

# UNOFFICIAL COPY

THIS DOCUMENT PREPARED BY,  
and  
WHEN RECORDED RETURN TO:



Michael Fraunces, President  
(858) 799-7850  
Md7 Capital Three, LLC  
10590 West Ocean Air Drive  
Suite 303  
San Diego, CA 92130

Doc#: 1123433096 Fee: \$44.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 08/22/2011 11:04 AM Pg: 1 of 5

Parcel #: 14-31-422-042-1001 thru 1075

ORDER'S USE

## MEMORANDUM OF SITE SUBLEASE AND ASSIGNMENT AGREEMENT

**THIS MEMORANDUM OF SITE SUBLEASE AND ASSIGNMENT AGREEMENT ("Memorandum of Sublease")** is entered into as of January 25, 2011, by and between **Md7 Capital Three, LLC**, a Delaware limited liability company ("**Sublandlord**"), whose mailing address for notices is 10590 West Ocean Air Drive, Suite 303, San Diego, CA 92130, Attention: Legal Department and **T-Mobile Central LLC**, a Delaware limited liability company, as successor in interest to VoiceStream GSM I Operating Company, LLC, a Delaware limited liability company ("**Subtenant**"), whose mailing address for notices is Attn: Lease Administrator and Legal Department CH30021B, 2001 Butterfield Road, Suite 1900, Downers Grove, IL 60515, with a copy to Attn: PCS Lease Administrator and Legal Department CH30021B, T-Mobile USA, Inc., 12920 SE 38<sup>th</sup> Street, Bellevue, Washington 98006. The effective date of this Memorandum of Sublease is April 10, 2011 ("**Effective Date**").

**WHEREAS**, Sublandlord is the "Tenant" and **FAC Lofts Condominium Association**, an Illinois non-profit corporation, as successor in interest to Paulina Art Center, LLC ("**Prime Landlord**"), is the "Landlord" under a Rooftop Lease with Option dated April 11, 2003, as amended (the "**Prime Lease**"), for certain premises together with certain Easements (as defined in the Prime Lease) (collectively, the "**Premises**"), that are a portion of the property located at **1735 N. Paulina Street, Chicago, IL 60622** (the "**Property**"), as more particularly described in **Exhibit A**, attached hereto and incorporated herein; and

**WHEREAS**, Sublandlord and Subtenant are parties to that certain Site Sublease and Assignment Agreement dated effective as of April 10, 2011 (the "**Sublease**"), whereby Sublandlord has subleased and hereby subleases to Subtenant and Subtenant has subleased from Sublandlord the Premises.

**NOW, THEREFORE**, the parties hereby acknowledge and agree as follows:

1. The Sublease has a term of twenty-five (25) years, as more particularly described in the Sublease.
2. Subject to the terms and conditions thereof, the Sublease provides for the assignment of all of the Sublandlord's rights, title and interests in, to and under the Prime Lease to Subtenant upon the end of the term of the Sublease. Sublandlord hereby authorizes Subtenant to record a memorandum or other form of notice memorializing the effectuation of any such assignment.
3. Sublandlord and Subtenant desire and hereby enter into this Memorandum of Sublease to provide constructive notice of the existence of the Sublease.

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4. The terms and conditions of the Sublease are hereby incorporated as if set forth herein in full. This Memorandum of Sublease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Sublease; all of which are hereby ratified and affirmed. The Sublease shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, and shall run with the land and bind all assignees, transferees or successors of the parties' respective interests.

**IN WITNESS WHEREOF**, the parties have executed this Memorandum of Sublease on the day and year first above written.

**SUBLANDLORD:**

Md7 Capital Three, LLC,  
a Delaware limited liability company


By:  \_\_\_\_\_

Print Name: Michael Frances

Title: President

**SUBTENANT:**

T-Mobile Central LLC,  
a Delaware limited liability company

By:  \_\_\_\_\_

Print Name: Kim Curtis  
Director, Engineering-Development

Title: \_\_\_\_\_

Approved as to form:

 \_\_\_\_\_  
Daniel W. Granquist

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## SUBLANDLORD ACKNOWLEDGEMENT

STATE OF CALIFORNIA     )  
  ) ss:  
COUNTY OF SAN DIEGO   )

On March 25, 20 11, before me, Veronica Schirmacher

a Notary Public, personally appeared Michael Fraunces, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Veronica Schirmacher

My commission expires:



(Seal)

## SUBTENANT ACKNOWLEDGEMENT

STATE OF ILLINOIS     )  
COUNTY OF DUPAGE   )

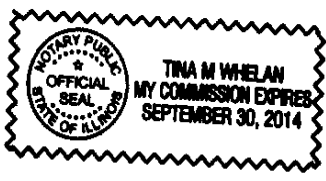
I certify that I know or have satisfactory evidence that Kim CURTIS is the person who appeared before me, and said person acknowledged that she signed this instrument on oath stated that she was authorized to execute the instrument and acknowledged it as DIRECTOR, ENGINEERING-DEVELOPMENT of T-Mobile Central LLC as the free and voluntary (co) of such party for the uses and purposes mentioned in the instrument.

Dated 6-27-11

Signature Tina M. Whelan

Title: Notary Public

My commission expires: 09-30-14



(Seal)

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## EXHIBIT A

### LEGAL DESCRIPTION

Street Address: 1735 N. Paulina Street, Chicago, IL 60622

Parcel #: 14-31-422-042-1001 thru 14-31-422-042-1075

Legal Description:

That certain communications facility site (and access and utility easements) on a portion of the real property described as follows:

#### PARCEL 1:

THAT PART LOTS 16 TO 25, BOTH INCLUSIVE, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 25 AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 11 FEET AND  $\frac{3}{4}$  INCHES OF LOT 7, ALL IN DILLARDS RESUBDIVISION OF LOTS 70 TO 87, BOTH INCLUSIVE, AND LOTS 99 TO 116, BOTH INCLUSIVE, IN KEENAN'S SUBDIVISION OF BLOCK 24 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL A TAKEN AS A TRACT, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +50.28 FEET CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 16; THENCE NORTH 89°53'26" EAST, ALONG THE SOUTH LINE THEREOF, 91.26 FEET; THENCE NORTH 00°03'52" EAST, 63.24 FEET; THENCE NORTH 89°58'34" WEST, 0.64 FEET; THENCE NORTH 00°01'10" EAST, 132.08 FEET; THENCE SOUTH 20°00'00" EAST, 34.54 FEET TO ITS POINT OF INTERSECTION WITH THE WEST LINE OF SAID VACATED ALLEY; THENCE NORTH 00°01'26" EAST, 13.98 FEET TO ITS POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 11 FEET AND  $\frac{3}{4}$  INCHES OF LOT 7, AFORESAID; THENCE NORTH 89°45'24" EAST, ALONG SAID WESTERLY EXTENSION, 8.00 FEET TO ITS POINT OF INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE VACATED ALLEY, AFORESAID; THENCE NORTH 00°01'26" EAST, ALONG SAID EAST LINE, 35.00 FEET TO ITS POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 25, AFORESAID; THENCE SOUTH 89°45'12" WEST, ALONG THE NORTH LINE OF LOT 25 AND ITS EASTERLY EXTENSION, 133.29 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00°00'00" WEST, 245.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

CONTAINING 24,287 SQUARE FEET OR 0.5576 ACRES, MORE OR LESS.

#### PARCEL 1B:

THAT PART LOTS 16 TO 25, BOTH INCLUSIVE, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 25 AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 11 FEET AND  $\frac{3}{4}$  INCHES OF LOT 7, ALL IN DILLARDS RESUBDIVISION OF LOTS 70 TO 87, BOTH INCLUSIVE, AND LOTS 99 TO 116, BOTH INCLUSIVE, IN KEENAN'S SUBDIVISION OF BLOCK 24 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL A TAKEN AS A TRACT, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +54.99 FEET CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 16; THENCE NORTH 89°53'26" EAST, ALONG THE SOUTH LINE THEREOF, 91.26 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°03'52" EAST, 63.24 FEET;

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**THENCE NORTH 89°58'34" WEST, 0.64 FEET; THENCE NORTH 00°01'10" EAST, 132.08 FEET; THENCE SOUTH 90°00'00" EAST, 34.54 FEET TO ITS POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOTS 16 TO 25, INCLUSIVE; THENCE SOUTH 00°01'26" WEST, ALONG SAID EAST LINE, 195.26 FEET TO THE SOUTHEAST CORNER OF SAID LOT 16; THENCE SOUTH 89°53'26" WEST, ALONG THE SOUTH LINE OF LOT 16, AFORESAID, 33.93 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.**

**CONTAINING 6.704 SQUARE FEET OR 0.1539 ACRES, MORE OR LESS.**

A portion of the common elements of Pac Lofts Condominium, as recorded as Document Number 0629915153 on October 26, 2006, and any amendments thereto, in the records of Cook County, Illinois.

Property of Cook County Clerk's Office