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Memorandum of Agreement

This Memorandum of Agreement ("Memorandum") dated 11-9, 2004, evidences that a lease was made and entered into by a written Site Agreement (the "Agreement") dated 11-9, 2004, between Benchmark Sherway Towers Associates Limited Partnership, a New York limited partnership ("Owner") and SprintCom, Inc., a Kansas Corporation ("Sprint").



Doc#: 0433719092
Eugene "Gene" Moore Fee: \$32.50
Cook County Recorder of Deeds
Date: 12/02/2004 11:37 AM Pg: 1 of 5

The Agreement provides in part that Owner leases to Sprint certain real property owned by Owner and located at 4225 N. Sheridan, City of Chicago, County of Cook, State of Illinois, together with non-exclusive easements for reasonable access thereto, for placement of an underground grounding system, and for access to the appropriate source of electric and telephone facilities (the "Site"). The Site is further described in Exhibit A attached hereto. **The term of the Agreement is 5 years commencing on November 9, 2004, which term will automatically renew for four additional terms, (each a "Renewal Term") of 5 years each, unless Sprint provides Owner with notice of its intention not to renew no less than 90 days prior to the expiration of the Initial Term or any Renewal Term.**

The parties have executed this Memorandum as of the day and year first above written.

OWNER

Benchmark Sherway Towers Associates Limited Partnership, a New York limited partnership

By: Steven J. Longo
Name: Steven J. Longo
Title: Vice President - GP
Address: 4053 Maple Road
Amherst NY 14226

Contact Phone Number: 716-833-4986
Email Address: slongo@benchmarkgrp.com

SPRINT

SprintCom, Inc., a Kansas Corporation

By: James G. Meyers
Name: AVP-Site Delivery
Title: AVP-Site Delivery
Address: 6550 Sprint Parkway
Overland Park, KS 66251

Sprint Contracts & Performance Hotline: 800-357-7641

Attach Exhibit A - Site Description (A-1 and A-2)

Owner Initials: SJC
Sprint Initials: JG

Site Name: Sherway Towers Roof Top
Sprint Site ID #: CH60XC048-C

Please return to:
K.A. Kleszyk
LCC International
800 Roosevelt Rd.
Bldg A, Ste 218
Glen Ellyn IL 60137

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Site Name: Sherway Towers Roof Top

Sprint Site ID #: CH60XC048-C

EXHIBIT A-1 TO MEMORANDUM OF SITE AGREEMENT

Site Description

Site located at 4225 N. Sheridan, situated in the City of Chicago, County of Cook, State of Illinois, commonly described as follows:

Address:

4225 N. Sheridan, Chicago, Illinois 60613

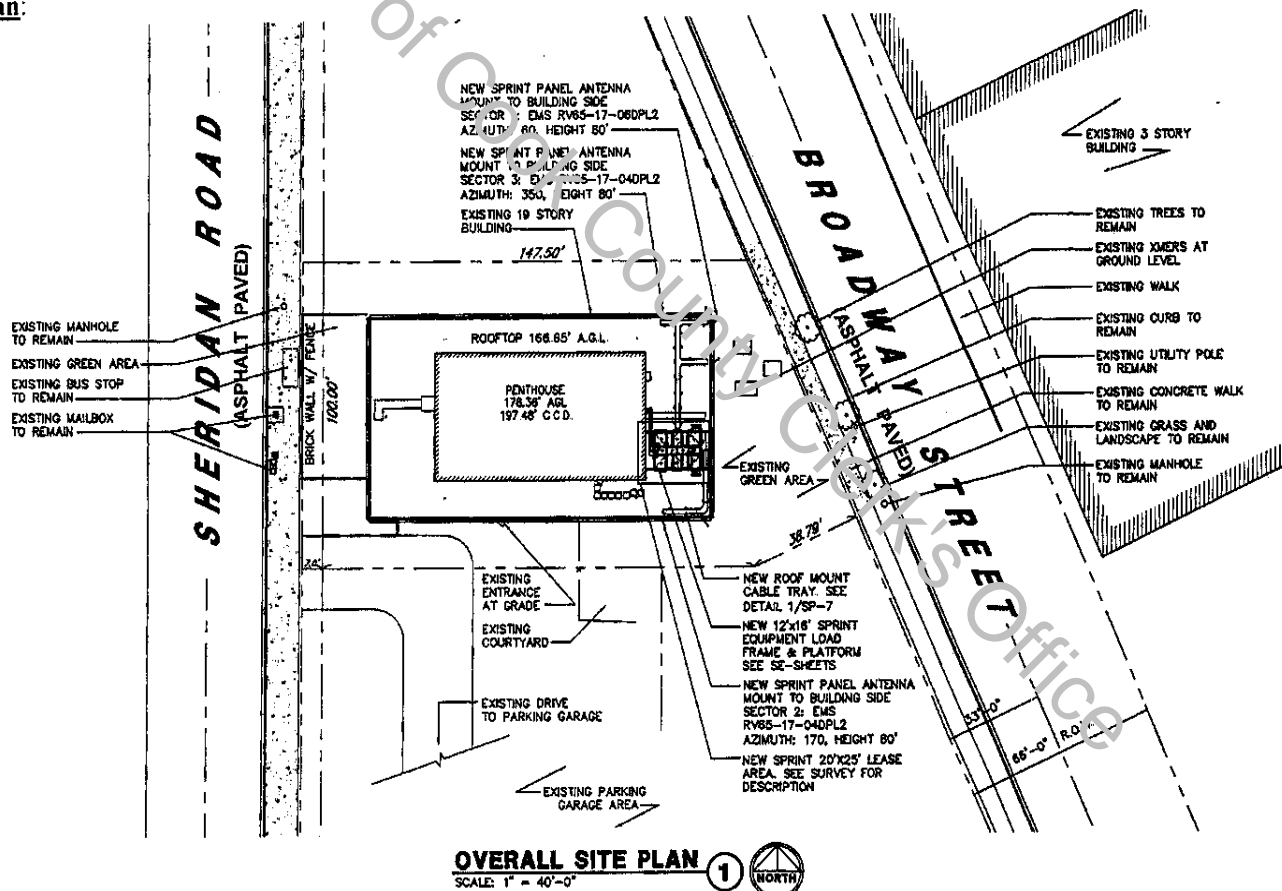
PIN:

14-17-408-002, 14-17-408-003, 14-17-408-004, and 14-17-408-005

Legal Description:

LOT 5 (EXCEPT THEREFROM THE WEST 7 FEET THEREOF TAKEN FOR WIDENING OF SHEFFIELD AVENUE IN BLOCK 1 IN BUENA PARK SUBDIVISION OF THE F.S. 1/2 OF THE SOUTH EAST 1/4 OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. ALSO: LOTS 1 AND 2 IN SUBDIVISION OF LOT 4 IN BLOCK 1 IN BUENA PARK, A SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, (EXCEPT THAT PART OF LOT 4 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH EAST CORNER OF SAID LOT 4; THENCE NORTHWESTERLY ALONG THE EAST LINE OF SAID LOT 4, 17.55 FEET; THENCE SOUTHWESTERLY 38.79 FEET TO A POINT IN THE SOUTH LINE OF SAID LOT 4, 42.64 FEET WEST OF SAID SOUTH EAST CORNER OF SAID LOT 4; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 4, 42.64 FEET TO THE POINT OF BEGINNING; ALSO EXCEPTING THE WEST 7 FEET TAKEN FOR A STREET) IN COOK COUNTY ILLINOIS.

Site Plan:



Owner Initials: SJC
Sprint Initials: [Signature]

Note: Owner and Sprint may, at Sprint's option, replace this Exhibit with an exhibit setting forth the legal description of the property on which the Site is located or an as-built drawing depicting the Site.

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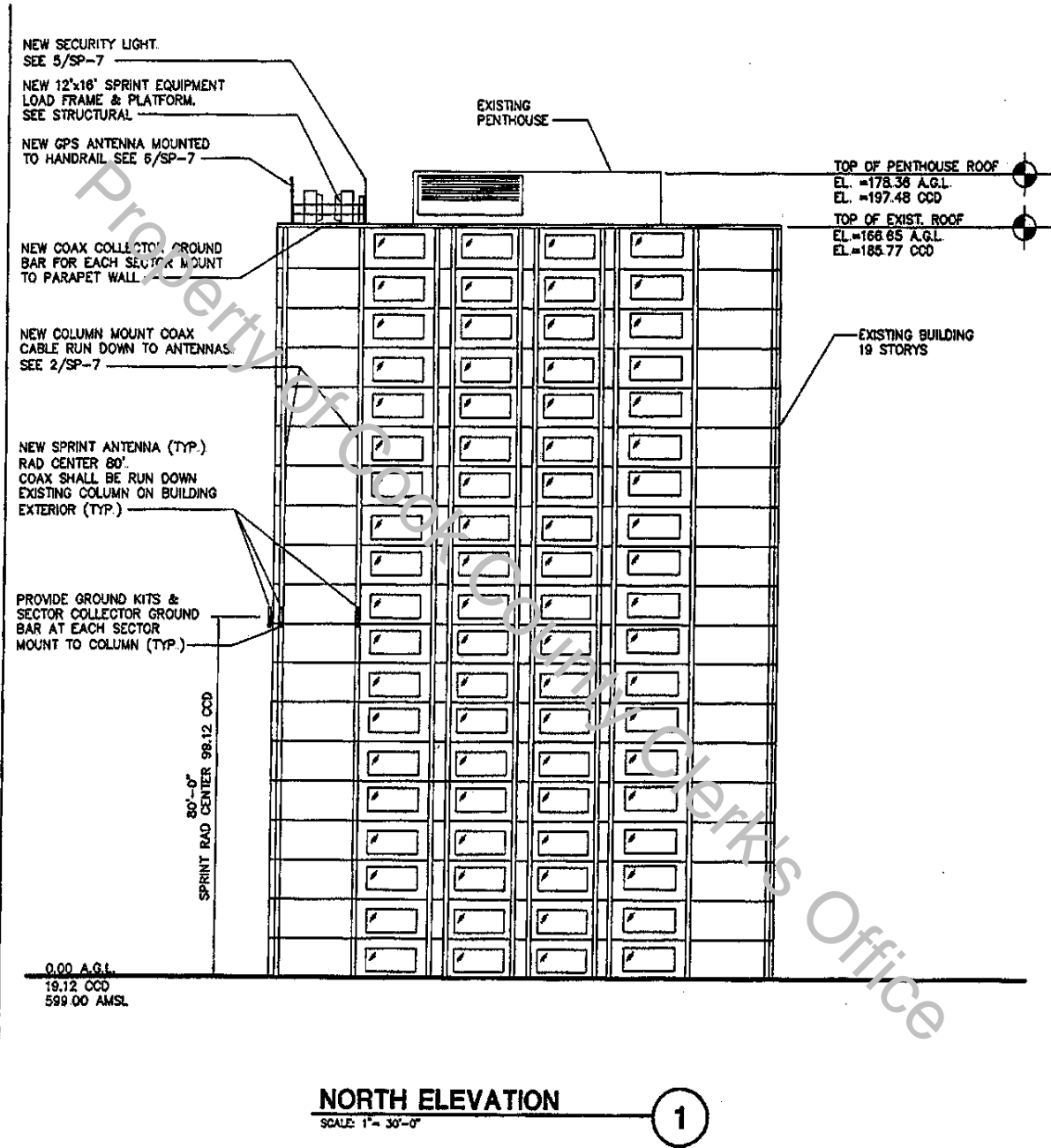
Site Name: Sherway Towers Roof Top

Sprint Site ID #: CH60XC048-C

EXHIBIT A-2 TO MEMORANDUM OF SITE AGREEMENT

Site Description (Cont.)

Site Plan (Elevation):



NORTH ELEVATION

SCALE: 1" = 30'-0"

1

Owner Initials: SK
Sprint Initials: [Signature]

Note: Owner and Sprint may, at Sprint's option, replace this Exhibit with an exhibit setting forth the legal description of the property on which the Site is located or an as-built drawing depicting the Site.

**[Use this Exhibit A for Site Agreement and Memorandum of Agreement.]*

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Site Name: Sherway Towers Roof Top

Sprint Site ID #: CH60XC048-C

OWNER NOTARY BLOCK:

STATE OF New York
COUNTY OF Erie

The foregoing instrument was (choose one) attested or acknowledged before me this 27th day of October, 2004, by (choose one) _____ as an individual, Steven J Longo, as Vice President of Illinois Properties Inc., a corporation, on behalf of the corporation, or General Partner, partner or agent on behalf of Benchmark Sherway, a Towers Assoc. LP., a Limited partnership.

(AFFIX NOTARIAL SEAL)

Deborah M. Sisz
(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC STATE OF
DEBORAH M. SISZ
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires July 7, 2007

My commission expires:

(PRINTED, TYPED OR STAMPED NAME OF NOTARY)
COMMISSION NUMBER:

STATE OF
COUNTY OF

The foregoing instrument was (choose one) attested or acknowledged before me this _____ day of _____, 20____, by (choose one) _____ as an individual, _____ as _____ of _____ corporation, on behalf of the corporation, or _____, partner or agent on behalf of _____, a _____ partnership.

(AFFIX NOTARIAL SEAL)

(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC STATE OF

My commission expires:

(PRINTED, TYPED OR STAMPED NAME OF NOTARY)
COMMISSION NUMBER:

Site Name: Sherway Towers Food Top

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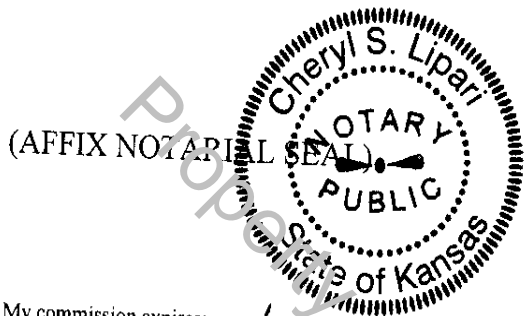
Sprint Site ID #: CH60XC048-C

SPRINT NOTARY BLOCK:

STATE OF Kansas

COUNTY OF Johnson

The foregoing instrument was acknowledged before me this 9th day of November, 2004, by James G. Meyers, as AVP - Site Delivery of SprintCom, Inc., a Kansas Corporation, who executed the foregoing instrument on behalf of the partnership.



Cheryl S. Lipari
(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC STATE OF

My commission expires:

4/23/08

Cheryl S. Lipari
(PRINTED, TYPED OR STAMPED NAME OF NOTARY)

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, as _____ of SprintCom, Inc., a Kansas Corporation, who executed the foregoing instrument on behalf of the partnership.

(AFFIX NOTARIAL SEAL)

(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC STATE OF

My commission expires:

(PRINTED, TYPED OR STAMPED NAME OF NOTARY)