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Doc#: 1206634091 Fee: \$50.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 03/06/2012 03:04 PM Pg: 1 of 7

DRAFTED BY AND, WHEN RECORDED, RETURN TO:

Dean & Fuikerson, P.C.
801 W. Big Beaver Rd., Ste. 500
Troy, MI 48084
Attn: Thomas P. Maria Esq.

MEMORANDUM OF LEASE

This Memorandum of Lease is made and entered into as of the 24th day of January, 2012, by and between KRC Orland Park 809, Inc., an Illinois corporation and successor-in-interest to Metropolitan Life Insurance Company, a New York corporation, and Venture Stores, Inc., a Delaware corporation, as "Landlord", whose mailing address is c/o Kimco Realty Corporation, 10600 W. Higgins Rd., Suite 408, Rosemont, Illinois 60018, Attn: Charlene Rivera, and Windy Landings, Inc., a Michigan corporation and successor-in-interest to Taco Bell, Inc., a California corporation, and Natron Corporation, a Delaware corporation, as "Tenant", whose mailing address is 7915 Kensington Court, Brighton, Michigan 48116.

Landlord has granted, demised and leased to Tenant the premises described below, upon the following terms:

GROUND LEASE: Ground Lease dated November 12, 1992 between Venture Stores, Inc., a Delaware corporation ("Venture"), as landlord, and Taco Bell Corp., a California corporation ("Taco Bell"), as tenant.

AS AMENDED AND/OR ASSIGNED ON:

FIDELITY NATIONAL TITLE 999011053

- Memorandum of Lease dated March 18, 1993 between Venture, as landlord, and Taco Bell, as tenant (recorded on March 31, 1993 as Document No. 93237889);
- First Amendment to Ground Lease dated March 18, 1993 between Venture and Taco Bell;
- Assignment of Lease and Consent dated December 15, 1995 between Taco Bell and Natron Corporation ("Natron");
- Special Warranty Deed dated June 29, 1998 – Grantor/Metropolitan Life Insurance Company and Grantee/Landlord (recorded on July 13, 1998 as Document No. 98602205);

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- Second Amendment to Ground Lease dated October 29, 2009 between Landlord and Natron;
- Assignment and Assumption of Lease and Consent dated January 24, 2012 among Landlord, Natron and Tenant.

All documents listed above for which recording information is not listed are unrecorded.

DESCRIPTION OF PREMISES: See Exhibit A attached hereto, and by this reference made a part hereof.

DATE OF COMMENCEMENT OF CURRENT TERM: April 1, 2010.

DATE OF EXPIRATION OF CURRENT TERM: December 15, 2015.

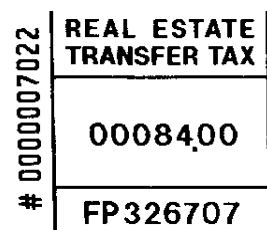
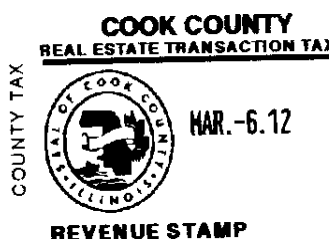
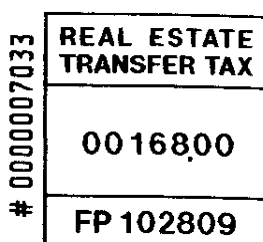
BASE TERM: Five (5) years, eight (8) months and fifteen (15) days.

RENEWAL OPTION: One period of five (5) years upon advance written notice given to Landlord not more than 24 months and not less than 15 months prior to the expiration of the then current term.

EXCLUSIVE RIGHTS: For so long as a Taco Bell restaurant is operated on the Premises, Landlord grants to Tenant the exclusive right, over all other persons operating a business on the Venture Tract through rights hereafter granted by Landlord, to sell Mexican Style Food (as hereinafter defined) from a fast food restaurant, subject to the Title Exceptions and the rights of existing tenants and/or occupants of the Venture Tract as of the Effective Date.

For purposes of the Lease, Mexican Style Food shall include only the following prepared food items: tacos, burritos, enchiladas, refried beans, Mexican style pizzas, tostadas, nachos, fajitas, chilitos and taco salads. The foregoing to the contrary notwithstanding, any tenant and/or occupant of the Venture Tract may operate on the Venture Tract (i) a sit down Mexican style restaurant that operates on a non fast-food basis (by way of example and not in any way limiting the foregoing, a sit down Mexican-style restaurant would include Casa Gallardo and Chilis) and (ii) any fast food type restaurant which derives less than twenty-five percent (25%) of its gross sales from the sale of Mexican Style Food and (iii) any other use not in violation of the aforementioned exclusive.

The purpose of this Memorandum of Lease is to give record notice of the Lease and of the rights created thereby, all of which are hereby confirmed.



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IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Lease to be duly executed on the day and year shown above.

LANDLORD: KRC ORLAND PARK 809, INC.,
an Illinois corporation

By: Robert Hadden

Its: Vice-President

TENANT: WINDY LANDINGS, INC., a
Michigan corporation

By: _____

Peter Lyders-Petersen

Its: President

STATE OF MICHIGAN)
)SS
COUNTY OF _____)

On the ___ day of January, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared _____ the _____ of KRC Orland Park 809, Inc., an Illinois corporation, personally known to me (or 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/she executed the same in his/her authorized capacity, and that, by his/her signature on the instrument, the limited liability company for which he/she acted executed the instrument.

Notary Public
_____ County, _____
Acting in _____ County
My commission expires: _____

STATE OF MICHIGAN)
)SS
COUNTY OF _____)

On the ___ day of January, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Peter Lyders-Petersen the President of Windy Landings, Inc., a Michigan corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged

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IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Lease to be duly executed on the day and year shown above.

MP LANDLORD: KRC ORLAND PARK 809, INC.,
an Illinois corporation

By: Robert Hedler

Its: Vice-President

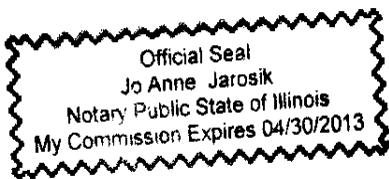
TENANT: WINDY LANDINGS, INC., a
Michigan corporation

By: _____
Peter Lyders-Petersen

Its: President

ILLINOIS
STATE OF ~~MICHIGAN~~)
)SS
COUNTY OF Will)

On the 26th day of January, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT HEDLER the VICE PRESIDENT of KRC Orland Park 809, Inc., an Illinois corporation, personally known to me (or 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/she executed the same in his/her authorized capacity, and that, by his/her signature on the instrument, the limited liability company for which he/she acted executed the instrument.



Jo Anne Jarosik
Notary Public
Will County, ILLINOIS
Acting in Will County
My commission expires: 4 30 2013

STATE OF MICHIGAN)
)SS
COUNTY OF _____)

On the ___ day of January, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Peter Lyders-Petersen the President of Windy Landings, Inc., a Michigan corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged

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to me that he executed the same in his authorized capacity and that, by his signature on the instrument, the limited liability company for which he acted executed the instrument.

Carol A. Ueblich

Notary Public

_____ County, _____

Acting in _____ County

My commission expires: _____

CAROL A. UEBRICK
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES May 11, 2014
ACTING IN COUNTY OF OAKLAND

Property of Cook County Clerk's Office

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EXHIBIT A

Legal Description

Land situated in the City of Orland Park, County of Cook and State of Illinois more particularly described as follows:

The South 150.00 feet of the North 541.00 feet of Lot 106 in Catalina's Commercial & Industrial Subdivision of Lots 3 and 6 in Silver Lakes Garden Unit Number 7, a subdivision of part of the West ½ of the Northwest ¼ and West ½ of the Southwest ¼ of Section 18, Township 36 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded March 22, 1976 as Document No. 23423778, in Cook County, Illinois.

Being more particularly described as follows:

Commencing at a point where the East line of Harlem Avenue intersects the North line of 158th Street as dedicated per Document No. 26117900; thence North 00E00'00" East along the East line of Harlem Avenue said line being the West line of Lot 106 in said Catalina's Commercial & Industrial Subdivision 150.00 feet a point; thence North 89E47'30" East 193.50 feet to the East line of Lot 106 and being the West line of 71st Court as dedicated per Document No. 23423778; thence South 00E00'00" West along said West line of 71st Court an the East line of Lot 106 89.73 feet to a point; thence along a tangent curve to the Southeast having a radius of 263.57 feet, an arc distance of 60.79 feet (chord bears South 06E36'32" East 60.65 feet) to the North line of 158th Street thence South 89E47'30" West along said North line 200.48 feet to the Point of Commencement in Cook County, Illinois.

Commonly known as: 15765 Harlem Ave., Orland Park, Illinois 60462

Tax Parcel Identification No.: 28-18-300-016-0000