

THIS DOCUMENT PREPARED BY:

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Permanent Tax Index Nos.  
SEE EXHIBIT "A"

MARY ANN STUKEL 6P  
Will County Recorder  
Will County  
R 2002227529 Page 1 of 6  
KLH Date 12/26/2002 Time 11:37:42  
Recording Fees: 20.00

14.00627.00B 1/18 2

**SUPPLEMENTAL DECLARATION NO. 1**

**TO**

**DECLARATION OF PROTECTIVE COVENANTS,  
RESTRICTIONS AND EASEMENTS  
FOR  
CENTERPOINT INTERMODAL CENTER AT DEER RUN  
ELWOOD, ILLINOIS**

**THIS SUPPLEMENTAL DECLARATION NO. 1 TO DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS AND EASEMENTS** (hereinafter referred to as the "Supplement No. 1") is made this 17<sup>th</sup> day of December, 2002, by **CENTERPOINT INTERMODAL LLC**, an Illinois limited liability company, and **CENTERPOINT REALTY SERVICES CORPORATION**, and Illinois corporation (hereinafter collectively referred to as the "Declarant").

CHICAGO TITLE INSURANCE CO

**WITNESSETH:**

**WHEREAS**, Declarant heretofore executed that certain Declaration of Protective Covenants, Restriction and Easements dated June 19, 2002 and recorded in the Office of the Will County Recorder in Will County Illinois (hereinafter referred to as the "Recorder") on June 27, 2002 as document number R 2002105580 (hereinafter referred to as the "Declaration") with respect to certain parcels of property situated in the Village of Elwood, County of Will, State of Illinois therein more fully described; and

✓  
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**WHEREAS**, pursuant to Section 9.1(h) of the Declaration, the Declarant reserved unto itself the right to make other properties owned by Declarant subject to the Declaration, by executing an instrument in writing expressly extending the application of the Declaration to such other properties and by recording the same in the Recorder; and that upon such recordation, whenever in construing the Declaration reference is made to the "Property," said term shall mean and include not only the Property as originally described in Exhibit A of the Declaration, but also such additional properties so designated by Declarant.

**WHEREAS**, Declarant desires to designate the land legally described in Schedule 1 attached to the Supplement No. 1 as being property which shall be now and hereafter subject to the Declaration in accordance with said Section 9.1(h).

**NOW THEREFORE:**

The Declarant does hereby declare that the land legally described in Schedule 1 attached hereto and made a part hereof by this reference shall be now and hereafter subject to the Declaration in accordance with Section 9.1(h) of the Declaration; and that upon recordation of this Supplement No. 1 with the Recorder, the term "Property," whenever used in the Declaration, shall also mean and include the land legally described in said Schedule 1 attached hereto.

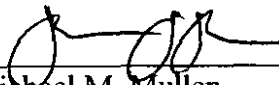
In all other respects, the Declaration shall continue in full force and effect according to its terms.


**IN WITNESS HEREOF**, the undersigned has executed this Supplement No. 1 as of the date first written above.

**DECLARANT:**

**CENTERPOINT INTERMODAL LLC**, an Illinois limited liability company

By: **CENTERPOINT PROPERTIES TRUST**

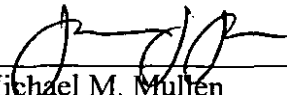
By:   
Michael M. Mullen  
President and Chief Operating Officer:


By:   
Michael Tortorici  
Assistant Secretary

**[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]**

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**CENTERPOINT REALTY SERVICES**  
**CORPORATION, an Illinois corporation**

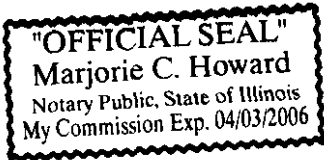
By:   
\_\_\_\_\_  
Michael M. Mullen  
Vice President

By:   
\_\_\_\_\_  
Michael Tortorici  
Assistant Secretary

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 Michael M. Mullen and Michael Tortorici, personally known to me to be the President and Chief Operating Officer and Assistant Secretary of CenterPoint Properties Trust, the manager of CenterPoint Intermodal LLC, appeared before me this day in person and acknowledged that as such President and Chief Operating Officer and Assistant Secretary, they signed and delivered said instrument, pursuant to due authority, as their free and voluntary acts, and as the free and voluntary act and deed of said trust, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 17<sup>th</sup> day of Dec., 2002.

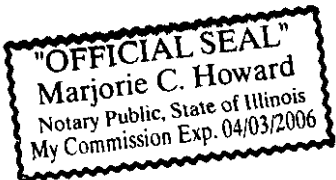


M. Howard  
NOTARY PUBLIC

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 Michael M. Mullen and Michael Tortorici, personally known to me to be the Vice President and Assistant Secretary of CenterPointRealty Services Corporation, appeared before me this day in person and acknowledged that as such Vice President and Assistant Secretary, they signed and delivered said instrument, pursuant to due authority, as their free and voluntary acts, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 17<sup>th</sup> day of Dec, 2002.



M. Howard  
NOTARY PUBLIC

SCHEDULE 1LEGAL DESCRIPTION - 22 ACRE PARCEL

THAT PART OF SECTION 35, TOWNSHIP 34 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF CENTERPOINT INTERMODAL CENTER AT DEER RUN, BEING A SUBDIVISION OF PART OF SECTIONS 29 AND 30 IN TOWNSHIP 34 NORTH, RANGE 10 EAST AND PART OF SECTIONS 23, 25, 26, 35 AND 36 IN TOWNSHIP 34 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 7, 2002 AS DOCUMENT NUMBER R2002-094161; THENCE NORTH 06 DEGREES 05 MINUTES 12 SECONDS EAST ALONG THE WESTERLY LINE OF SAID CENTERPOINT INTERMODAL CENTER AT DEER RUN, 254.34 FEET; THENCE NORTH 18 DEGREES 04 MINUTES 43 SECONDS WEST ALONG SAID WESTERLY LINE, 1830.93 FEET; THENCE NORTH 02 DEGREES 00 MINUTES 44 SECONDS WEST ALONG SAID WESTERLY LINE, 50.00 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 42 SECONDS EAST ALONG SAID WESTERLY LINE, 79.34 FEET TO A POINT ON A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 905.37 FEET, THENCE SOUTHERLY 165.25 FEET ALONG SAID WESTERLY LINE AND ALONG SAID CURVE, THE CHORD OF WHICH BEARS SOUTH 12 DEGREES 50 MINUTES 59 SECONDS EAST 165.02 FEET; THENCE SOUTH 18 DEGREES 04 MINUTES 43 SECONDS EAST ALONG SAID WESTERLY LINE, 1020.90 FEET TO THE START OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 909.96 FEET, THENCE SOUTHEASTERLY 438.33 FEET ALONG SAID WESTERLY LINE AND ALONG SAID CURVE, THE CHORD OF WHICH BEARS SOUTH 34 DEGREES 52 MINUTES 23 SECONDS EAST 434.11 FEET TO THE POINT OF BEGINNING; SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 909.96 FEET, THENCE SOUTHEASTERLY 656.00 FEET ALONG THE AFORESAID WESTERLY LINE AND ALONG SAID CURVE, THE CHORD OF WHICH BEARS SOUTH 69 DEGREES 19 MINUTES 31 SECONDS EAST 641.88 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 21 SECONDS EAST ALONG SAID WESTERLY LINE, 77.43 FEET; THENCE NORTH 16 DEGREES 59 MINUTES 10 SECONDS EAST ALONG SAID WESTERLY LINE, 38.93 FEET TO A POINT ON THE WESTERLY LINE OF A 100.00-FOOT INGRESS/EGRESS EASEMENT FOR SOUTH INDUSTRIAL PARK ROAD, PER DECLARATION OF EASEMENTS RECORDED JUNE 27, 2002 AS DOCUMENT NO. R2002-105581, SAID POINT BEING ON A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 550.00 FEET, THENCE NORTHERLY 379.56 FEET ALONG SAID WESTERLY LINE AND ALONG SAID CURVE, THE CHORD OF WHICH BEARS NORTH 02 DEGREES 47 MINUTES 08 SECONDS WEST 372.56 FEET; THENCE NORTH 16 DEGREES 59 MINUTES 05 SECONDS EAST ALONG SAID WESTERLY LINE, 1388.08 FEET; THENCE NORTH 73 DEGREES 00 MINUTES 55 SECONDS WEST 22.24 FEET TO THE START OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF

267.00 FEET, THENCE SOUTHWESTERLY 384.88 FEET ALONG SAID CURVE THE CHORD OF WHICH BEARS SOUTH 65 DEGREES 41 MINUTES 20 SECONDS WEST 352.41 FEET; THENCE SOUTH 24 DEGREES 23 MINUTES 35 SECONDS WEST 100.00 FEET; THENCE NORTH 65 DEGREES 36 MINUTES 25 SECONDS WEST 81.00 FEET; THENCE NORTH 01 DEGREES 55 MINUTES 18 SECONDS WEST 684.83 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 42 SECONDS WEST 432.59 FEET; THENCE SOUTH 24 DEGREES 02 MINUTES 35 SECONDS EAST 944.04 FEET; THENCE SOUTH 65 DEGREES 36 MINUTES 25 SECONDS EAST 66.00 FEET; THENCE SOUTH 24 DEGREES 23 MINUTES 35 SECONDS WEST 1286.38 FEET TO THE POINT OF BEGINNING, IN WILL COUNTY, ILLINOIS. Containing 22.00 acres more or less.

Property known as: Approximately 22 acres vacant,  
CenterPoint Intermodal Center at Deer Run,  
Elwood, Illinois

Part of Permanent Index Numbers: 10-25-200-002-0010  
10-25-200-002-0020  
10-35-400-003-0000