

UNOFFICIAL COPY



Doc#: 0802318067 Fee: \$32.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 01/23/2008 12:58 PM Pg: 1 of 5

MEMORANDUM OF LEASE

This **MEMORANDUM OF LEASE** is dated as of the 31st day of December, 2007, by and between **CF III 11305 FRANKLIN LLC**, a Delaware limited liability company ("Landlord"), and **OSCAR WINSKI COMPANY INC.**, an Indiana corporation ("Tenant"),

WITNESSETH:

Landlord does hereby demise and lease to Tenant and Tenant has leased and taken from Landlord, upon and subject to the covenants and agreements set forth in that certain Lease Agreement dated December __, 2007 (the "**Lease**") by and between Landlord and Tenant, certain land and improvements thereon located at 11305 Franklin Avenue, Franklin Park, Illinois, which land is legally described in Exhibit A attached hereto and made a part hereof (collectively, the "**Property**").

Landlord and Tenant desire to record this Memorandum of Lease for the purpose of placing the public on notice of inquiry as to the specific provisions, terms, covenants and conditions of the Lease, all of which are incorporated herein by reference with the same force and effect as if herein set forth in full. Specifically, the Lease contains, among others, the following covenants and agreements between the parties:

(a) The Lease provides for a term of one hundred twenty (120) full calendar months, commencing on December 28, 2007 and expiring on December 31, 2017.

(b) The Lease grants Tenant options to extend the term thereof for two (2) separate additional periods of five (5) years each.

This Memorandum of Lease is being recorded in lieu of recording the Lease itself for the purpose of placing the public on notice of inquiry as to the specific provisions, terms, covenants and conditions thereof, and nothing herein contained is intended to or does change, modify, or affect any of the terms or provisions of the Lease or the rights, duties, obligations, easements and covenants running with the land created thereby, all of which remain in full force and effect.

[Signatures are on the following pages]

UNOFFICIAL COPY

IN WITNESS WHEREOF, the undersigned parties hereto have, by their duly authorized officers, executed this Short Form Lease as of the date and year first shown above.

LANDLORD:

CF III 11305 FRANKLIN LLC,
a Delaware limited liability company

By: DCJ Management, LLC, its Manager

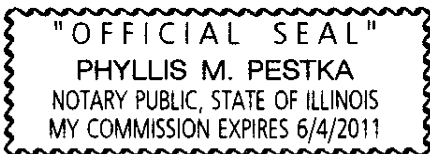
By: *David Mitidieri*
Title: *mgr*

STATE OF ILLINOIS)

COUNTY OF _____) SS

I, Phyllis M. Pestka, a Notary Public in and for said County, in the State aforesaid, do hereby certify that David Mitidieri the Manager of DCJ Management, LLC, as Manager of **CF III 11305 FRANKLIN LLC**, a Delaware limited liability company (the "Company"), who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of the Company.

GIVEN under my hand and notarial seal, this 31st day of December, 2007.



[SEAL]

Phyllis M. Pestka
Notary Public

[Signatures continue]

UNOFFICIAL COPY

TENANT:

OSCAR WINSKI COMPANY INC.,
an Indiana corporation

By: *E. Steven Bluestein* **EVP**
E. Steven Bluestein, Executive Vice President

STATE OF Indiana)
) SS.
COUNTY OF Tipton)

I, Tammy K Sullivan, a Notary Public in and for said County, in the State aforesaid, do hereby certify that E. Steven Bluestein, the Executive Vice President of **OSCAR WINSKI COMPANY INC.**, an Indiana corporation (the "Corporation"), who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument as his/her own free and voluntary act and as the free and voluntary act of the Corporation.

GIVEN under my hand and notarial seal this 28th day of December, 2007.

Tammy K Sullivan
Notary Public

[SEAL]

COOK County Clerk's Office

UNOFFICIAL COPY**EXHIBIT A****LEGAL DESCRIPTION OF PROPERTY****PARCEL 1:**

THAT PART OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS:

COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF FRANKLIN AVENUE WITH THE WEST LINE OF SAID NORTHEAST QUARTER (SAID POINT BEING 54.13 FEET DUE SOUTH OF A BRONZE MONUMENT MARKING THE POINT OF INTERSECTION OF SAID WEST LINE WITH THE CENTER LINE OF SAID FRANKLIN AVENUE) AND RUNNING THENCE SOUTH 67 DEGREES 28 MINUTES 07 SECONDS EAST ALONG THE SAID SOUTHWESTERLY LINE OF FRANKLIN AVENUE (SAID SOUTHWESTERLY LINE FORMING A SOUTHEAST ANGLE OF 67 DEGREES 28 MINUTES 07 SECONDS WITH SAID WEST LINE OF NORTHEAST QUARTER AND BEING 50 FEET SOUTHWESTERLY FROM, AT RIGHT ANGLE MEASUREMENT, AND PARALLEL WITH SAID CENTER LINE), 1546.60 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG SAID CURVE, CONVEX NORTHEASTERLY, HAVING A RADIUS OF 14,493.46 FEET, FOR A DISTANCE OF 432.14 FEET TO THE POINT OF INTERSECTION OF SAID SOUTHWESTERLY LINE WITH A LINE 1825.16 FEET EAST OF (AT RIGHT ANGLE MEASUREMENT) AND PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4 SAID POINT BEING THE POINT OF BEGINNING OF LAND TO BE DESCRIBED; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS EAST PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 19 AFORESAID, 739.36 FEET TO THE NORTH LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT OF WAY; THENCE NORTH 89 DEGREES 59 MINUTES 13 SECONDS EAST ALONG SAID NORTH LINE OF THE RAILROAD RIGHT OF WAY 489.93 FEET TO A POINT OF CURVE; THENCE CONTINUE ALONG SAID RAILROAD RIGHT OF WAY, BEING A CURVED LINE CONVEX NORTHERLY, HAVING A RADIUS OF 491.54 FEET, FOR A DISTANCE OF 15.24 FEET TO A POINT; THENCE NORTH 80 DEGREES 46 MINUTES WEST 46.25 FEET; THENCE NORTHWESTERLY ALONG A CURVED LINE, CONVEX SOUTHWESTERLY, HAVING A RADIUS OF 301.85 FEET, FOR A DISTANCE OF 333.60 FEET TO A POINT, THENCE NORTHERLY ALONG ANOTHER CURVED LINE, CONVEX WESTERLY, HAVING A RADIUS OF 287.9 FEET, FOR A DISTANCE OF 74.27 FEET TO A POINT OF TANGENCY WITH A LINE 2035.49 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 19, AFORESAID; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID PARALLEL LINE 454.58 FEET TO THE SOUTHWESTERLY LINE OF FRANKLIN AVENUE, AFORESAID; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE FOR AN ARC DISTANCE OF 231.53 FEET TO THE POINT OF BEGINNING; ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS:

COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF FRANKLIN AVENUE WITH THE WEST LINE OF SAID NORTHEAST 1/4, SAID POINT BEING 54.13 FEET DUE SOUTH OF THE BRONZE MONUMENT AT THE CENTER LINE OF FRANKLIN AVENUE AND RUNNING THENCE SOUTHEASTERLY ALONG THE SAID SOUTHWESTERLY LINE OF FRANKLIN AVENUE, SAID LINE BEING 50 FEET SOUTHWESTERLY OF THE CENTER LINE OF SAID AVENUE (AT RIGHT ANGLE MEASUREMENT), SAID LINE ALSO FORMS A SOUTHEAST ANGLE OF 67 DEGREES 28 MINUTES 07 SECONDS WITH SAID WEST LINE OF NORTHEAST 1/4, FOR A DISTANCE OF 1546.60 FEET TO A

UNOFFICIAL COPY**EXHIBIT A (CONTINUED)****LEGAL DESCRIPTION OF PROPERTY**

POINT OF CURVE; THENCE CONTINUING SOUTHEASTERLY ON SAID SOUTHWESTERLY LINE, SAID LINE BEING A CURVED LINE TANGENT TO LAST DESCRIBED LINE, CONVEX TO THE NORTHEAST AND HAVING A RADIUS OF 14,493.46 FEET, FOR A DISTANCE OF 366.39 FEET TO THE POINT OF INTERSECTION OF SAID LINE WITH A LINE WHICH IS 1765.16 FEET EAST OF (AT RIGHT ANGLE MEASUREMENT) THE WEST LINE OF SAID NORTHEAST 1/4; THENCE SOUTH IN A LINE PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 FOR A DISTANCE OF 526.86 FEET TO A POINT (BEING THE SOUTHWEST CORNER OF SANDRA AVENUE); THENCE EAST, PERPENDICULAR TO SAID PARALLEL LINE, ALONG THE SOUTH LINE OF SANDRA AVENUE 30 FEET TO ITS INTERSECTION WITH A LINE 1795.16 FEET EAST OF (AT RIGHT ANGLE MEASUREMENT) AND PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4, AFORESAID, AND THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED; THENCE SOUTH ALONG SAID PARALLEL LINE 239.30 FEET TO A POINT IN THE NORTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, AND PACIFIC RAILROAD COMPANY AS SAID RIGHT OF WAY IS RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS, IN BOOK 56325 ON PAGES 243 TO 248 AS DOCUMENT NUMBER 17253047 ON THE 7TH OF JULY, 1958; THENCE EAST ALONG THE NORTH LINE OF SAID RIGHT OF WAY LINE 30 FEET TO ITS INTERSECTION WITH A LINE 1825.16 FEET EAST OF (AT RIGHT ANGLE MEASUREMENT) THE WEST LINE OF SAID NORTHEAST 1/4; THENCE NORTH ALONG SAID PARALLEL LINE 239.29 FEET TO THE AFORESAID SOUTH LINE OF SANDRA AVENUE; THENCE WEST ALONG SAID SOUTH LINE 30 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS.

PARCEL 3:

LOT 1 IN LATORIA BROTHERS CONSTRUCTION COMPANY SUBDIVISION UNIT #3, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

EASEMENT FOR THE BENEFIT OF PARCEL 3 FOR INGRESS AND EGRESS AND DRIVEWAY PURPOSE OVER THE NORTHERLY 8 FEET OF LOT 7 IN AFORESAID SUBDIVISION, AS SHOWN ON PLAT OF SUBDIVISION RECORDED JULY 3, 1979 AS DOCUMENT 25033180.

PARCEL 5:

NON-EXCLUSIVE, PERPETUAL AND RECIPROCAL EASEMENT IN FAVOR OF PARCEL 2 AS CREATED BY THE RECIPROCAL EASEMENT AGREEMENT RECORDED - AS DOCUMENT - FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS, AND FOR ACCESS TO ALL PUBLIC UTILITIES OVER AND UPON AN AREA OF A PARCEL OF LAND LYING W AND ADJOINING SAID PARCEL 2 AND DEPICTED ON EXHIBIT 'C' ATTACHED THERETO.

This document prepared by:

Daspin & Aument, LLP
227 West Monroe Street, Suite 3500
Chicago, IL 60606
Attn: Daniel J. Kopp

PIN: 12-19-400-141-0000
12-19-400-113-0000
12-19-400-138-0000

After recording return to:

Kroger Gardis & Regas, LLP
111 Monument Circle, Suite 900
Indianapolis, Indiana 46204-5125
Attention: Brian C. Bosma