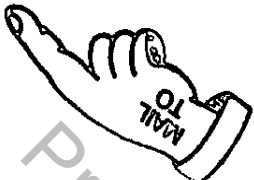


0010131407

1120/0012 19 005 Page 1 of 7
2001-02-20 09:46:26
Cook County Recorder 33.00

Prepared by, and
When Recorded, Please return to:
Nora Sieder, Legal Coordinator
Nextel Communications
400 West Grand Avenue
Elmhurst, Illinois 60126
(630) 379-5732

**COOK COUNTY
RECORDER
EUGENE "GENE" MOORE
ROLLING MEADOWS**



MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into on this 4 day of January 2001, by and between Cosmopolitan Bank Successor Trustee to First Bank of Oak Park, not personally, but as Trustee under Trust Agreement dated November 23, 1993 and known as Trust Number 13581 ("Lessor") for Torago Limited Partnership, an Illinois Limited Partnership, as Trust Number 13581's beneficiary ("Beneficiary"), with an office at 5231 North Harlem Avenue, Chicago, Illinois 60656 and Nextel West Corp., a Delaware corporation, d/b/a Nextel Communications with an office at 400 West Grand Avenue, Elmhurst, Illinois 60126 (hereinafter referred to as "Lessee").

1. Lessor and Lessee entered into a Communications Site Lease Agreement (Building) ("Agreement") on the 4 day of January, 2001 for the purpose of installing, operating and maintaining a radio communications facility and other improvements. All of the foregoing is set forth in the Agreement.
2. The term of the Agreement is for five (5) years commencing on the date Lessee begins construction of Lessee Facilities or December 1, 2001, whichever first occurs ("Commencement Date"), and terminating on the fifth (5th) anniversary of the Commencement Date, with five (5) successive five (5) year options to renew.
3. The Land which is the subject of the Agreement is described in Exhibit A annexed hereto. The portion of the Land being leased to Lessee (the "Premises") is described in Exhibit B annexed hereto.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement as of the day and year first above written.

LESSOR:
Cosmopolitan Bank Successor Trustee to First Bank of Oak Park,
not personally, but as Trustee under Trust Agreement dated
November 23, 1993, and known as Trust Number 13581

LESSEE:
Nextel West Corp., a Delaware corporation,
d/b/a Nextel Communications

By: See Attached

By: [Signature]
Timothy A. Thompson

Date: _____

Date: 1/4/01

Title: Trustee

Title: Midwest Regional Vice President

** for signatures, notarys, and exculpatory provisions of the trustee see Rider attached hereto which is expressly incorporated herein and made a part hereof

7
NM
88

UNOFFICIAL COPY

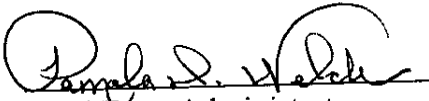
This instrument is executed by COSMOPOLITAN BANK AND TRUST, not personally, but solely as Trustee, in exercise of the power and authority conferred upon and vested in it as such Trustee. All the terms, provisions, stipulations, covenants and conditions to be performed by COSMOPOLITAN BANK AND TRUST are undertaken by it solely as Trustee, as aforesaid, and not individually, and all statements herein made are made on information and belief and are to be construed accordingly, and no personal liability shall be asserted or be enforceable against COSMOPOLITAN BANK AND TRUST by reason of any of the terms, provisions, stipulations, covenants, conditions, and/or statements contained in this instrument.

IN WITNESS WHEREOF, COSMOPOLITAN BANK AND TRUST, not personally, but as Trustee as aforesaid, has caused these presents to be signed by its Asst. Vice President/Trust Officer and Land Trust Administrator this 20th day of December, 2000.

COSMOPOLITAN BANK AND TRUST,
AS TRUSTEE AS AFORESAID AND NOT PERSONALLY.

ATTEST:

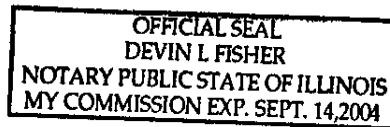
BY:


Land Trust Administrator


Asst. Vice President/Trust Officer

Subscribed and Sworn to before me
This 20th day of December, 2000.


Notary Public



ACKNOWLEDGED, APPROVED AND ACCEPTED BENEFICIARY:

By: Robert F. DiSilvestro
Robert F. DiSilvestro

Date: 12/14/2000

Title: President

STATE OF ILLINOIS

COUNTY OF DUPAGE

On 1-4-01, before me, Karen R. Falkenberg, Notary Public, personally appeared Timothy A. Thompson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Karen R. Falkenberg
Notary Public



My commission expires: 10-17-04

County of Residence: _____

STATE OF Illinois

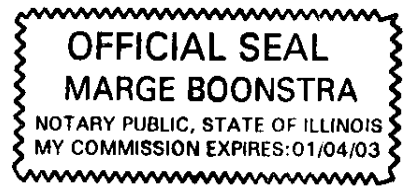
COUNTY OF Cook

On 12/14/00, before me, Marge Boonstra, Notary Public, personally appeared Robert F. DiSilvestro, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Marge Boonstra
Notary Public

(SEAL)



My commission expires: _____

County of Residence: Cook

EXHIBIT A

DESCRIPTION OF LAND

to the Agreement dated 4th day of January, 2001, between Nextel West Corp., a Delaware corporation, d/b/a Nextel Communications, ("Lessee"), and Cosmopolitan Bank Successor Trustee to first Bank of Oak Park, not personally, but as Trustee under Trust Agreement dated November 23, 1993 and known as Trust Number 13581, (hereinafter referred to as "Lessor") for Torago Limited Partnership, an Illinois Limited Partnership, as Trust Number 13581's beneficiary ("Beneficiary").

The Land is described and/or depicted as follows:

SCHAUMBURG TOWNCENTRE (EXCEPT LOT 3 (OUTLOT 2) THEREOF)
BEING A RESUBDIVISION OF PART OF LOT 18255, BEING A SUBDIVISION IN PART OF SECTION 27,
TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,
ILLINOIS, AS SET FORTH IN A PLAT OF SUBDIVISION RECORDED OCTOBER 17, 1989, AS DOCUMENT
NO. 89-49-1121.

P.I.N.: 07-27-302-059
07-27-302-060
07-27-302-062

1090-1150 S. Roselle, Schaumburg, Illinois 60195 (Schaumburg Towncentre)
Street

and otherwise known as: 1090-1150 South Roselle Road, Schaumburg, Illinois 60195
P.I.N.#: 07-27-302-059, 060, 062

EXHIBIT B

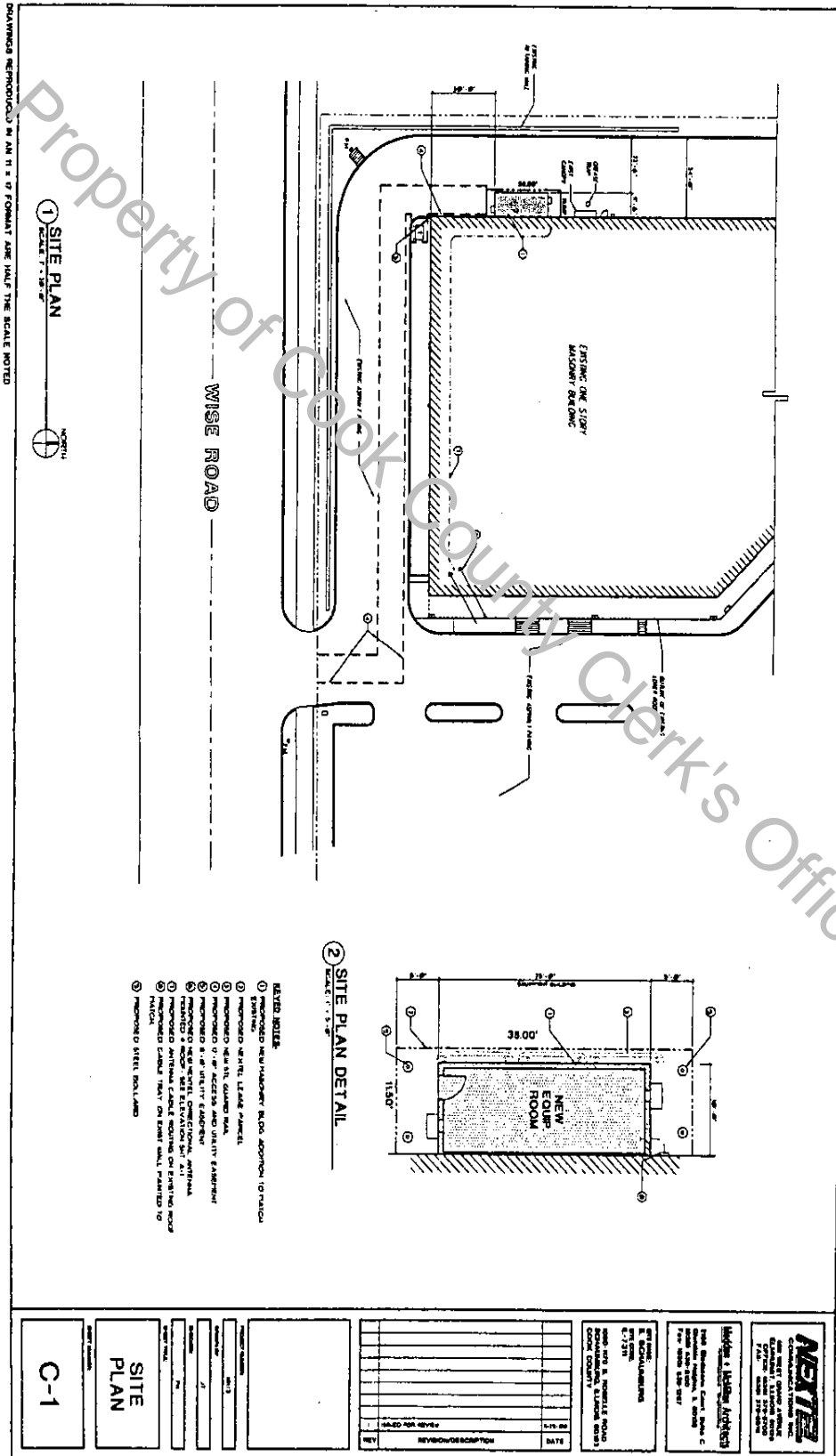
DESCRIPTION OF PREMISES

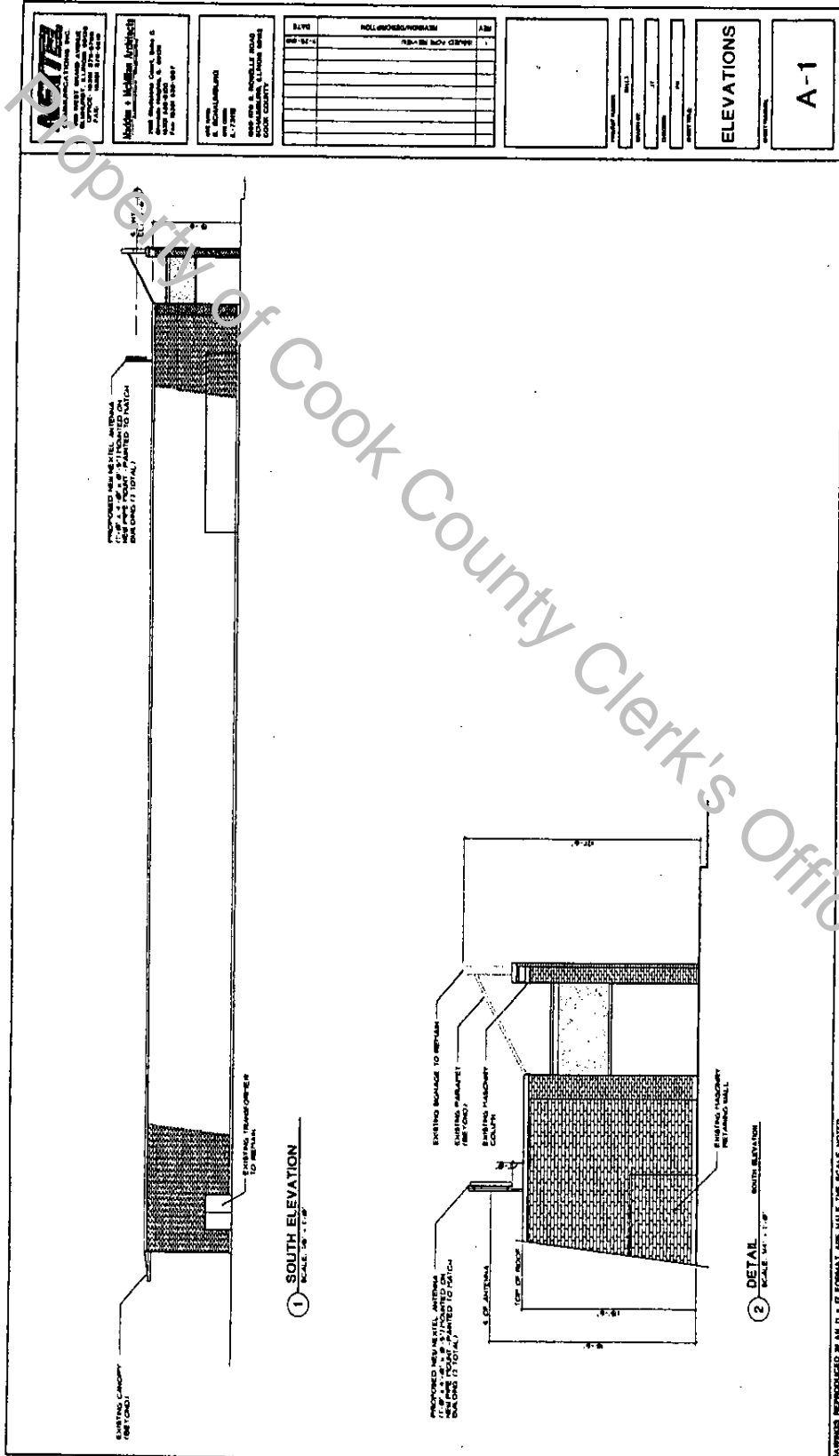
to the Agreement dated 4th day of January, 2001, between Nextel West Corp., a Delaware corporation, d/b/a Nextel Communications, ("Lessee"), and Cosmopolitan Bank Successor Trustee to first Bank of Oak Park, not personally, but as Trustee under Trust Agreement dated November 23, 1993 and known as Trust Number 13581, (hereinafter referred to as "Lessor") for Torago Limited Partnership, an Illinois Limited Partnership, as Trust Number 13581's beneficiary ("Beneficiary").

The Premises benefited by the Easement within the Property is described and/or depicted as follows:

Please see attached.

Property of Cook County Clerk's Office





K&S
K&S ARCHITECTURE, INC.
1111 WEST FULLERTON AVE.
CHICAGO, IL 60614
TEL: (773) 326-1400
FAX: (773) 326-1404

Madeline S. McMillan, Architect
Professional Seal
Madeline S. McMillan, AIA
1111 West Fullerton Ave., Suite 100
Chicago, Illinois 60614
Tel: (773) 326-1400

E. McMillan Studio
1111 WEST FULLERTON AVE.
SUITE 100
CHICAGO, IL 60614

DATE	DESCRIPTION
11-21-08	ISSUED FOR PERMITS

PROJECT NO.	
DATE	

ELEVATIONS

A-1

Property of Cook County Clerk's Office

DRAWINGS REPRODUCED IN AN 11" X 17" FORMAT ARE HALF THE SCALE NOTED