

Return to:

First American Title Insurance Co.

4801 E. Washington St. #110

Phoenix, AZ 85034

Attn: Stefanie Robertson

UNOFFICIAL COPY



Doc#: 0526322048 Fee: \$82.50

Eugene "Gene" Moore

Cook County Recorder of Deeds

Date: 09/20/2005 11:07 AM Pg: 1 of 11

MEMORANDUM OF LEASE

Notice is hereby given that **Simon Property Group (Illinois), L.P.**, an Illinois limited partnership ("Landlord"), and **PETsMART, Inc.**, a Delaware corporation ("Tenant"), have entered into a Shopping Center Lease (the "Lease") dated May 19, 2005, pertaining to certain premises identified on Exhibit A attached hereto and located within the real property described in Exhibit B attached hereto (the "Shopping Center"). The initial term of such Lease is ten (10) Lease Years, and Tenant has the option to extend such term for up to three (3) renewal periods of five (5) Lease Years each. Among other things, the Lease grants to Tenant the right along with Landlord and other tenants in the Shopping Center to use the Common Areas depicted on Exhibit A, including without limitation roads, driveways, sidewalks and parking areas, grants certain rights with respect to Landlord's pylon sign structures, prohibits certain uses within the Shopping Center and during the term of the Lease, prohibits other occupants and tenants of the Shopping Center from engaging in the retail sale of: (i) pets (including, but not limited to fish, birds, reptiles, dogs, cats and other small animals); (ii) food, accessories and other products related to pets and animals, including equestrian products and apparel related thereto; and (iii) services related to pets and animals, such as grooming, boarding, pet day care, animal training and obedience classes, pet adoption and veterinary services.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum of Lease as of the 19th day of May, 2005.

Simon Property Group (Illinois), L.P.

an Illinois limited partnership,

By: **Charles Mall Company Limited Partnership**
a Maryland limited partnership, General Partner

By: **Simon Property Group (Delaware), Inc.**
a Delaware corporation, General Partner

Michael E. McCarty
President, Community Centers

TENANT:

PETsMART, Inc.,
a Delaware corporation

By:

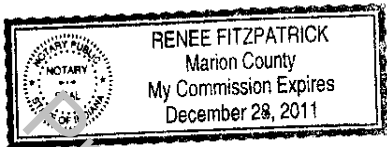
Rod Geant
Senior Vice President,
Real Estate and Construction

3-11
m-y
p-11
n.w

UNOFFICIAL COPY

STATE OF Indiana)
) SS
COUNTY OF Marion)

The foregoing instrument was acknowledged before me this 12th day of May, 2005, by Michael E. McCarty as President, Community Centers of Simon Property Group (Illinois), L.P., an Illinois limited partnership, on behalf of Landlord.



Renee Fitzpatrick
Notary Public

My Commission expires:

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this 19th day of May, 2005, by Rod Geant as Senior Vice President, Real Estate and Construction, of PETsMART, Inc., a Delaware corporation, on behalf of Tenant.

Jillian Schwartz
Notary Public

My Commission expires:



JILLIAN SCHWARTZ
Notary Public - Arizona
Maricopa County
Expires 06/16/08

UNOFFICIAL COPY

EXHIBIT A

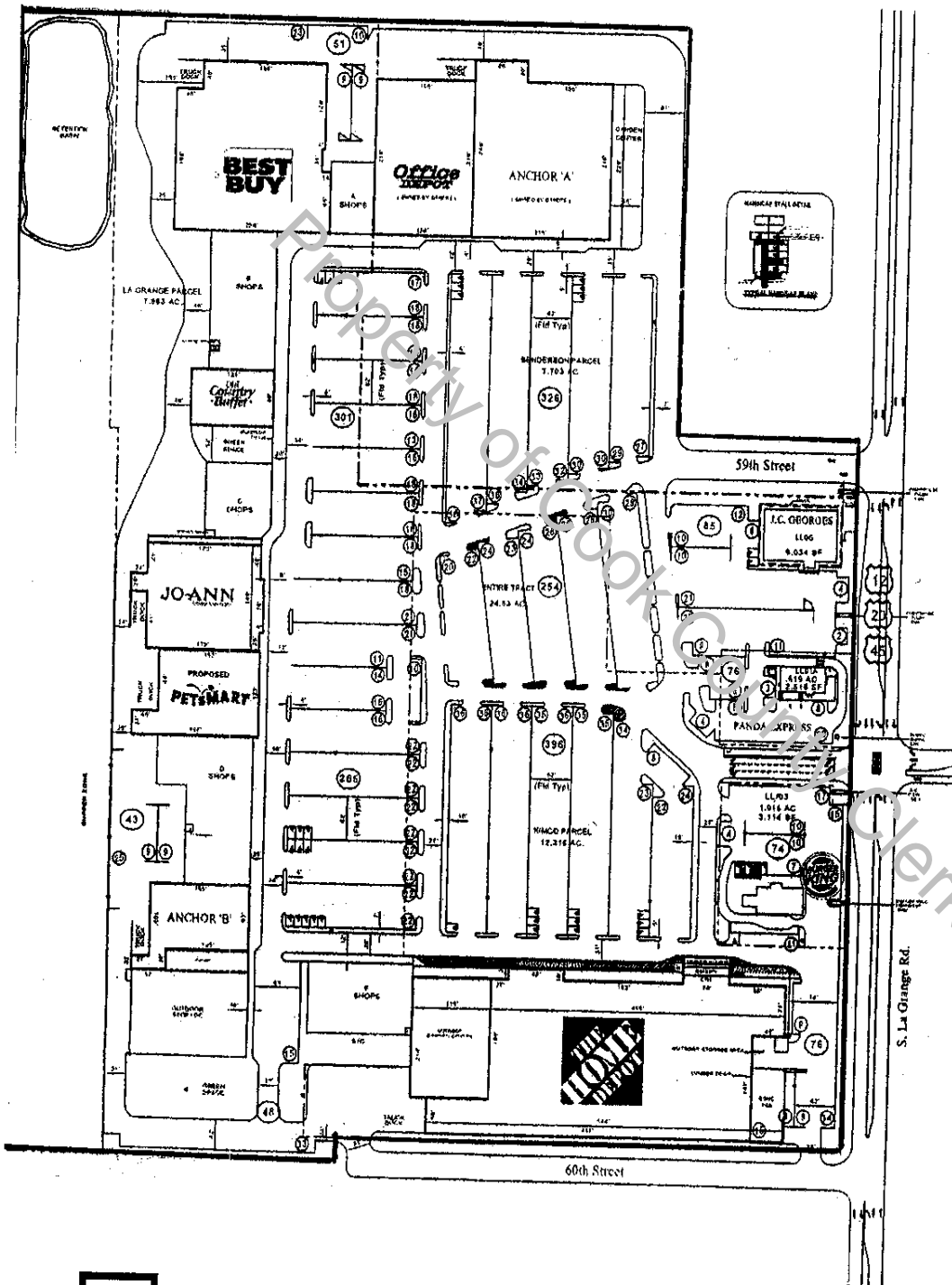
SHOPPING CENTER PLAN

Exhibit A, Shopping Center Plan, sets forth in detail the location of the Premises; the Common Areas, including all parking areas, handicapped parking spaces, front and rear driveways, sidewalks, cart storage areas and landscaped areas; Tenant's Protected Area; all pylon and monument sign structures; Tenant's recessed truck well and loading dock; Tenant's pallet pen; dumpsters, service areas or trash collection areas; and any other information required by any provision of the Lease.

Exhibit A follows immediately after this page

Property of Cook County Clerk's Office

UNOFFICIAL COPY



EXISTING as of 10/13/04

PROJECT DATA

BEST BUY	52,463
BURLINGTON COAT FACTORY	80,160
HOME DEPOT	119,572
OLD COUNTRY BUFFET	10,000
FRANK'S NURSERY	40,186
ANCHOR 'A'	28,487
ANCHOR 'B'	11,367
TOTAL DEPARTMENT STORE GLA	342,205
Level 01	81,919
Level OUTLOTS	15,148
TOTAL SMALL SHOPS GLA	97,067
TOTAL GLA	439,272
TOTAL AMOUNT OF PARKING: 1976	
PARKING RATIO: 4.50	

PROPOSED

PROJECT DATA

BEST BUY	52,453
HOME DEPOT	119,572
OLD COUNTRY BUFFET	10,000
JOANN FABRICS	26,554
PETSMART	20,087
ANCHOR 'A'	47,760
ANCHOR 'B'	40,186
OFFICE DEPOT	32,400
TOTAL DEPARTMENT STORE GLA	349,012
Level 01	76,435
Level OUTLOTS	13,666
TOTAL SMALL SHOPS GLA	80,101
TOTAL GLA	439,113
TOTAL AMOUNT OF PARKING: 1995	
PARKING RATIO: 4.54	



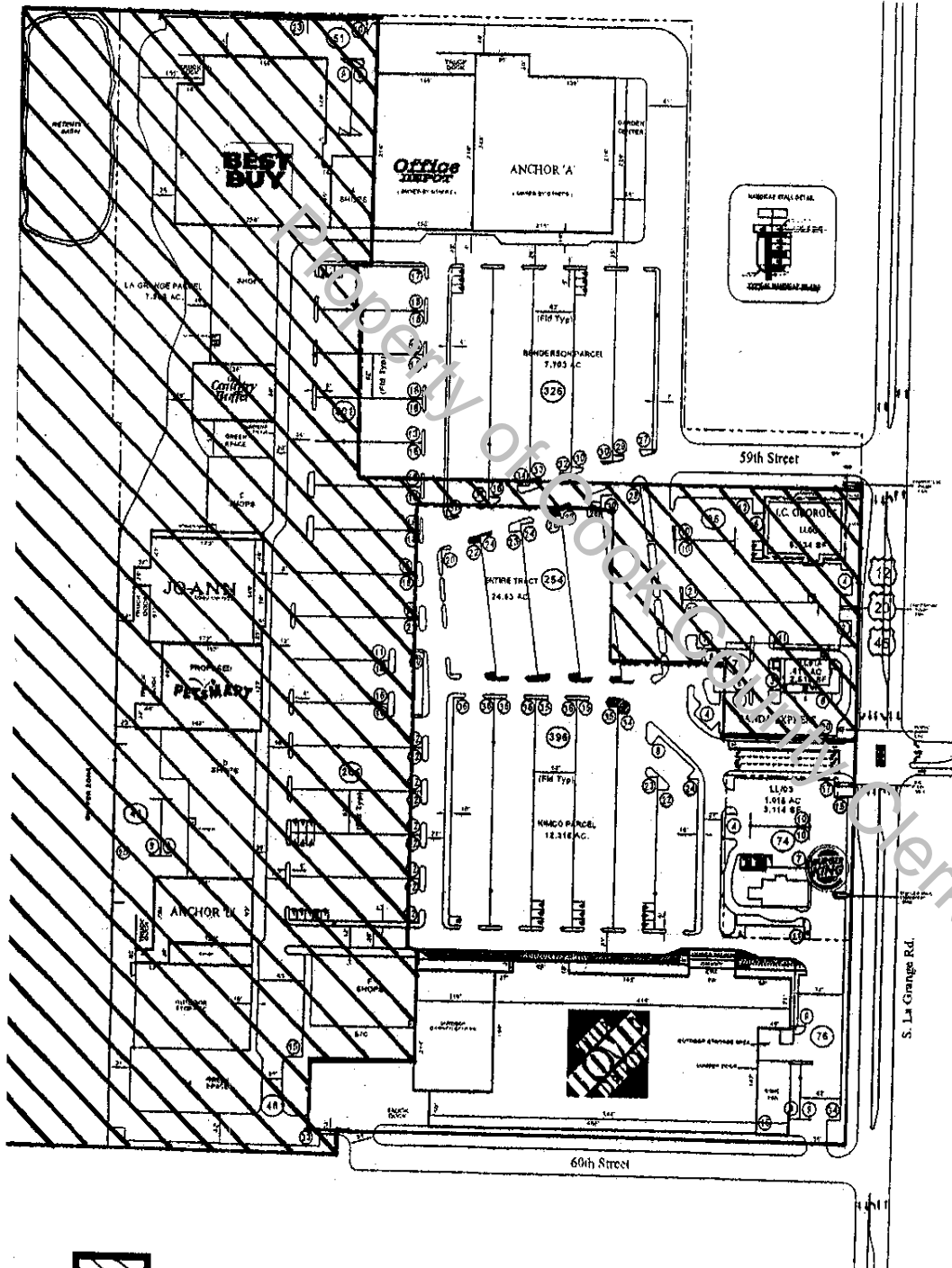
Shopping Center

Exhibit A – Page 1 of 5

Countryside Plaza
 59 LaGrange Road
 Countryside, IL 60525
 CORP # 2315

SIMON™

UNOFFICIAL COPY



Landlord's Parcel

Exhibit A – Page 2 of 5

EXISTING as of 10/13/04

PROJECT DATA

BEST BUY	52,453
BURLINGTON COAT FACTORY	80,160
HOME DEPOT	119,572
OLD COUNTRY BUFFET	10,000
FRANK'S NURSERY	40,186
ANCHOR 'A'	28,467
ANCHOR 'B'	11,367

TOTAL DEPARTMENT STORE GLA	342,205
----------------------------	---------

Level 01	81,919
Level OUTLOTS	15,148

TOTAL SMALL SHOPS GLA	97,067
-----------------------	--------

TOTAL GLA	439,272
-----------	---------

TOTAL AMOUNT OF PARKING: 1976
PARKING RATIO: 4.50

PROPOSED

PROJECT DATA

BEST BUY	52,453
HOME DEPOT	119,572
OLD COUNTRY BUFFET	10,000
JOANN FABRICS	26,554
PETS MART	20,087
ANCHOR 'A'	47,760
ANCHOR 'B'	40,186
OFFICE DEPOT	32,400

TOTAL DEPARTMENT STORE GLA	349,012
----------------------------	---------

Level 01	76,435
Level OUTLOTS	13,666

TOTAL SMALL SHOPS GLA	80,101
-----------------------	--------

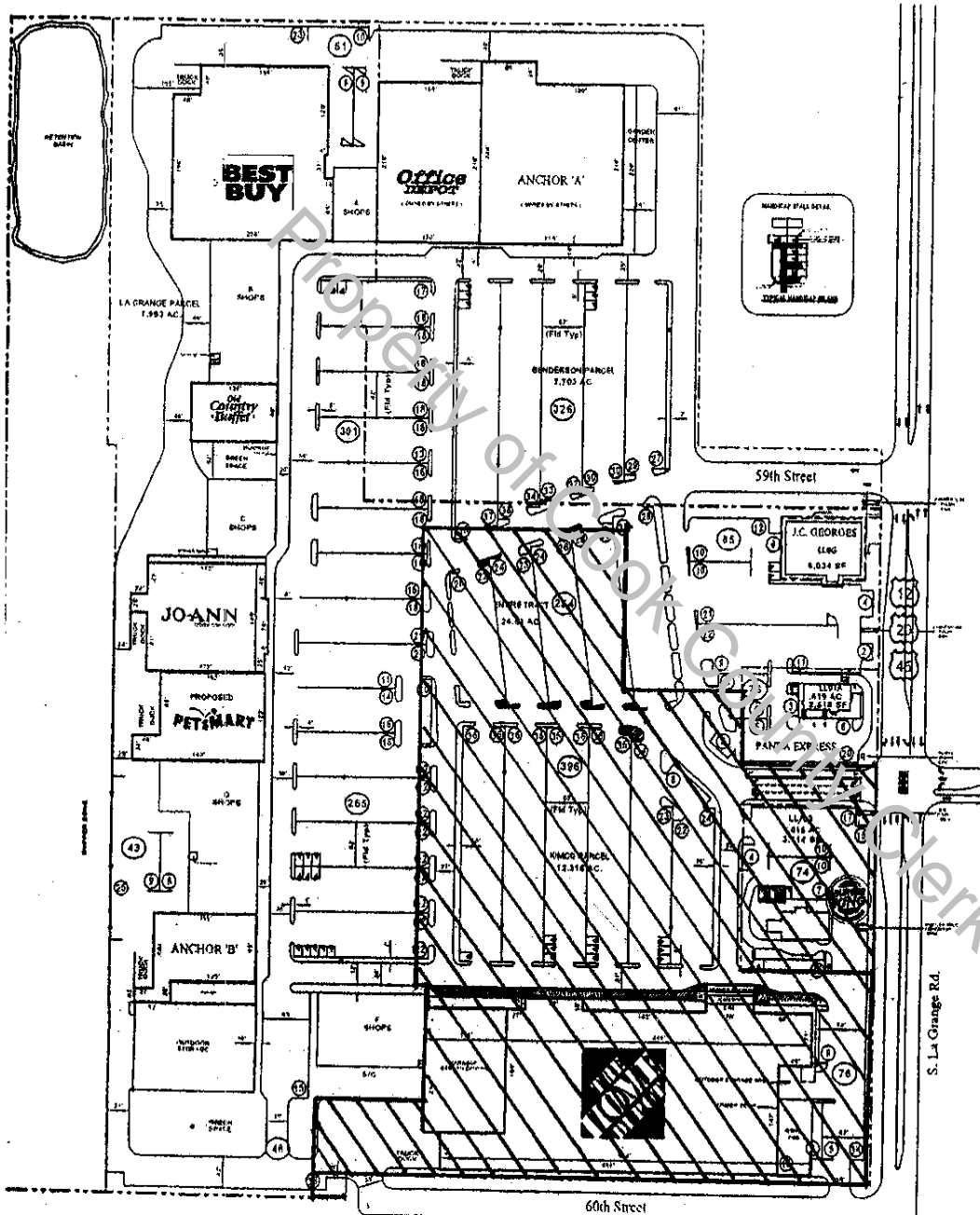
TOTAL GLA	439,113
-----------	---------

TOTAL AMOUNT OF PARKING: 1995
PARKING RATIO: 4.54

Countryside Plaza
59 LaGrange Road
Countryside, IL 60525
CORP # 2315



UNOFFICIAL COPY



Kimco Parcel

Exhibit A – Page 3 of 5

EXISTING as of 10/13/04

PROJECT DATA

BEST BUY	52,453
BURLINGTON COAT FACTORY	80,160
HOME DEPOT	119,572
OLD COUNTRY BUFFET	10,000
FRANK'S NURSERY	40,186
ANCHOR 'A'	28,467
ANCHOR 'B'	11,367

TOTAL DEPARTMENT STORE GLA 342,205

Level 01 81,918
Level OUTLOTS 16,148

TOTAL SMALL SHOPS GLA 97,067

TOTAL GLA 439,272

TOTAL AMOUNT OF PARKING: 1976
PARKING RATIO: 4.50

PROPOSED

PROJECT DATA

BEST BUY	52,453
HOME DEPOT	119,572
OLD COUNTRY BUFFET	10,000
JOANN FABRICS	26,554
PETSMART	20,087
ANCHOR 'A'	47,760
ANCHOR 'B'	40,186
OFFICE DEPOT	32,400

TOTAL DEPARTMENT STORE GLA 349,012

Level 01 76,435
Level OUTLOTS 13,666

TOTAL SMALL SHOPS GLA 90,101

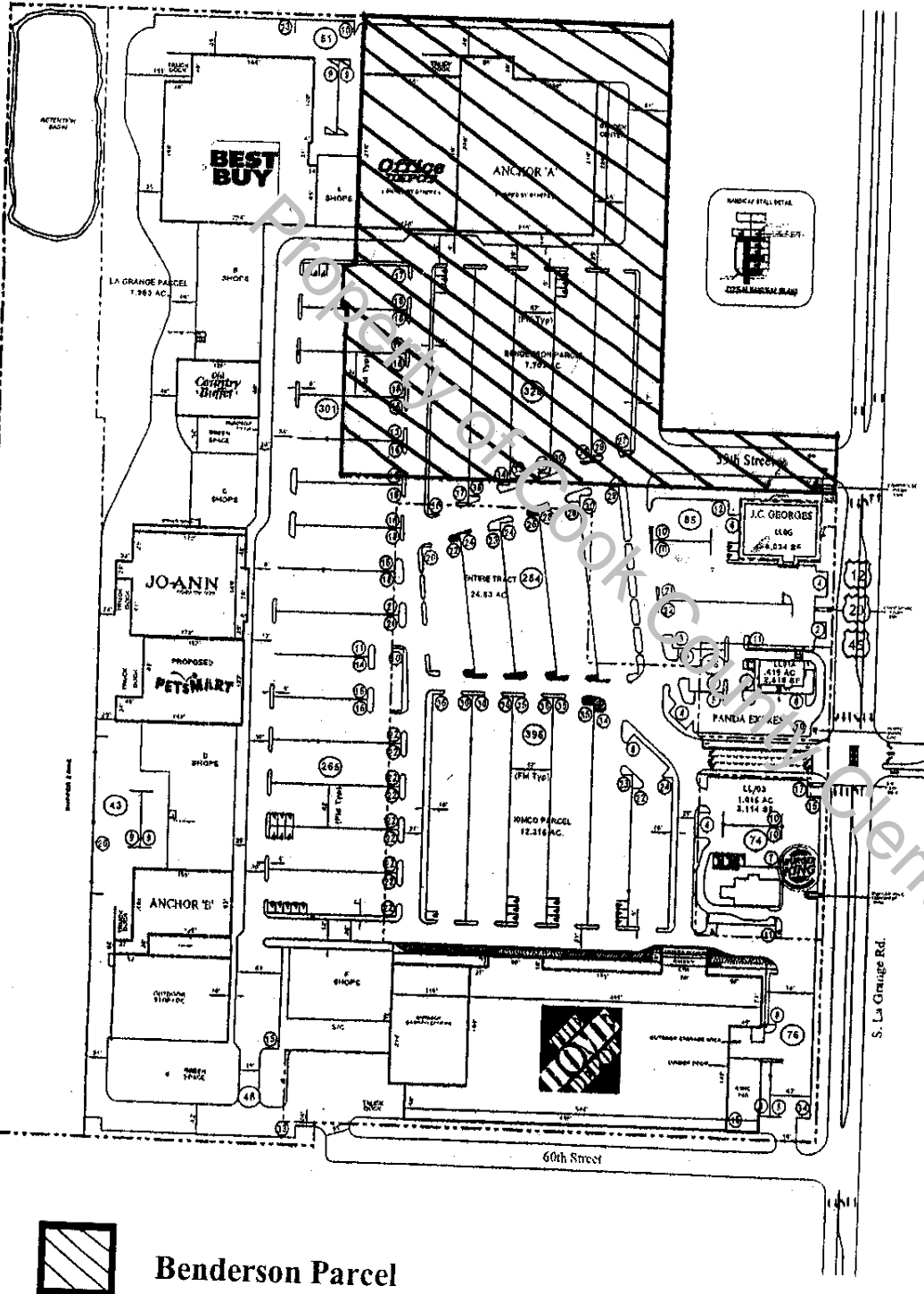
TOTAL GLA 439,113

TOTAL AMOUNT OF PARKING: 1995
PARKING RATIO: 4.54

Countryside Plaza
59 LaGrange Road
Countryside, IL 60525
CORP # 2315



UNOFFICIAL COPY



Benderson Parcel

Exhibit A – Page 4 of 5

EXISTING as of 10/13/04

PROJECT DATA

BEST BUY	52,453
BURLINGTON COAT FACTORY	80,160
HOME DEPOT	119,572
OLD COUNTRY BUFFET	10,000
FRANK'S NURSERY	40,186
ANCHOR 'A'	26,467
ANCHOR 'B'	11,367
TOTAL DEPARTMENT STORE GLA	342,205
Level 01	81,919
Level OUTLOTS	16,148
TOTAL SMALL SHOPS GLA	97,067
TOTAL GLA	439,272
TOTAL AMOUNT OF PARKING: 1976	
PARKING RATIO: 4.50	

PROPOSED

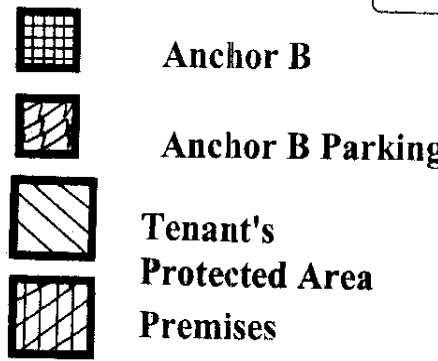
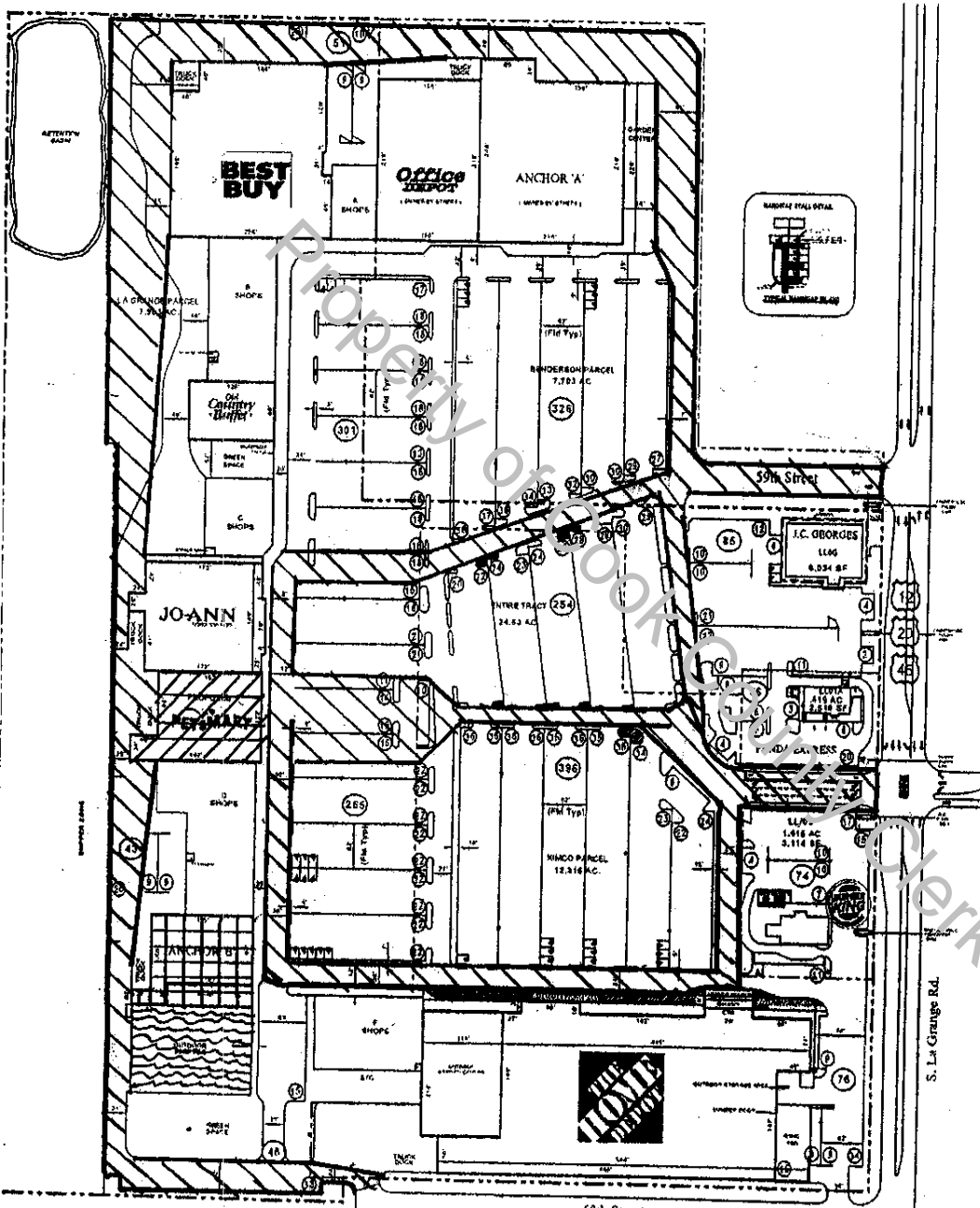
PROJECT DATA

BEST BUY	52,453
HOME DEPOT	118,572
OLD COUNTRY BUFFET	10,000
JOANN FABRICS	26,554
PETS MART	20,087
ANCHOR 'A'	47,760
ANCHOR 'B'	40,186
OFFICE DEPOT	32,400
TOTAL DEPARTMENT STORE GLA	349,012
Level 01	76,435
Level OUTLOTS	13,666
TOTAL SMALL SHOPS GLA	90,101
TOTAL GLA	439,113
TOTAL AMOUNT OF PARKING: 1995	
PARKING RATIO: 4.54	

Countryside Plaza
 59 LaGrange Road
 Countryside, IL 60525
 CORP # 2315



UNOFFICIAL COPY



EXISTING as of 10/13/04

PROJECT DATA

BEST BUY	62,453
BURLINGTON COAT FACTORY	80,160
HOME DEPOT	119,572
OLD COUNTRY BUFFET	10,000
FRANK'S NURSERY	40,186
ANCHOR 'A'	28,467
ANCHOR 'B'	11,367
TOTAL DEPARTMENT STORE GLA	342,205
Level 01	81,919
Level OUTLOTS	15,148
TOTAL SMALL SHOPS GLA	97,067
TOTAL GLA	439,272
TOTAL AMOUNT OF PARKING: 1975	PARKING RATIO: 4.50

PROPOSED

PROJECT DATA

BEST BUY	52,453
HOME DEPOT	119,572
OLD COUNTRY BUFFET	10,000
JOANN FABRICS	26,554
PETSMArt	20,087
ANCHOR 'A'	47,760
ANCHOR 'B'	40,186
OFFICE DEPOT	32,400
TOTAL DEPARTMENT STORE GLA	349,012
Level 01	76,435
Level OUTLOTS	13,666
TOTAL SMALL SHOPS GLA	90,101
TOTAL GLA	439,113
TOTAL AMOUNT OF PARKING: 1995	PARKING RATIO: 4.54

Countryside Plaza
 59 LaGrange Road
 Countryside, IL 60525
 CORP # 2315



UNOFFICIAL COPY**EXHIBIT B****LEGAL DESCRIPTION OF LANDLORD'S PARCEL**Part 1

A part of LaGrange Garden Homes and 59th Street as vacated in the West half of Section 16, Township 38 North, Range 12 East of the Third Principal Meridian, described as follows:

Commencing at the intersection of the West right-of-way line of LaGrange Road and the North right-of-way line of 59th Street as vacated; thence due South 80.00 feet along last said West right-of-way line; thence North 89°45'22" West 760.19 feet along the South right-of-way line of 59th Street as vacated for a place of beginning; thence continuing North 89°45'22" West 524.48 feet to the West line of the Northeast Quarter of the Southwest Quarter of said Section 16; thence North 0°02'05" West 40 feet; thence North 89°45'22" West 2.29 feet to the West line of the East 1337 feet of the Northwest Quarter of said Section 16; thence North 0°00'00" East 611.88 feet to the South line of the North 22 acres of the Southeast Quarter of the Northwest Quarter of said Section 16; thence South 89°41'19" East 542.55 feet along last said South line; thence South 0°17'32" West 351.23 feet; thence North 89°44'56" West 21.62 feet; thence South 0°15'04" West 62 feet; thence South 89°44'56" East 9 feet; thence South 0°15'04" West 238.01 feet to the place of beginning, all in Cook County, Illinois.

Part 2

That part of the North three quarters of Lot Eleven (11) (except the east two (2) rods of the North eighteen (18) rods thereof) in School Trustees Subdivision of Section Sixteen (16), Township 38 North, Range 12 East, of the Third Principal Meridian all in Cook County, Illinois, bounded and described as follows:

Beginning at a point, said point being 50.00 feet West of the East line of Lot 11 and 33.00 feet North of the South line of the North $\frac{3}{4}$ of Lot 11; thence West along a line parallel with and 33 feet North of the South line of the North $\frac{3}{4}$ of Lot 11 bearing North 89°45'53" West, a distance of 771.12 feet to a point; thence South along a straight line, bearing South 0°02'05" East, a distance of 33.00 feet to a point on the South line of the North $\frac{3}{4}$ of Lot 11 and 513.00 feet East of the West line of Lot 11; thence West along said South line of the North $\frac{3}{4}$ of Lot 11 bearing North 89°45'58" West, a distance of 513.00 feet to a point on the West line of Lot 11; thence North along the West line of Lot 11, bearing North 0°02'05" West, a distance of 958.14 feet to a point on a line 40 feet South of and parallel with the North line of Lot 11; thence East along a line 40 feet South of and parallel with the North line of Lot 11, bearing South 89°45'40" East, a distance of 1284.71 feet to a point on a line 50.00 feet West of and parallel with the East line of Lot 11; thence South along a line 50.00 feet West of and parallel with the East line of Lot 11, bearing South 0°00'00" West, a distance of 925.08 feet to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE:

That part of the North three-quarters of Lot 11 (except the East 2 rods of the North 18 rods thereof) in School Trustees Subdivision of Section 16, Township 38 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois, except therefrom that part dedicated for

UNOFFICIAL COPY

LaGrange Road and 60th Place by plat of dedication recorded January 31, 1977 as document number 23805144, excepting therefrom the South one-half of the right of way of vacated 59th Street lying West of the West line of LaGrange Road and East of the West line of the Northeast quarter of the Southwest quarter of Section 16, Township 38 North, Range 12 East of the Third Principal Meridian, conveyed by deed recorded July 1, 1987 as document number 87360087, in Cook County, Illinois, described as follows:

Beginning at a point 11.84 feet South and 20.98 West of the Northeast corner of the above referenced tract; thence South 00°00'00" West 86.00 feet; thence South 90°00'00" West 33 feet; thence South 00°00'00" West 9.00 feet; thence South 90°00'00" West 32.00 feet; thence North 00° 00' 00" West 61.00 feet; thence North 00° 00' 00" East 86.00 feet; thence North 90°00'00" East 126.00 feet to the place-of beginning.

ALSO LESS AND EXCEPT THE FOLLOWING PARCELS:

Parcel 1: That part of the North $\frac{3}{4}$ of Lot 11 in School Trustees Subdivision of Section 16, Township 38 North, Range 12 East of the Third Principal Meridian, all in Cook County, Illinois bounded and described as follows:

Beginning at a point, said point being 50.00 feet West of the East line of Lot 11 and 33.00 feet North of the South line of North $\frac{3}{4}$ of Lot 11; thence West along a line which is parallel to and 33.00 feet North of the South line of the North $\frac{3}{4}$ of Lot 11, bearing North 89 degrees 45 minutes 58 seconds West, a distance of 819.00 feet to a point; thence North along a line parallel with the East line of Lot 11, bearing North 0 degrees 00 minutes 00 seconds East, a distance of 100.00 feet to a point; thence East along a line parallel to the South line of the North $\frac{3}{4}$ of Lot 11, bearing South 89 degrees 45 minutes 58 seconds East, a distance of 160.00 feet to a point; thence North along a line perpendicular to the South line of the North $\frac{3}{4}$ of Lot 11, bearing North 00 degrees 14 minutes 02 seconds East, a distance of 157 feet to a point; thence West along a line parallel with the South line of the North $\frac{3}{4}$ of Lot 11, bearing North 89 degrees 45 minutes 58 seconds West, a distance of 15.00 feet to a point; thence North along a line parallel to the East line of Lot 11, bearing North 0 degrees 00 minutes 00 seconds East, a distance of 631.58 feet to a point; thence East along a line parallel with the South line of the North $\frac{3}{4}$ of Lot 11, bearing South 89 degrees 45 minutes 58 seconds East, a distance of 299.36 feet to a point; thence South along a line parallel to the East line of Lot 11, bearing South 0 degrees 00 minutes 00 seconds West, a distance of 2118.58 feet to a point; thence East along a line parallel with the South line of the North $\frac{3}{4}$ of Lot 11, bearing South 89 degrees 45 minutes 58 seconds East, a distance of 174.00 feet to a point; thence North along a line parallel to the East line of Lot 11, bearing North 0 degrees 00 minutes 00 seconds East, a distance of 38.00 feet to a point; thence East along a line parallel to the South line of the North $\frac{3}{4}$ of Lot 11, bearing South 89 degrees 45 minutes 58 seconds East, a distance of 200 feet to a point on a line 50.00 feet West of and parallel with the East line of Lot 11; thence South along said line, bearing South 0 degrees 00 minutes 00 seconds West, a distance of 708.00 feet to the point of beginning.

Beginning at a point, said point being 50 feet West of the East line of Lot 11 and 257.08 feet South of North line of Lot 11; thence South along a line which is parallel to and 50.00 feet West of the East line of Lot 11, bearing 0 degrees 00 minutes 00 seconds West, a distance of 135.00 feet to a point; thence West along a line parallel with the South line of North $\frac{3}{4}$ of Lot 11,

UNOFFICIAL COPY

bearing North 89 degrees 49 minutes 58 seconds West, a distance of 200 feet to a point; thence North along a line parallel to the East line of Lot 11, bearing North 0 degrees 00 minutes 00 seconds East, a distance of 135.00 feet to a point; thence East along a line parallel with the South line of North $\frac{3}{4}$ of Lot 11, bearing South 89 degrees 45 minutes 58 seconds East, a distance of 200.00 feet to the point of beginning.

ALSO INCLUDING THE FOLLOWING PARCEL:

Parcel 2: on-exclusive easement for ingress and egress and parking for the benefit of Parcel 1 over the common area as defined in the Construction, Operation and Reciprocal Easement Agreement recorded as document 23830713 and First Amendment to Construction Operation and Reciprocal Easement Agreement recorded as 25390400 and Second Amendment to Construction, Operation and Reciprocal Easement Agreement recorded as document 86037341 and Third Amendment to Construction, Operation and Reciprocal Easement Agreement recorded as document 89575692 and Fourth Amendment to Construction, Operation and Reciprocal Easement Agreement recorded as 0318327061 and Fifth Amendment to Construction, Operating and Reciprocal Easement Agreement recorded as _____.

ALSO INCLUDING THE FOLLOWING PARCEL:

Non-exclusive easement for ingress and egress and parking for the benefit of the Center over the common area as defined in the Construction, Operation and Reciprocal Easement Agreement recorded as Document 88390544, as amended from time to time.