



Doc#: 0329644074
Eugene "Gene" Moore Fee: \$32.50
Cook County Recorder of Deeds
Date: 10/23/2003 02:50 PM Pg: 1 of 5

This instrument was drafted by
and after recording return to:

Karl E. Moltzen, Esq.
Law Offices of Steven F. Ginsberg, LLC C
300 W. Adams Street, Suite 505
Chicago, IL 60606

MEMORANDUM OF ROOFTOP LEASE AGREEMENT

This Memorandum of Lease is made this 30th day of May, 2003, between Midway Holding LLC, an Illinois limited liability company, as the Landlord, and Chicago SMSA Limited Partnership, d/b/a Verizon Wireless, an Illinois limited partnership, having an address at c/o Verizon Wireless, 1515 Woodfield Road, Schaumburg, Illinois 60173 ATTN: Associate General Counsel and Manager, Real Estate & Zoning, as the Tenant.

1. Landlord hereby grants to Tenant and Tenant hereby takes from the the right to lease the Property located in a Building in the County of Cook, City of Chicago and State of Illinois which is legally described in Rider A ("Leased Property"), commonly known as 3535-3539 North Clark St., Chicago IL 50657.

2. The Lease is for an initial term of fifteen (15) years beginning October 1, 2009 and ending September 30, 2018. Unless terminated by the Landlord or Tenant as set forth in the Lease

3. Subject to the terms and conditions of the Lease, all improvements (including fixtures) added to the Leased Property by Tenant shall be Tenant's property and shall be removed by Tenant prior to the expiration of the term of the Lease or no later than sixty (60) days following the earlier termination of the Lease or Tenant's right of possession, whichever might be earlier.

4. The rights and obligations of Landlord and Tenant shall be construed solely by reference to the provisions of the Lease and in the event of any conflict between the provisions of the Lease and those of this Memorandum of Lease, the provisions of the Lease shall control.

5. All mortgages, installment sale contracts and other financing instruments entered into by the Landlord after the date of this Memorandum with respect to the Leased Property shall be expressly subject to and subordinate to the rights of the Tenant under the Lease, unless the parties to such mortgages, contracts and other instruments deliver to

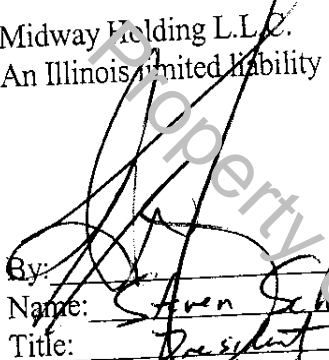
UNOFFICIAL COPY

Tenant an executed subordination, non-disturbance and attornment agreement in form satisfactory to Tenant.

IN WITNESS WHEREOF, Landlord and Tenant have caused this Memorandum of Lease to be executed by themselves or their duly authorized officers as of the day and year written below for the purpose of providing an instrument for recording.

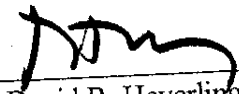
LANDLORD

Midway Holding L.L.C.
An Illinois limited liability company

By: 
Name: Steven Schuler
Title: President
Date: 3/21/03

TENANT

Chicago SMSA Limited Partnership, an Illinois limited partnership, by its sole general partner, Cellco Partnership, a Delaware general partnership, d/b/a Verizon Wireless

By: 
Name: David R. Heverling
Title: Area Vice President-Network
Date: 5/30/03

Property of Cook County Clerk's Office

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RIDER A TO MEMORANDUM OF LEASE

LEGAL DESCRIPTION OF BUILDING PROPERTY

LOTS 8, 9, 10, 11 AND 12 (EXCEPT THAT PART LYING SOUTH OF A LINE 10 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 12) IN WEAGE AND HYDE'S SUBDIVISION OF LOT 1 IN THE ASSESSOR'S DIVISION OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTH EAST $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN.

Common Address: 3535-3539 North Clark St., Chicago, IL 60657

Property Identification No: 14-20-403-064 and 14-20-403-065

Property of Cook County Clerk's Office

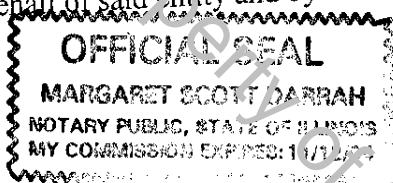
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NOTARY FOR MIDWAY HOLDING L.L.C.

MEMORANDUM OF LEASE

STATE OF ILLINOIS)
) SS
COUNTY OF Cook)

Personally came before me this 21st day of March, 2003, the above-named Steven A. Schultz as the managing member of Midway Holdings L.L.C., and acknowledged that he/she executed the foregoing instrument on behalf of said entity and by its authority for the purposes set forth therein.



Margaret Scott Darrah
Print Name: Margaret Scott Darrah

Notary Public, Cook County
State of Illinois

My commission expires:
11/12/04

DEPT OF COOK COUNTY Clerk's Office

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NOTARY FOR CHICAGO SMSA LIMITED PARTNERSHIP MEMORANDUM OF LEASE

STATE OF Massachusetts
COUNTY OF Worcester

SS

Personally came before me this 30 day of May, 2003, the above named David B. Hewitt as Area Vice President of Celco Partnership, a Delaware general partnership d/b/a Verizon Wireless, which general partnership is the sole general partner of Chicago SMSA Limited Partnership and acknowledged that he/she executed the foregoing instrument on behalf of said corporation and by its authority for the purposes set forth therein.

Diane Gazzola
Notary Public
My Commission Expires
November 13, 2009

Diane Gazzola
Print Name: Diane Gazzola

Notary Public, Worcester County
State of Massachusetts

My commission expires:
NOV 13, 2009