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This document prepared by and when filed, return to:

HALL, ESTILL, HARDWICK, GABLE, GOLDEN & NELSON, P.C. 320 South Boston, Suite 400 Tulsa, Oklahoma 74103-3708 attn: Matthew T. Crook

Doc#: 0529255157 Fee: \$28.50 Eugene "Gene" Moore RHSP Fee:\$10.00 Cook County Recorder of Deeds Date: 10/19/2005 02:50 PM Pg: 1 of 3

MEMORANDUM OF LEASE

This MEMORANDUM OF LEASE is executed this 21 day of September, 2005, by SEMMATERIALS, U.P. an Oklahoma limited partnership ("Lessee").

WHEREAS, The Sanitary District of Chicago, a municipal corporation organized and existing under the laws of the Scate of Illinois ("Lessor"), and Marine Oil Terminal Company, an Illinois corporation ("Marine Oil"), are parties to that certain Indenture, dated October 24, 1940 (the "Lease") covering certain real property located at 4100 South Cicero Avenue, Stickney, Cook County, Illinois 60804, as more particularly described on Exhibit A attached hereto (the "Premises"); and

WHEREAS, Marine Oil assigned all of its rights and obligations under the Lease to Koch Materials Company, a Delaware corporation ("Koch"), as successor-in-interest to Gustafson Oil Company, a Delaware corporation, and Koch accepted such assignment and assumed the obligations of Marine Oil and agreed to be bound by the terms of the Lease pursuant to that certain Lease Assignment and Acceptance of Assignment between Marine Oil and Koch, dated May 15, 1975; and

WHEREAS, Koch assigned all of its rights and obligations under the Lease to Lessee and Lessee accepted such assignment and assumed the obligations of Koch and agreed to be bound by the terms of the Lease pursuant to that certain Bill of Sale between Koca, KMC Enterprises, Inc., a Delaware corporation, and Lessee, dated May 31, 2005; and

WHEREAS, the undersigned is authorized to file of record, without Lessor's signature, this Memorandum of Lease; and

- 1. Upon the terms and conditions of the Lease, Lessor leased the Premises to Lessee for a term of ninety-nine (99) years, with the Lease expiring on October 31, 2039.
- 2. The purpose of this Memorandum of Lease is to give notice of the existence of the Lease and to provide that in the event of conflict the terms of the Lease shall prevail.

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IN WITNESS WHEREOF, the undersigned has executed this Memorandum of Lease and has caused its hand and seal to be affixed hereto the day and date first above written.



LESSEE:

SEMMATERIALS, L.P.,

by SemOperating G.P., L.L.C.,

its general partner

By:

Name: Gregory C. Waltace

Title: Vice President and Secretary

STATE OF OKLAHOMA

COUNTY OF TULSA

On September <u>27</u>, 2005, before 2 Notary Public in and for said County, personally appeared Gregory C. Wallace, to me known to be the Vice President and Secretary of the general partner of SemMaterials, L.P. described in and who executed the within instrument, who has acknowledged the same to be the free act and det d of said limited partnership.

Notary Public

Tulsa County, Oklahoma

My commission expires:

Notary Public Oklahoma
OFFICIAL SEAL
DEBRA I. JAEGER
ROGERS COUNTY
COMMISSION #00006535
Comm. Exp. 05-20-2008

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EXHIBIT A

LEGAL DESCRIPTION:

Lot Fifty-four (54) in 'Sanitary District Trustees' Subdivision of right of way from North and South Centerline of Section 30, Township 39 North, Range 14 East of the Third Principal Meridian to Will County Line', except the East fifty (50) feet and the southerly seventeen (17) feet thereof; also, the East Two hundred (200) feet of Lot Fifty-six (56) in the aforesaid subdivision, except the southerly seventeen (17) feet thereof; containing Six and twenty-five hundredths (6.25) acres, more or less. 1056-00.

COOK COUNTY CLOTHER OFFICE

19-04-270-056-0000 PIN: