

UNOFFICIAL COPY

WHEN RECORDED MAIL TO:

Panera, LLC
Three Charles River Place
63 Kendrick Street
Needham, MA 02494
Attn: Development Counsel

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MEMORANDUM OF LEASE

This is a Memorandum of Lease by and between MEADOWS CROSSING LLC, an Illinois limited liability company, (hereinafter called "Landlord") and PANERA, LLC, a Delaware limited liability company, (hereinafter called "Tenant"), upon the following terms:

Date of Lease December 22, 2012

Description of Premises: See Exhibit A attached hereto

Date of Commencement: The Commencement Date shall be the earlier to occur of the following: (i) the day on which Tenant opens for business to the public in the Premises, or (ii) one hundred twenty (120) days after the later of (a) the Premises Delivery Date or (b) the date Tenant obtains approved plans and Permits.

Term: Fifteen (15) Years expiring on the last day of the fifteenth (15th) Lease Year.

Renewal Options: Three (3) Five (5) Year Options.

Exclusive Use: Landlord agrees that within the "Meadows Crossing Shopping Center" (within retail space or on parcels which Landlord owns within the Center) it shall not enter into any lease permitting any tenant to operate, as a primary purpose and primary part of their business a bakery-café type/style restaurant, bagel bakery or sandwich shop type/styled restaurant or a coffee shop type/styled operation. Tenant's Exclusive Use shall not apply to those existing tenants whose leases predate the date of this Lease, provided, however, that Landlord shall not give its consent to any existing tenant (if Landlord has the right to consent to the change in such tenant's use) that is requesting to operate as a primary part of their business a bakery-café type/style restaurant, bagel bakery or sandwich shop type/styled restaurant or a coffee shop type/styled operation. By way of example and for clarification the foregoing restrictions shall include without limitation businesses currently known as Atlanta Bread, Argo Tea, Au Bon Pain,

UNOFFICIAL COPY

Bruegger's Bagels, Caribou Coffee, Einstein Bagels, Chesapeake Bay Bagels, La Madeline, Cusi, The Corner Bakery, Quizno's, Subway, Schlotzky's, Jason's Deli, McAllister's, Potbelly Sandwich Works, Pompeii, LaBriola, and other similar local, regional or national operations ("Exclusive Use").

The list of existing prohibited uses, restrictions and exclusives is set forth on Exhibit I attached hereto and Landlord agrees that the prohibition against the operation of a drive-through service window is hereby waived.

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.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the dates set forth in their respective acknowledgments.

TENANT:

PANERA, LLC

By: _____

Name: Scott G. Blair

Title: Sr. Vice President, General Counsel

Date: December 11, 2012

COMMONWEALTH OF MASSACHUSETTS

)
) §§
)

COUNTY OF NORFOLK

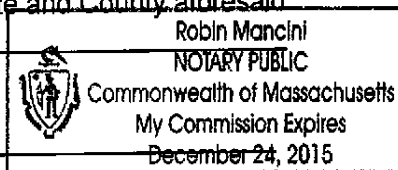
Personally appeared before me, a Notary Public in and for the above County and State, Scott G. Blair known personally by me and acknowledged by me to be on the date of execution, Senior Vice President, General Counsel of PANERA, LLC and he executed the foregoing for and behalf of said limited liability company.

Witnesses by hand and this notary seal, this 11th day of December, 2012.

Robin Mancini
Notary Public in and for the State and County aforesaid

(Printed Name of Notary)

My Commission Expires: _____



UNOFFICIAL COPY

LANDLORD:

MEADOWS CROSSING LLC

BY: BRAAFORD REAL ESTATE SERVICES CORP., AN ILLINOIS CORPORATION

By: [Signature]
 Name: _____
 Its: JAMES ECK
VICE PRESIDENT
 Date: _____

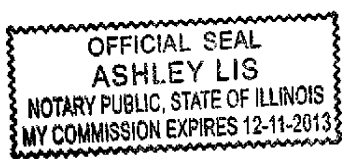
STATE OF IL)
) §§
 COUNTY OF COOK)

Personally appeared before me, a Notary Public in and for the above County and State, JAMES ECK known personally by me and acknowledged by me to be on the date of execution, the VICE PRESIDENT of BRAAFORD REAL ESTATE SERVICES CORP. and he/she executed the foregoing for and on behalf of said corporation.

Witnesses by hand and this notary seal, this 14 day of DECEMBER, 2017.

[Signature]
 Notary Public in and for the State and aforesaid County
ASHLEY LIS
 (Printed Name of Notary)

My Commission Expires: 12-11-2013



Property of Cook County Clerk's Office

UNOFFICIAL COPY

PARCEL 1:

SITUATED IN SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF ROLLING MEADOWS, COOK COUNTY, ILLINOIS, AND BEING PART OF LOTS 3 AND 4 OF HEISE'S SUBDIVISION AS RECORDED IN DOCUMENT 24119807, AND BEING PART OF LOT 1 OF CAUDILL'S SUBDIVISION AS RECORDED IN DOCUMENT 13160398 AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT AN IRON PIN FOUND AT THE NORTHEAST CORNER OF LOT 1 OF CAUDILL'S SUBDIVISION AS RECORDED IN DOCUMENT 13160398, SAID CORNER ALSO BEING IN THE SOUTH LINE OF SAID HEISE'S SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID HEISE'S SUBDIVISION, NORTH 80 DEGREES, 59 MINUTES, 29 SECONDS WEST, A DISTANCE OF 102.01 FEET TO AN IRON PIN FOUND AT THE TRUE POINT OF BEGINNING OF THE HERRIN DESCRIBED TRACT OF LAND AT THE SOUTHWEST CORNER OF LOT 2 OF SAID HEISE'S SUBDIVISION; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID HEISE'S SUBDIVISION, NORTH 80 DEGREES, 59 MINUTES, 29 SECONDS WEST, A DISTANCE OF 124.75 FEET; THENCE ON A NEW DIVISION LINE OVER LOTS 3 AND 4 OF HEISE'S SUBDIVISION OF SAID LOT 1 OF CAUDILL'S SUBDIVISION FOR THE FOLLOWING SEVEN (7) COURSES:

NORTH 09 DEGREES, 07 MINUTES, 40 SECONDS EAST, A DISTANCE OF 143.65 FEET; THENCE NORTH 80 DEGREES, 57 MINUTES, 20 SECONDS WEST, A DISTANCE OF 187.86 FEET; THENCE SOUTH 09 DEGREES, 02 MINUTES, 40 SECONDS WEST, A DISTANCE OF 115.13 FEET; THENCE NORTH 80 DEGREES, 57 MINUTES, 20 SECONDS WEST, A DISTANCE OF 1.80 FEET; THENCE ON A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 27.00 FEET FOR AN ARC DISTANCE OF 11.94 FEET, (CHORD BEARING SOUTH 37 DEGREES, 59 MINUTES, 59 SECONDS WEST, A DISTANCE OF 11.85 FEET, DELTA ANGLE OF SAID CURVE BEING 25 DEGREES, 20 MINUTES, 37 SECONDS); THENCE SOUTH 21 DEGREES, 10 MINUTES, 46 SECONDS WEST, A DISTANCE OF 56.62 FEET; THENCE NORTH 69 DEGREES, 18 MINUTES, 20 SECONDS WEST, FOR A DISTANCE OF 204.37 FEET TO A POINT IN THE EAST LINE OF LOT 5 OF SAID HEISE'S SUBDIVISION; THENCE ALONG THE EAST LINE OF LOT 5 OF SAID HEISE'S SUBDIVISION FOR THE FOLLOWING TWO (2) COURSES:

NORTH 09 DEGREES, 00 MINUTE, 31 SECONDS EAST, FOR A DISTANCE OF 137.03 FEET; THENCE NORTH 01 DEGREE, 22 MINUTES, 52 SECONDS WEST, FOR A DISTANCE OF 99.05 FEET TO AN IRON PIN FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF GOLF ROAD, AS ESTABLISHED BY SAID HEISE'S SUBDIVISION; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID GOLF ROAD FOR THE FOLLOWING TWO (2) COURSES:

NORTH 86 DEGREES, 37 MINUTES, 08 SECONDS EAST, FOR A DISTANCE OF 527.91 FEET TO AN IRON PIN FOUND ON A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 390.00 FEET FOR AN ARC DISTANCE OF 31.72 FEET (CHORD BEARING SOUTH 18 DEGREES, 26 MINUTES, 47 SECONDS EAST FOR A DISTANCE OF 31.71 FEET, DELTA ANGLE OF SAID CURVE BEING 04 DEGREES, 39 MINUTES, 35 SECONDS) TO THE NORTHWEST CORNER OF LOT 2 OF SAID HEISE'S SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID LOT 2, SOUTH 09

County Clerk's Office

UNOFFICIAL COPY

DEGREES, 02 MINUTES, 01 SECOND WEST FOR A DISTANCE OF 327.10 FEET TO THE TRUE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 1 ALSO DEFINED AS:

LOT 1 IN MEIJER-ROLLING MEADOWS SUBDIVISION PLANNED UNIT DEVELOPMENT, BEING A REPLAT OF LOTS 3 AND 4 OF HEISE'S SUBDIVISION AS RECORDED IN DOCUMENT NUMBER 24119807; LOT 1 OF CAUDILL'S SUBDIVISION AS RECORDED IN DOCUMENT 13160388 AND PART OF LOTS 2, 3 AND 4 OF SCHOOL TRUSTEES' SUBDIVISION OF SECTION 16, LOCATED IN SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF ROLLING MEADOWS, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 18, 2002 AS DOCUMENT 0020446088, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1, FOR INGRESS AND EGRESS AS SET FORTH IN AND CREATED BY PLAT OF SUBDIVISION FOR HEISE'S SUBDIVISION RECORDED SEPTEMBER 23, 1977 AS DOCUMENT 24119807, OVER 30-FOOT WIDE PORTIONS OF THE FOLLOWING DESCRIBED PROPERTY:

LOTS 1, 2, 5, 6 AND 7 IN HEISE'S SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1, FOR SANITARY SEWER AND WATER LINE PURPOSES AS SET FORTH IN AND CREATED BY EASEMENT AGREEMENT RECORDED OCTOBER 10, 1978 AS DOCUMENT 24662687, AS AMENDED BY AMENDMENT TO EASEMENT AGREEMENT RECORDED JUNE 10, 1980 AS DOCUMENT 25482426 AND AS SHOWN ON EXHIBIT 'B' ATTACHED TO DOCUMENT 25482426; AFORESAID, IN, TO, OVER, UNDER AND ACROSS PORTIONS OF THE FOLLOWING DESCRIBED PROPERTY:

(A) THAT PART OF THE NORTHEAST 1/4 OF SECTION 17 AND PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 17; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF SECTION 17, A DISTANCE OF 80.0 FEET TO THE SOUTHERLY RIGHT OF WAY OF GOLF ROAD, (STATE ROUTE 58), AS DEDICATED AND RECORDED SEPTEMBER 24, 1929 AS DOCUMENTS 10488008 AND 16488096; FOR A PLACE OF BEGINNING, THENCE SOUTH 89 DEGREES, 08 MINUTES WEST ALONG SAID SOUTHERLY RIGHT OF WAY OF GOLF ROAD, (STATE ROUTE 58), A DISTANCE OF 591.05 FEET; THENCE SOUTH 00 DEGREE, 52 MINUTES EAST, A DISTANCE OF 265.0 FEET; THENCE SOUTH 89 DEGREES, 08 MINUTES WEST PARALLEL WITH SAID SOUTHERLY RIGHT OF WAY OF GOLF ROAD, (STATE ROUTE 58), A DISTANCE OF 196.11 FEET; THENCE NORTH 00 DEGREE, 27 MINUTES, 20 SECONDS EAST, A DISTANCE OF 265.07 FEET TO SAID SOUTHERLY RIGHT OF WAY OF GOLF ROAD, (STATE ROUTE 58); THENCE SOUTH 89 DEGREES, 08 MINUTES WEST ALONG SAID SOUTHERLY RIGHT OF WAY OF GOLF ROAD,