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Doc#: 1016955062 Fee: \$90.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/18/2010 12:53 PM Pg: 1 of 10

2073

MEMORANDUM OF LEASE

After recording return to:

JPMorgan Chase Bank Lease Administration
1111 Polaris Parkway, Suite 1J
Mail Code OH1-0241
Columbus, OH 43240
Attn: Lease Administration Manager

This Memorandum of Lease ("Memorandum"), dated to be effective as of March 24, 2010, is entered into by EUROFRESH PLAZA, LLC, an Illinois limited liability ("Landlord"), and JPMORGAN CHASE BANK, N.A., a national banking association ("Tenant").

1. Grant of Lease; Term.

(a) Landlord leases to Tenant, and Tenant leases from Landlord, those certain premises more particularly described on Exhibit "A" attached hereto and incorporated herein for a term of twenty (20) years, subject to the provisions of that certain Ground Lease ("Lease") between the parties hereto, dated December 7, 2009. The provisions of the Lease are incorporated herein by this reference.

(b) The Lease grants Tenant four (4) options of five (5) years each to renew the term of the Lease, on the terms set forth therein.

(c) The REA as attached to the Lease provides Tenant, among other things, with a non-exclusive easement for ingress, egress and other purposes over certain property owned by Landlord and more particularly described in Exhibit "B" attached hereto and incorporated herein by reference, on the terms set forth therein.

(d) The Lease grants Tenant certain other rights on the terms set forth therein, including without limitation, a right of first offer to purchase the property described on Exhibit "A".

(e) The Lease grants Tenant the exclusive rights set forth on Exhibit "C".

2. Miscellaneous. This Memorandum is prepared for the purpose of recordation only, and it in no way modifies the provisions of the Lease. In the event of any inconsistency between the provisions of this Memorandum and the Lease, the provisions of the Lease shall prevail. The parties have executed this Memorandum of Lease as of the date first set forth above on the dates and at the places indicated in their acknowledgments below.

3. Clarification. For purposes of the Lease, the legal description attached to this Memorandum as Exhibit "A" shall be the legal description for the Land and shall replace the legal description attached to the Lease on Exhibit B-1.

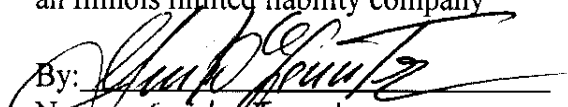
SIGNATURE PAGE TO FOLLOW

REPUBLIC TITLE CO. RTE 77437 SBLAWN

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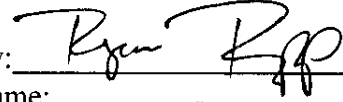
LANDLORD:

EUROFRESH PLAZA, LLC,
an Illinois limited liability company

By: 
Name: Guido Tenuta
Title: president

TENANT:

JPMORGAN CHASE BANK, N.A.,
a national banking association

By: 
Name: Ryan Repp
Title: Regional VP Retail R.E.

Property of Cook County Clerk's Office

NOTARY PAGE TO FOLLOW

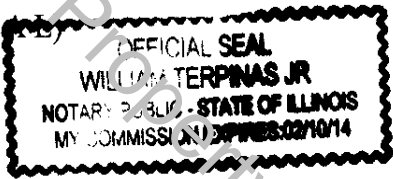
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STATE OF Illinois

COUNTY OF Cook

This instrument was acknowledged before me on March 24, 2010, by Guido Tenuta, a President of EUROFRESH PLAZA, LLC, an Illinois limited liability company, on behalf of said limited liability company.

(SEAL)



[Signature]
NOTARY PUBLIC

STATE OF Ohio

COUNTY OF Delaware

This instrument was acknowledged before me on May 18th, 2010, by Ryan Repp, the Regional VP of JPMORGAN CHASE BANK, N.A., a national banking association, on behalf of said national banking association.

(SEAL)



KRISTIN D. CROSS
Notary Public, State of Ohio
My Comm. Expires April 22, 2015

[Signature]
NOTARY PUBLIC

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EXHIBIT A TO MEMO OF LEASE

PARCEL 1:

THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF NORTHWEST HIGHWAY AND THE WEST LINE OF SAID NORTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 15; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 167.31; THENCE NORTHEASTERLY PERPENDICULAR AND AT RIGHT ANGLES TO THE CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTHEASTERLY ALONG A LINE PERPENDICULAR TO THE CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 141.42 FEET; THENCE NORTHWESTERLY ALONG A LINE PARALLEL TO THE CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 181.77 FEET TO A POINT IN A LINE 50 FEET EAST OF AND PARALLEL WITH THE SAID WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$; THENCE SOUTH ON SAID LINE, A DISTANCE OF 149.95 FEET TO A POINT IN A LINE 50 FEET NORTHEASTERLY OF, BY RIGHT ANGLE MEASURE, OF SAID CENTER LINE OF NORTHWEST HIGHWAY; THENCE SOUTHEASTERLY ON SAID LINE, A DISTANCE OF 131.92 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF NORTHWEST HIGHWAY AND THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE OF NORTHWEST HIGHWAY A DISTANCE OF 167.31 FEET; THENCE NORTHEASTERLY PERPENDICULAR AND AT RIGHT ANGLES TO THE CENTERLINE OF NORTHWEST HIGHWAY A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE CENTERLINE OF SAID NORTHWEST, A DISTANCE OF 373 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, A DISTANCE OF 530 FEET; THENCE NORTHWESTERLY ALONG A LINE PARALLEL WITH THE SAID CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 504.99 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, A DISTANCE OF 380 FEET; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE CENTER LINE OF NORTHWEST HIGHWAY A DISTANCE OF 182 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 141.42 FEET TO THE POINT OF BEGINNING, SAID PARCEL BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF TRACT AFORESAID 305 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH ON SAID WEST LINE OF SAID TRACT, 75 FEET TO THE SOUTHWEST

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CORNER OF SAID TRACT; THENCE SOUTHEASTERLY ON THE SOUTHWESTERLY LINE OF SAID TRACT 182 FEET TO AN INSERT CORNER OF SAID TRACT; THENCE NORTHEASTERLY AT RIGHT ANGLE TO THE LAST DESCRIBED LINE, 70.71 FEET; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS SET FORTH IN A GRANT OF EASEMENTS AND USE RESTRICTION DATED _____ AND RECORDED _____ AS DOCUMENT NUMBER _____ MADE BY EUROFRESH PLAZA, LLC.

Permanent Index No.: 02-15-201-011, 02-15-201-014

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EXHIBIT B TO MEMO OF LEASE

PARCEL 1:

THAT PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF THE NORTHWEST HIGHWAY AND THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 167.31 FEET; THENCE NORTHEASTERLY PERPENDICULAR AND AT RIGHT ANGLES TO THE CENTER LINE OF NORTHWEST HIGHWAY A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING OF TRACT HEREIN DESCRIBED; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE CENTER LINE OF SAID NORTHWEST HIGHWAY, A DISTANCE OF 373 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, A DISTANCE OF 530 FEET; THENCE NORTHWESTERLY ALONG A LINE PARALLEL WITH THE SAID CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 504.99 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL, WITH THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, A DISTANCE OF 380 FEET; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 182 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 141.42 FEET TO THE POINT OF BEGINNING;

(EXCEPT FROM SAID TRACT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF TRACT AFORESAID 55.5 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH ALONG THE WEST LINE OF SAID TRACT 214.49 FEET THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID TRACT 246.90 FEET; THENCE NORTHEASTERLY ALONG A LINE HAVING AN INTERIOR ANGLE OF 90 DEGREES 6 MINUTES 30 SECONDS WITH THE LAST DESCRIBED LINE, A DISTANCE OF 204.99 FEET; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID TRACT 1.10 FEET; THENCE NORTHEASTERLY ALONG A LINE WHICH IS PERPENDICULAR TO THE NORTH LINE OF TRACT AFORESAID, 16.55 FEET TO A LINE 33 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT; THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE A DISTANCE OF 265.26 FEET; THENCE WESTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING)

(ALSO EXCEPT FROM SAID TRACT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF TRACT AFORESAID 305 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH ON SAID WEST LINE OF TRACT 75 FEET; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL

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WITH THE CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 182 FEET; THENCE NORTHEASTERLY ALONG A LINE AT RIGHT ANGLES TO THE LAST DESCRIBED LINE 70.71 FEET; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING), IN COOK COUNTY, ILLINOIS.

PARCEL 2:

A PARCEL OF LAND LYING WITHIN THE FOLLOWING DESCRIBED TRACT:

THAT PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF THE NORTHWEST HIGHWAY AND THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 167.31 FEET; THENCE NORTHEASTERLY PERPENDICULAR AND AT RIGHT ANGLES TO THE CENTER LINE OF NORTHWEST HIGHWAY A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE CENTER LINE OF SAID NORTHWEST HIGHWAY, A DISTANCE OF 373 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, A DISTANCE OF 530 FEET; THENCE NORTHWESTERLY ALONG A LINE PARALLEL WITH THE SAID CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 504.99 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, A DISTANCE OF 380 FEET; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 182 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 141.42 FEET TO THE POINT OF BEGINNING, SAID PARCEL BEING DESCRIBED AS: BEGINNING AT A POINT IN THE WEST LINE OF TRACT AFORESAID 55.5 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH ALONG THE WEST LINE OF SAID TRACT 214.49 FEET; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID TRACT 246.90 FEET; THENCE NORTHEASTERLY ALONG A LINE HAVING AN INTERIOR ANGLE OF 96 DEGREES 6 MINUTES 30 SECONDS WITH THE LAST DESCRIBED LINE, A DISTANCE OF 204.99 FEET; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID TRACT 1.10 FEET; THENCE NORTHEASTERLY ALONG A LINE WHICH IS PERPENDICULAR TO THE NORTH LINE OF TRACT AFORESAID, 16.55 FEET TO A LINE 33 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT; THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE A DISTANCE OF 265.26 FEET; THENCE WESTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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PARCEL 3:

A PARCEL OF LAND LYING WITHIN THE FOLLOWING DESCRIBED TRACT:

THAT PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF THE NORTHWEST HIGHWAY AND THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 167.31 FEET; THENCE NORTHEASTERLY PERPENDICULAR AND AT RIGHT ANGLES TO THE CENTER LINE OF NORTHWEST HIGHWAY A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE CENTER LINE OF SAID NORTHWEST HIGHWAY, A DISTANCE OF 373 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, A DISTANCE OF 530 FEET; THENCE NORTHWESTERLY ALONG A LINE PARALLEL WITH THE SAID CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 504.99 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, A DISTANCE OF 380 FEET; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 182 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 141.42 FEET TO THE POINT OF BEGINNING, SAID PARCEL BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF TRACT AFORESAID 305 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH ON SAID WEST LINE OF TRACT, 75 FEET, TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE SOUTHEASTERLY ON THE SOUTHWESTERLY LINE OF SAID TRACT 182 FEET TO AN INSERT CORNER OF SAID TRACT; THENCE NORTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED LINE 70.71 FEET; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

NONEXCLUSIVE EASEMENTS FOR THE INGRESS AND EGRESS AND FOR THE PASSAGE AND PARKING OF MOTOR VEHICLES AND PEDESTRIANS OVER AND ACROSS ALL PARKING AREAS, DRIVEWAYS, SERVICE AREAS, ENTRANCES AND EXITS WHICH ARE NOW OR MAY ULTIMATELY BE CONSTRUCTED ON PARCELS 1 AND 2 AS CONTAINED IN INDENTURE MADE BY AND BETWEEN O'HARE INTERNATIONAL BANK, AS TRUSTEE UNDER TRUST NUMBER 69-L-141 AND LUCKY STORES, INC., A CALIFORNIA CORPORATION, DATED NOVEMBER 22, 1971 AND RECORDED DECEMBER 27, 1971 AS DOCUMENT 21759216 AND IN

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CORRECTIVE GRANT OF EASEMENTS MADE BY AND BETWEEN THE ABOVE PARTIES DATED MARCH 13, 1973 AND RECORDED JUNE 1, 1973 AS DOCUMENT 22345213, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

EASEMENT FOR THE INGRESS AND EGRESS OVER A PORTION OF THE DIOR PARCEL AS DESCRIBED IN THE EASEMENT AGREEMENT RECORDED AS DOCUMENT 97879665.

PARCEL 6:

THAT PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 F SECTION 15, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF NORTHWEST HIGHWAY AND THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF NORTHWEST HIGHWAY A DISTANCE OF 167.31 FEET; THENCE NORTHEASTERLY PERPENDICULAR AND AT RIGHT ANGLES TO THE CENTER LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTHEASTERLY ALONG A LINE PERPENDICULAR TO THE CENTER LINE OF NORTHWEST HIGHWAY A DISTANCE OF 141.42 FEET; THENCE NORTHWESTERLY ALONG A LINE PARALLEL TO THE CENTER LINE OF NORTHWEST HIGHWAY A DISTANCE OF 181.77 FEET TO A POINT IN A LINE 50 FEET EAST OF AND PARALLEL WITH THE SAID WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH ON SAID LINE, A DISTANCE OF 149.95 FEET TO A POINT IN A LINE 50 FEET NORTHEASTERLY OF, BY RIGHT ANGLE MEASURE, OF SAID CENTER LINE OF NORTHWEST HIGHWAY, THENCE SOUTHEASTERLY ON SAID LINE, A DISTANCE OF 131.92 FEET TO THE POINT OF BEGINNING.

Commonly known as: 130-168 W. Northwest Highway, Palatine, Illinois 60067

PINS: 02-15-201-012-0000; 02-15-201-013-0000; 02-15-201-014-0000; and 02-15-201-011-0000

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EXHIBIT C TO MEMO OF LEASE

8.4 **Exclusive Use.** Throughout the Original Term and any Renewal Terms, with the exception of the Existing Tenants (as defined in the Lease), Landlord grants Tenant the right to be the exclusive provider of financial services within the Shopping Center and except for Tenant, Landlord covenants not to enter into any new leases or permit any portion of the Shopping Center or any property owned by Landlord within one (1) mile of the Shopping Center to be leased or used for the "Exclusive Services". As used herein, the term "**Exclusive Services**" means a full service financial institution, including ATMs and/or drive-through facilities, both directly and through subsidiaries and affiliates, including without limitation providing banking, mortgage lending, insurance and securities services in the Shopping Center and that no other financial institution (including without limitation, a drive-through facility or ATM) shall be allowed to operate or perform any Exclusive Services in or on the Shopping Center. Landlord covenants to enforce such restriction and exclusive right of Tenant herein, and cause all such other tenants leasing or occupying space in the Shopping Center that are in violation of this covenant to comply with such restriction, during the Original Term and Renewal Terms.