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Cook County Recorder of Deeds

Date: 06/14/2004 02:13 PM Pg: 1 of 8

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## DOCUMENT COVER SHEET

**TITLE OF DOCUMENT:** Memorandum of Lease

**DATE OF DOCUMENT:** April 6, 2004

**Landlord:** Chicago Ridge Mall 035, LLC,  
a Delaware limited liability company

**Tenant:** Panera, LLC,  
A Delaware limited liability company

**Mailing Address:** Panera, LLC  
Three Charles River Place  
63 Kendrick Street  
Needham, MA 02494

**PIN NUMBER:** 24-07-216-036-0000  
(Property Address: Unit E-3  
95<sup>th</sup> Street and Ridgeland Avenue  
Chicago, IL 60415)

**LEGAL DESCRIPTION:** See Exhibit A attached

This document was prepared by  
and after recording return to:  
Stacy Wipfler, Esq.  
Husch & Eppenger, LLC  
190 Carondelet Plaza, Ste 600  
St. Louis, MO 63105  
314-480-1500

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## MEMORANDUM OF LEASE

This is a Memorandum of Lease by and between CHICAGO RIDGE MALL 035 LLC, a Delaware limited liability company (hereinafter called "Landlord") and PANERA, LLC, a Delaware limited liability company, (hereinafter called "Tenant"), upon the following terms:

Lease; Date of Lease; Incorporation of Lease Terms: Lease Agreement dated as of April 6<sup>th</sup>, 2004, between Landlord and Tenant (the "Lease"). The terms of the Lease are incorporated herein by reference. Capitalized terms used herein but not defined herein shall have the respective meanings set forth in the Lease Agreement. To the extent any of the following descriptions conflict with the provisions of the Lease, the provisions of the Lease shall prevail.

Description of Premises: 4,671 square feet of rentable floor space with a present street address of Unit E-3, 95<sup>th</sup> Street and Ridgeland Avenue, Chicago Ridge, Illinois 60415, all as further shown on Exhibit B (the "Premises"). Tenant will also be allowed, subject to the terms and conditions of this Lease, to exclusively utilize an area, which is also identified on Exhibit B, adjacent to the Premises for outdoor cafe seating. The Premises are a part of the Chicago Ridge Mall, which is legally described on Exhibit A hereto.

Date of Commencement: The Commencement Date shall be the earlier to occur of the following: (a) the day on which Tenant opens for business to the public in the Premises, or (b) that day which is one hundred twenty (120) days after the later of: (i) the Premises Delivery Date or (ii) the date Tenant obtains approved Permits (but only such as are obtainable prior to the commencement of Tenant's Work) and plans.

Term: Ten (10) Lease Years.

Options to Extend the Term: Three (3) Extension Periods of five (5) years each.

Exclusive Use: Tenant shall have the exclusive right within the Center to sell bagels, baked goods, and fresh-baked breads as its principal business, as customarily measured in the restaurant industry ("Tenant's Exclusive Use"). The foregoing notwithstanding, Landlord shall be deemed not to have violated Tenant's rights under the preceding sentence to the extent any tenants or occupants in the Center as of the date hereof violate or are permitted to violate such exclusive right. Landlord agrees that it shall not amend or modify the leases of, or enter into new leases with, any current tenants or occupants (who are not currently permitted to violate Tenant's Exclusive Use) to permit or allow such tenants or occupants to violate Tenant's exclusive right.

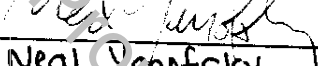
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The purpose of this Memorandum of Lease is to give record notice of the Lease and of the rights created thereby, all of which are hereby confirmed.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the dates set forth in their respective acknowledgments.

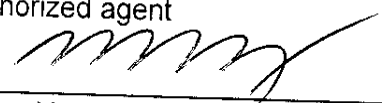
TENANT:

PANERA, LLC

By:   
 Name: Neal V. Chofsky  
 Title: Executive Vice President, Chief Administrative Officer  
 Date: April 7, 2004

LANDLORD:

CHICAGO RIDGE MALL 035 LLC,  
 a Delaware limited liability company,  
 By: Shopco Advisory Corp., a New York corporation,  
 as authorized agent

By:   
 Marc Yassky, President

Date: 4-13-04

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STATE OF New York )  
COUNTY OF New York ) ss.

Personally appeared before me, a Notary Public in and for the above County and State, Marc Yassky known personally by me and acknowledged by me to be on the date of execution, the President of Shopco Advisory Corp., authorized Agent of CHICAGO RIDGE MALL 035 LLC and he/she executed the foregoing for and on behalf of said Agent on behalf of said limited liability company.

Witnesses by hand and this notary seal, this 13 day of APRIL, 2004.

Joan Pinsker  
Notary Public in and for the State and aforesaid County  
JOAN PINSKER  
(Printed Name of Notary)

My Commission Expires: \_\_\_\_\_

**JOAN PINSKER**  
Notary Public, State of New York  
No. 43-4732298  
Qualified in Richmond County  
Commission Expires May 31, 2006

STATE OF Massachusetts )  
COUNTY OF Norfolk ) ss.

Personally appeared before me, a Notary Public in and for the above County and State, Neal Yanofsky known personally by me and acknowledged by me to be on the date of execution, Executive Vice President, Chief Administrative Officer of PANERA, LLC and he/she executed the foregoing for and on behalf of said limited liability company by authority of its Board of Directors.

Witnesses by hand and this notary seal, this 17<sup>th</sup> day of April, 2004.

Jennifer L. Marquez  
Notary Public in and for the State and County aforesaid  
Jennifer L. Marquez  
(Printed Name of Notary)

My Commission Expires: April 7, 2004

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## Exhibit A Legal Description

### Developer Parcel

A.

LOT 1 IN CHICAGO RIDGE MALL 4TH RESUBDIVISION OF PART OF LOT 11 IN CHICAGO RIDGE MALL 3RD RESUBDIVISION, BEING A RESUBDIVISION OF LOT 1 IN CHICAGO RIDGE MALL RESUBDIVISION OF LOT 6 OF CHICAGO RIDGE MALL SUBDIVISION AND LOTS 8 AND 9 IN CHICAGO RIDGE MALL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JULY 8, 1987 AS DOCUMENT 87375138, IN COOK COUNTY, ILLINOIS.

AND

THAT PART OF LOT 2 IN CHICAGO RIDGE MALL RESUBDIVISION OF LOT 6, BEING A RESUBDIVISION OF LOT 6 IN CHICAGO RIDGE MALL SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SUBDIVISION RECORDED JANUARY 18, 1984 AS DOCUMENT 26933207, IN COOK COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON A CURVE AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTHWESTERLY ON SAID CURVE CONVEX TO THE SOUTHEAST HAVING A RADIUS OF 165.17 FEET AN ARC DISTANCE OF 129.68 FEET TO A POINT OF TANGENT; THENCE SOUTH 50° 25' 06" WEST 31.72 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON SAID CURVE CONVEX TO THE NORTHWEST HAVING A RADIUS OF 165.17 FEET AN ARC DISTANCE OF 105.34 FEET ALL ALONG THE EASTERLY LINE OF SAID LOT 2; THENCE NORTH 00° 00' 00" EAST 139.30 FEET ALONG THE NORTH LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

AND

LOT 2 IN CHICAGO RIDGE MALL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT SUBDIVISION RECORDED JANUARY 18, 1984 AS DOCUMENT 26933207, IN COOK COUNTY, ILLINOIS.

AND

LOTS 12, 13 AND 14 IN CHICAGO RIDGE MALL 3RD RESUBDIVISION, BEING A RESUBDIVISION OF LOT 1 IN CHICAGO RIDGE MALL RESUBDIVISION LOT 6

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OF CHICAGO RIDGE MALL SUBDIVISION AND OF LOTS 8 AND 9 IN CHICAGO RIDGE MALL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, RECORDED JULY 8, 1987 AS DOCUMENT NUMBER 87375138.

## Federated Parcel

B.

LOT 1 IN KOHL'S RESUBDIVISION OF PART OF LOT 2 IN CHICAGO RIDGE MALL RESUBDIVISION OF LOT 6, BEING A RESUBDIVISION OF LOT 6 IN CHICAGO RIDGE MALL SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SUBDIVISION RECORDED JANUARY 18, 1984 AS DOCUMENT 26933207, IN COOK COUNTY, ILLINOIS. EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON A CURVE AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTHWESTERLY ON SAID CURVE CONVEX TO THE SOUTHEAST HAVING A RADIUS OF 165.17 FEET AN ARC DISTANCE OF 129.68 FEET TO A POINT OF TANGENT; THENCE SOUTH 50° 25' 06" WEST 31.72 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON SAID CURVE CONVEX TO THE NORTHWEST HAVING A RADIUS OF 165.17 FEET AN ARC DISTANCE OF 105.34 FEET ALL ALONG THE EASTERLY LINE OF SAID LOT 2; THENCE NORTH 00° 07' 45" WEST 219.55 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE SOUTH 90° 00' 00" EAST 139.30 FEET ALONG THE NORTH LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

AND

THAT PART OF LOT 11 IN CHICAGO RIDGE MALL 3<sup>RD</sup> RESUBDIVISION, BEING A RESUBDIVISION OF LOT 1 IN CHICAGO RIDGE MALL RESUBDIVISION OF LOT 6 OF CHICAGO RIDGE MALL SUBDIVISION AND LOTS 8 AND 9 IN CHICAGO RIDGE MALL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JULY 8, 1987 AS DOCUMENT 87-375138, IN COOK COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE COMMON CORNER TO SAID LOT 11 IN CHICAGO RIDGE MALL 3<sup>RD</sup> RESUBDIVISION WITH THE SOUTHEAST CORNER OF LOT 2 IN SAID CHICAGO RIDGE MALL RESUBDIVISION OF LOT 6 OF CHICAGO RIDGE MALL SUBDIVISION LOCATED ON THE WEST LINE OF RIDGELAND AVENUE; THENCE SOUTH 89° 52' 14" WEST 231.48 FEET ALONG THE SOUTH LINE OF SAID LOT 2; THENCE SOUTH 00° 07' 46" EAST 71.17 FEET; THENCE NORTH 75° 00' 00" WEST 124.96 FEET ALONG THE SOUTHERLY LINE OF SAID

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LOT 2 TO THE POINT OF BEGINNING; THENCE SOUTH  $59^{\circ} 59' 11''$  WEST 95.79 FEET; THENCE NORTH  $75^{\circ} 00' 00''$  WEST 17.00 FEET; THENCE NORTH  $00^{\circ} 20' 24''$  WEST 23.14 FEET; THENCE SOUTH  $89^{\circ} 39' 36''$  WEST 119.59 FEET; THENCE SOUTH  $00^{\circ} 00' 00''$  WEST 8.00 FEET; THENCE SOUTH  $89^{\circ} 39' 36''$  WEST 20.00 FEET; THENCE NORTH  $00^{\circ} 00' 00''$  EAST 8.00 FEET; THENCE SOUTH  $89^{\circ} 39' 36''$  WEST 8.48 FEET; THENCE NORTH  $22^{\circ} 51' 47''$  WEST 46.59 FEET; THENCE NORTH  $45^{\circ} 01' 07''$  WEST 18.96 FEET; THENCE NORTH  $00^{\circ} 00' 00''$  EAST 86.99 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTH  $21^{\circ} 00' 29''$  EAST 56.46 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2; THENCE SOUTH  $75^{\circ} 00' 00''$  EAST 267.97 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

AND

## Sears Parcel

C.

THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7 IN TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER; THENCE SOUTH  $0^{\circ} 07' 46''$  EAST 385.38 FEET ALONG THE EAST LINE OF SAID QUARTER; THENCE SOUTH  $89^{\circ} 52' 14''$  WEST ALONG A LINE PERPENDICULAR TO SAID EAST LINE 50 FEET TO THE WEST RIGHT-OF-WAY LINE OF RIDGELAND AVENUE AND TO THE POINT OF BEGINNING; THENCE SOUTH  $89^{\circ} 52' 14''$  WEST 200 FEET; THENCE SOUTH  $0^{\circ} 07' 46''$  EAST 372.66 FEET; THENCE SOUTH  $89^{\circ} 59' 57''$  WEST 962.41 FEET ALONG A LINE THAT IS 758.6 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID QUARTER TO A LINE THAT IS 114.76 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID EAST HALF; THENCE NORTH  $0^{\circ} 00' 03''$  WEST 508.6 FEET ALONG SAID 114.76 FEET EAST LINE TO A LINE THAT IS 250 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID QUARTER; THENCE NORTH  $89^{\circ} 59' 57''$  EAST 205.24 FEET ALONG SAID 250 FEET SOUTH LINE TO A LINE THAT IS 320 FEET EAST OF AND PARALLEL WITH SAID WEST LINE OF THE EAST HALF; THENCE NORTH  $0^{\circ} 00' 03''$  WEST 200 FEET ALONG SAID 320 FEET EAST LINE TO THE SOUTH RIGHT-OF-WAY LINE OF 95<sup>TH</sup> STREET; THENCE NORTH  $89^{\circ} 59' 57''$  EAST 905.69 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT OF CURVE; THENCE SOUTHEASTERLY 78.43 FEET ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 50 FEET TO SAID WEST RIGHT-OF-WAY LINE OF RIDGELAND AVENUE; THENCE SOUTH  $0^{\circ} 07' 46''$  EAST 285.60 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; ALL IN COOK COUNTY, ILLINOIS.

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## Exhibit B

### Depiction of Premises and Outdoor Cafe Seating

