

**DRAFTED BY** [REDACTED]

Attorney Christopher Flammer, Land Management  
American Tower Corporation  
10 Presidential Way  
Woburn, MA 01891  
Attn: Land Management  
ATC Site No.304435  
Site Name: S. Chicago Heights  
TAX PARCEL ID NUMBER(S):32-33-202-009-0000

**Return Address**

Old Republic Commercial Due Diligence Services  
Preston Park Financial Center East  
4965 Preston Park Blvd, Suite 620  
Plano, TX 75093-3620

[REDACTED]

131068-R

**MEMORANDUM OF LEASE**

This MEMORANDUM OF LEASE is made effective as of the latter signature date hereof by and between The Village of South Chicago Heights, IL, an Illinois municipal corporation, ("Lessor") and American Tower Asset Sub, LLC, a Delaware limited liability company ("Lessee").

**Recitals**

WHEREAS, The Village of South Chicago Heights, IL and Smart SMR of Illinois, Inc., a Delaware corporation, d/b/a Nextel Communications, predecessor in interest to Lessor, entered into that certain Standard Lease Agreement dated November 30, 1995, a memorandum of which was recorded on December 3, 2001 with the records of the Cook County Recorder as Document Number 0011128178, as amended by that certain First Amendment to Standard Lease Agreement dated July 10, 2003 (as amended, the "Lease") whereby the Lessee leases ground space on a portion of the real property owned by Lessor ("Parent Parcel") as more particularly set forth in Exhibit A attached hereto, together with certain easements for access and public utilities (the "Leased Premises"). Said Exhibit A may be replaced with a current as-built survey depicting the actual legal description of the Leased Premises; and

WHEREAS, Lessor and Lessee amended the terms of the Lease pursuant to that certain Second Lease Amendment dated April 24<sup>th</sup>, 2013.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained in the Lease and Lease Amendment, the parties agree as follows:

1. **Premises:** Lessor has leased to Lessee certain real property as depicted in Exhibit A attached hereto.
2. **Term:** The term is FIFTY (50) years commencing on the latter of the date of Lessor's or Lessee's notarized signature.

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3. **Government Approvals:** Lessor shall fully cooperate with Lessee's and Lessee's customers and potential customers efforts to obtain and maintain in effect all government approvals necessary for such party's use of the Leased Premises, except with respect to government approvals for which the Lessor is the government authority. All costs associated with obtaining and maintaining all government approvals by Lessee or Lessee's customers shall be the sole responsibility of Lessee.

[SIGNATURES NEXT PAGE]

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IN WITNESS WHEREOF, Lessor and Lessee have each executed this Amendment as of the dates written below.

LESSOR:

WITNESSES:

Village of South Chicago Heights, IL  
an Illinois municipal corporation

Signature: [Signature]  
By: David L. Owen  
Title: Village President  
Date: 3/18/13

[Signature]  
Signature  
Print Name: Catherine Livan  
Village Clerk

Signature \_\_\_\_\_  
Print Name: \_\_\_\_\_

### Acknowledgment

LESSOR  
STATE OF ILL )  
COUNTY OF COOK ) ss:

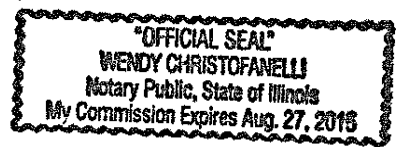
On 3/18/13 before me, Wendy Christofaneli, personally  
(here insert name of Notary Public)

Appeared David L. Owen, personally known to me (or proved to me on  
Name(s) of Document Signer(s)

the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which they person(s) acted, executed the instrument.

WITNESS my hand and official seal.  
Signature: [Signature]  
Notary Public  
My Commission Expires: 08-27-2015

{Seal}



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**LESSEE:**

**American Tower Asset Sub, LLC**  
a Delaware limited liability company

Signature: \_\_\_\_\_

By: SEVE VANDRAN

Title: SENIOR VICE PRESIDENT

Date: 4/20/13

**WITNESSES:**

Kenee Byrd  
Signature

Print Name: Kenee Byrd

Nicole Montgomery  
Signature  
Print Name: Nicole Montgomery

**Acknowledgement**

**LESSEE**  
**COMMONWEALTH OF MASSACHUSETTS**

**COUNTY OF MIDDLESEX**

On this the 20<sup>th</sup> day of April, 2013, before me, Rosa Bryan, the undersigned Notary Public, personally appeared SEVE VANDRAN proved to me through satisfactory evidence of identity, in which he is personally known to me, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

WITNESS my hand and official seal.

Rosa Bryan  
Notary Public  
My Commission Expires: 5/27/16

{Seal}



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## EXHIBIT A

*This Exhibit A May be Replaced by an As-Built Survey at Lessee's Option depicting the Leased Premises, Access and Utilities Easements and if applicable*

### Parent Parcel

LOT 1 IN ARTHUR T. MCINTOSH AND COMPANY'S 1ST ADDITION TO STATE STREET FARMS, BEING A SUBDIVISION OF ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 33 (EXCEPT THE NORTH 100.28 ACRES THEREOF) THAT LIES EAST OF THE EASTERLY RIGHT OF WAY OF CHICAGO SOUTHERN RAILROAD TOGETHER WITH ALL THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 33 THAT LIES EAST OF THE EASTERLY LINE OF RIGHT OF WAY OF SAID CHICAGO SOUTHERN RAILROAD, IN TOWNSHIP 35 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

TAX I.D. NUMBER: 32-33-202-009-0000

### Leased Premises

A PARCEL OF LAND FOR LEASE SITE PURPOSES LOCATED WITHIN THAT PART OF LOT 1 IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST ADDITION TO STATE STREET FARMS, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 33, TOWNSHIP 35 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS ON MARCH 23, 1942 AS DOCUMENT NO. [12650961]\*, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°00'00" EAST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 40.50 FEET; THENCE SOUTH 89°55'45" EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 10.00 FEET; THENCE NORTH 00°00'00" EAST 20.00 FEET; THENCE SOUTH 89°55'45" EAST 50.00 FEET; THENCE SOUTH 00°00'00" WEST, PARALLEL WITH THE WEST LINE OF SAID LOT 1, A DISTANCE OF 60.50 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89°55'45" WEST ALONG SAID SOUTH LINE 60.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2430.00 SQUARE FEET, IN BLOOM TOWNSHIP, COOK COUNTY, ILLINOIS.

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## EXHIBIT A (continued)

### Access and Utility Easement

#### Access Easement:

A PARCEL OF LAND FOR ACCESS EASEMENT PURPOSES LOCATED WITHIN THAT PART OF LOT 1 IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST ADDITION TO STATE STREET FARMS, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 33, TOWNSHIP 35 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS ON MARCH 23, 1942 AS DOCUMENT NO. 12860961 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1, THENCE SOUTH 89°55'45" EAST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 60.00 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 00°00'00" EAST PARALLEL WITH THE WEST LINE OF THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 60.00 FEET; THENCE SOUTH 89°55'45" EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 12.00 FEET, THENCE SOUTH 00°00'00" EAST, PARALLEL WITH THE WEST LINE OF SAID LOT 1, A DISTANCE OF 41.50 FEET, THENCE SOUTH 44°57'52" EAST, A DISTANCE OF 7.08 FEET TO A LINE THAT IS 14.00 FEET NORTHERLY OF (MEASURED PERPENDICULAR THERETO) AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, THENCE SOUTH 89°55'45" EAST, ALONG SAID PARALLEL LINE, 213.00 FEET TO THE EAST LINE OF SAID LOT 1, THENCE SOUTH 00°00'00" WEST, ALONG SAID EAST LINE, 14.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, THENCE NORTH 89°55'45" WEST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 230.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3790.08 SQUARE FEET IN BLOOM TOWNSHIP, COOK COUNTY, ILLINOIS.

#### Utility Easement:

A PARCEL OF LAND FOR UTILITY EASEMENT PURPOSES LOCATED WITHIN THAT PART OF LOT 1 IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST ADDITION TO STATE STREET FARMS, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 33, TOWNSHIP 35 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS ON MARCH 23, 1942 AS DOCUMENT NO. 12860961, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1, THENCE SOUTH 89°55'45" EAST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 60.00 FEET; THENCE NORTH 00°00'00" EAST, PARALLEL WITH THE WEST LINE OF SAID LOT 1, A DISTANCE OF 14.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'00" EAST, ALONG SAID PARALLEL LINE 8.00 FEET; THENCE SOUTH 89°55'45" EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 230.00 FEET TO THE EAST LINE OF SAID LOT 1, THENCE SOUTH 00°00'00" WEST, ALONG SAID EAST LINE, 8.00 FEET TO THE LINE THAT IS PARALLEL WITH THE SOUTH LINE OF SAID LOT 1 AND PASSES THROUGH THE POINT OF BEGINNING; THENCE NORTH 89°55'45" WEST, ALONG SAID PARALLEL LINE, 230.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1840.00 SQUARE FEET, IN BLOOM TOWNSHIP, COOK COUNTY, ILLINOIS.

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**VILLAGE OF SOUTH CHICAGO HEIGHTS  
COOK COUNTY, ILLINOIS****ORDINANCE NO. 2013-ORD-10****AN ORDINANCE AMENDING A  
GROUND LEASE AGREEMENT  
WITH AMERICAN TOWER ASSET SUB, LLC**

WHEREAS, the Village of South Chicago Heights (the "Village") is an Illinois non-home rule municipal corporation operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq. (the "Code");

WHEREAS, American Tower Asset Sub, LLC (the "Tenant"), a Delaware limited liability company, with a principal place of business at 10 Presidential Way, Woburn, MA 01801;

WHEREAS, Section 11-75-1 of the Code authorizes the Village to lease the space above and around buildings located on land owned by the Village to any person for any term not exceeding 99 years;

WHEREAS, the Village and Tenant are parties to that certain lease (the "Lease") for the use of defined premises comprising a part of property commonly known as 22530 South State Street, South Chicago Heights, Cook County, Illinois (the "Property") for the construction, operation and maintenance of Tenant's telecommunications facilities and appurtenant improvements, dated November 30, 1995, a memorandum of which was recorded on December 3, 2001 as Document 0011128178 in Cook County, Illinois;

WHEREAS, the Village and Tenant have negotiated an amendment to the Lease whereby the term of the Lease shall be extended for up to fifty (50) years in consideration for the Tenant paying the Village a lump sum amount equal to \$800,000 (the "Amendment"); and

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# 304435

WHEREAS, the Corporate Authorities have reviewed the Amendment and find that approving the Amendment is in the best interest of and shall advance the health, safety and welfare of the Village of South Chicago Heights.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of South Chicago Heights, Cook County, Illinois, as follows:

1. Recitals. The President and Board of Trustees find the foregoing recitals to be true and correct and represent the purpose and intent of this Ordinance and as such are incorporated as though fully set forth herein. The President and Board of Trustees desire for this Ordinance to be liberally construed to most effectively accomplish the purpose and intent so described.
2. Amendment. A copy of the Amendment is attached hereto as Exhibit A and incorporated as though fully set forth herein.
3. Approval. The President and Board of Trustees hereby exercise the authority described in Section 11-75-1 to approve the Amendment and direct and authorize the President and Clerk to sign and attest such Amendment in the manner required by law. The President and/or Clerk shall also sign a memorandum of lease which is intended to be recorded in the Office of the Cook County Recorder of Deeds.
4. This Ordinance shall become effective immediately upon passage and approval in the manner provided by law.

Passed this 18 day of March, 2013, at South Chicago Heights, Cook County, Illinois.

AYES: E. Foggi, T. Matthews, Mike Tilton, S. Murrifo, P. Defiore, J. Ross

NAYS: 0

ABSENT: 0



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VILLAGE OF SOUTH CHICAGO HEIGHTS

David L. Owen  
President

Date: 3/19/13

ATTEST:

Catherine Livan  
Clerk

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