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Cook County Recorder

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Prepared by, and When Recorded, Please return to: Karen Falkenberry, Legal Coordinator **Nextel Communications** 400 West Grand Avenue Elmhurst, Illinois 60126 (630) 379-5727



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

#### MEMORANDUM OF AGREEMENT

2001 This Memorand im of Agreement is entered into on this <u>lb</u> day of *Llaub*, <del>2000</del>, by and between Arlington Debb LLC, with in office at 40 N. Wells Street, Chicago, Illinois 60606, (hereinafter referred to as "Lessor") and Nextel West Corp., a Delaware corporation, d/b/a Nextel Communications with an office at 400 West Grand Avenue, Elmhurst, Ulinois 60126 (hereinafter referred to as "Lessee").

- Lessor and Lessee entered into a Communications Site Lease Agreement (Building) ("Agreement") on the 4 day of November, 1996, 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.
- The term of the Agreement is for five (5) years commencing on the date Lessee begins construction of the Lessee Facilities or December 31, 1997, 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.
- 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.

POORE

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

Arlington Debb LLC.,	Nextel West Corp., a Delawace corporation, d/b/a Nextel Communications				
Ву:	Ry: July 1				
Name: Laurence H. Weiner	Name: Timothy A. Thompson				
Title: Manager	Title: Regional President Engineering				
Date: 3-16-01	Date: 2/22/01				

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STATE OF ILLINOIS		
COUNTY OF COOK		
on <u>March le 2001</u> , before me, personally appeared <u>Laurence H. Weiner</u> of satisfactory evidence) to be the person whose name is me that he executed the same in his authorized capacity, a the entity upon behalf of which the person acted, executed	subscribed to the vand that by his sign	wn to me (or proved to me on the basis within instrument and acknowledged to nature on the instrument, the person, or
WITNESS my hand and official seal.  Lywy Lalda  Notary Public  My commission expires: 11-13-2001	(SEAL)	OFFICIAL SEAL KERRY R. FALDA NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 11-13-2004
County of Residence:	OUNE C	
STATE OF <u>Illinois</u> COUNTY OF <u>DuPage</u>		OH'S O
On March 22, 2007, before me, <u>Ka</u> <u>Timothy A. Thompson</u> , personally known to me be the person whose name is subscribed to the within it same in his authorized capacity, and that by his signature which the person acted, executed the instrument.	or proved to me on ( nstrument and ack	on the basis of satisfactory evidence) to moving the case of the control of the case of th
WITNESS my hand and official seal.  **Mary Public Karen R. Falkenberry  My commission expires:	(SEAL)	"OFFICIAL SEAL"  KAREN R. FALKENBERRY  Notery Public, State of Illinois  My Commission Expires 10/17/04
/		

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#### **EXHIBIT A**

#### DESCRIPTION OF LAND

		day of			between			<b>L</b> '
Delaware corporation, o	i/b/a Nexte	Communications,	("Lessee"), and	Arlington	Debb LLC	C., (here	einafter	referred
to as "Lessor").								

The Land is described and/or depicted as follows:

#### PARCEL A

The North 76.83 feet of the South 104.41 feet of Lot 4, together with that part of the West 182.08 feet lying North of said South 104.41 feet and lying South of the North 175.00 feet of Lot 4, all as measured along and perpendicular to the Westerly line thereof, in Angust Busse's Division of parts of the East 1/2 of Section 16, Township 41 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

Excepting therefrom that part taken by the Department of Transportation of the State of Illinois by Order entered Junuary 20, 1994 in Case No. 93L50915 and described as follows:

Beginnlia at the Southwest corner of the North 76.83 feet of the South 104.41 feet of said Lot 4; thence on an assume beging of North 7 degrees 01 minutes 35 seconds East along the Westerly line of said Lot 4 a distance of 227.08 feet to the South line of the North 175.00 feet of said Lot 4; thence South 82 degrees 53 minutes 55 seconds East along the South line of the North 175.00 feet of said Lot 4 a distance of 16.00 feet; thence South 7 degrees 01 minutes 35 seconds Vest along a line 16.00 feet normally distant Easterly of and parallel with the Westerly line of said Lot 4 a distance of 227.08 feet to the South line of the North 76.83 feet of the South 104.41 feet of said Lot 4; thence North 82 degrees 3 minutes 55 seconds West along said South line of the North 76.83 feet of the South 104.41 feet of said Lot 4 a distance of 16.00 feet to the point of beginning.

#### PARCEL B:

Lot 4 (excepting the South 104.41 fee, thereof, and also excepting that part of the West 182.08 feet lying North of said South 104.41 feet and lying South of the North 175.00 feet of said Lot 4, and also excepting the North 175.00 feet of the West 165.08 feet of said Lot 4, all as measured along and perpendicular to the Westerly line of said Lot 4) in August Busse's Division of parts of the East 1/2 of Section 16, Township 41 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

Excepting therefrom that part taken by the Department of Transportation of the State of Illinois by Order entered April 22, 1994 in Case Ho. 94L50128 and described as follows. Paginning at the Northeast corner of said Lot 4; thence on an assumed bearing of South 26 degrees 24 minutes 20 seconds West along the Easterly line of said Lot 4 a distance of 13.45 feet; thence North 63 degrees 24 minutes 45 seconds West along a line 13.45 feet normally distant Southwesterly of and parallel with the Northerly line of said Lot 4 a distance of 249.44 feet to the East line of said West 165.08 feet of Lot 4; thence North 7 degrees 01 minutes 35 seconds East along said East line of the West 165.08 feet of Lot 4 a distance of 14.27 feet to the Northerly line of said Lot 1; thence South 63 degrees 24 minutes 45 seconds East along said Northerly line of Lot 4 a distance of 254.18 feet to the point of beginning.

#### PARCEL C:

That part of Lot 2 in August Busse's Division of parts of the East 1/2 of Section 16, Towishi, 41 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded May 15, 1928 is Dolument No. 10023115 in Book 258 of Plats, Page 32, described as follows: Commencing at the Northwest corner of Lot 2; thence Southeasterly along the North line of Lot 2, being the Southerly line of Algonquin Road, or 23 feet; thence Southwesterly along a line parallel to the Westerly line of said Lot 2 for 295.92 feet to a point in a so therefore said Lot 2; thence Northwesterly along the aforesaid Southerly line of said Lot 2 for 24.38 feet to the rost Westerly corner of Lot 2; thence Northeasterly along a Westerly line of Lot 2 for 304.02 feet to the point of beginning, in Cook County, Illinois.

Excepting therefrom that part taken by the Department of Transportation of the State of Illinois by Order entered April 14, 1994 in Case No. 93L51106 and described at follows:

Beginning at the Northwest corner of said Lot 2; thence on an assumed bearing of South 63 degrees 24 minutes 45 seconds East along the Northerly Line of said Lot 2 a distance of 23.00 feet; thence South 26 degrees 24 minutes 20 seconds West along a line parallel with the Westerly line of said Lot 2 a distance of 13.45 feet; thence North 63 degrees 24 minutes 45 seconds West along a line 13.45 feet normally distant Southwesterly of and parallel with the Northerly line of said Lot 2 a distance of 23.00 feet to the Westerly line of said Lot 2; thence North 26 degrees 24 minutes 20 seconds East along said Westerly line of said Lot 2 a distance of 13.45 feet to the point of beginning.

#### PARCEL D:

Easement for the benefit of Parcels A and B (taken as a tract) as created by deed recorded December 7; 1973 as Document No. 22,566,267,for ingress and egress over the North 24 feet of the South 27.58 feet of Lot 4, as measured along the Westerly line thereof, in August Busse's Division of part of the East 1/2 or Section 16, Township 41 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

Range 11 East of the Third Principal Meridian, in Cook County, Illinois. and otherwise known as 2355 South Arlungton Heights Road, Arlington Heights, IL 60005 Tax Key:08-16-401-021 (Parcel A); 08-16-401-022 (Parcel B); 08-16-401-030 (Parcel C); Volume 50

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#### **EXHIBIT B**

#### **DESCRIPTION OF PREMISES**

to the Agreement	datedday	<b>,</b>	,	between Nexte	el West Con	p., a Dela	ıware
corporation, d/b/a Nextel	Communications,	("Lessee"), and	Arlington	Debb LLC.,	(hereinafter	referred	to as
"Lessor").			•	•	`		

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

