 2000.
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#### CONSENT

UNITED STATES OF AMERICA acting by and through the Deputy Assistant Secretary of the Army (1&H) pursuant to a delegation of authority from the SECRETARY OF THE ARMY, under and pursuant to the powers and authorities contained in the provisions of Section 2923 of the National Defense Authorization Act For Fiscal Year 1996, Public Law No. 104-106, Division B, Title XXIX, Subtitle B, Sections 2901 et. seq., approved February 10, 1996 does hereby consent to the foregoing assignment.

Any notices to be delivered to JADA under the terms of said easement shall be delivered to:

CenterPoint Intermodal LLC
c/o CenterPoint properties
1808 Swift Road
Oak Brook, Illinois 60523
Attention: Mr. Michael M. Mullen

UNITED STATES OF AMERICA

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United States Department of the Army (1861)

COMMONWEALTH OF VIRGINIA ) SS COUNTY OF ARLINGTON )

Notary Public

My commission expires 30 Nov 2000

AK 1710/1/592 414174 3

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#### FXHIBIT "A"

### Legal Description

PTN 10-35-100-001-0000, 10-25-100-001-0000, 10-36-100-001-0000, 10-36-100-002-0000, 10-36-300-001-0000, 10-36-300-002-0000, 10-30-100-001-0000, 10-30-200-001-0000, 10-30-300-0000

Address Vacant land, vicinity of Diummond and Baseline Roads, Elwood, Illinois

THAT PART OF THE NORTHWEST QUARTER OF SECTION 23, IN TOWNSHIP 34 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS. COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON, NORTHERN AND SANTA FERAILROAD (FORMERLY THE CHICAGO AND ALTON RAILROAD) AND THE SOUTH LINE OF SAID NORTHWEST QUARTER: THENCE NORTH 88 DEGREES 08 MINUTES 48 SECONDS EAST ALONG SAID SOUTH LINE 787.76 FEET TO THE POINT BEGINNING, THENCE CONTINUING NORTH 88 DEGREES 08 MINUTES 48 SECONDS EAST ALONG SAID SOUTH LINE 132 19 FEET. THENCE NORTH 26 DEGREES 39 MINUTES 02 SECONDS WEST 793 27 FEET TO THE START OF A CURVE CONVEX SOUTHWESTERLY HAVING A RADIUS OF 895 37 FEET. THENCE NORTHERLY 422 25 FEET ALONG SAID CURVE. THE CHORD OF WHICH BEARS NORTH 13 DEGREES 08 MINUTES 26 SECONDS WEST 418 35 FEET; THENCE NORTH 0 DEGREES 22 MINUTES 11 SECONDS EAST 287 42 FEET TO THE AFORESAID EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD, THENCE SOUTH 18 DEGREES 09 MINUTES 59 SECONDS WEST ALONG SAID EASTERLY RIGHT OF WAY LINE 494.16 FEET, THENCE SOUTH 26 DEGREES 39 MINUTES 02 SECONDS EAST1050 10 FEET TO THE POINT OF BEGINNING, IN WILL COUNTY, ILLINOIS.

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ANOTHORSE EDITORS