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Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 12/30/2013 12:21 PM Pg: 1 of 6

RARE Hospitality Management, Inc.  
c/o Darden Restaurants, Inc.  
Attn: Property Law Administration Dept.  
1000 Darden Center Drive  
Orlando, FL 32837

## MEMORANDUM OF NET GROUND LEASE AGREEMENT

THIS MEMORANDUM OF NET GROUND LEASE AGREEMENT (this "Memorandum") is made and entered into by and between NRG TOUHY McCORMICK, LLC, an Illinois limited liability company ("Landlord"), and RARE HOSPITALITY MANAGEMENT, INC., a Delaware corporation ("Tenant").

### R E C I T A L S :

WHEREAS, pursuant to that certain "Net Ground Lease Agreement" dated to be effective as of May 24, 2013, as modified on July 23, 2013 and November 27, 2013 (collectively the "Lease"), by and between Landlord and Tenant, Landlord leased to Tenant, and Tenant leased from Landlord, an approximately 43,560 square foot tract or parcel of land located in the Village of Skokie, County of Cook, State of Illinois, being more particularly described on Exhibit A attached hereto and depicted on Exhibit B attached hereto, together with any buildings and other improvements constructed or to be constructed thereon and the use of all rights, privileges, easements and appurtenances belonging or in any way pertaining thereto (collectively, the "Premises");

WHEREAS, Landlord and Tenant desire to disclose to the general public their respective interests in and to the Lease and the Premises and certain obligations under the Lease by recording this Memorandum in the official public records of Cook County, Illinois.

### A G R E E M E N T S :

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in the Lease, Landlord and Tenant hereby covenant and agree as follows:

1. Term. The "Term" of the Lease will commence on the Possession Date (as defined in the Lease) and, unless sooner terminated, will expire on the last day of the tenth (10th) Lease Year (as defined in the Lease) after the Commencement Date (as defined in the Lease).

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2. **Options.** Tenant has the right and option to renew and extend the Term for three (3) successive periods of five (5) Lease Years each and one (1) period of four (4) years and eleven (11) months.

3. **Right of First Refusal.** Reference is hereby made to Section 16.1 of the Lease wherein Landlord granted to Tenant a right of first refusal to purchase the Premises.

4. **Miscellaneous.** This Memorandum is not intended to alter or supersede the Lease, and in the event of any conflict between the provisions of this Memorandum and those of the Lease, the provisions of the Lease shall control.

[SIGNATURES FOLLOW ON NEXT PAGE]

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**IN WITNESS WHEREOF**, both Landlord and Tenant have signed this Memorandum in the appropriate locations below to be effective as of the effective date of the Lease.

**LANDLORD:**

NRG TOUHY McCORMICK, LLC  
an Illinois limited liability company

By: Centrum Skokie Manager, LLC  
An Illinois limited liability company

By: \_\_\_\_\_  
Name: Sol Parkett  
Title: Manager

Date: December 20, 2013

**TENANT:**

RARE HOSPITALITY MANAGEMENT, INC.,  
a Delaware corporation,

By: \_\_\_\_\_  
Name: Nancy B. Pinkham  
Title: Senior Associate Counsel

Date: December 17, 2013

**[ACKNOWLEDGMENTS FOLLOW ON NEXT PAGE]**

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## ACKNOWLEDGMENTS

STATE OF ILLINOIS           §  
  §  
COUNTY OF COOK           §

This instrument was executed and acknowledged before me on this 20<sup>th</sup> day of December, 2013 by Sol Barket, Manager of Centrum Skokie of NRG TOUHY McCORMICK, LLC, an Illinois limited liability company, on behalf of said manager. The individual whose name is subscribed to this instrument is personally known to me.



My Commission Expires: 10/04/15

Amy L. Horan  
NOTARY PUBLIC, STATE OF ILLINOIS

STATE OF FLORIDA       §  
                                  §  
COUNTY OF ORANGE   §

This instrument was executed and acknowledged before me on this 17<sup>th</sup> day of December, 2013, by Waney B. Pinkham, Senior Associate Counsel of RARE Hospitality Management, Inc., a Delaware corporation, on behalf of said corporation. The individual whose name is subscribed to this instrument is personally known to me.



My Commission Expires: 8/9/2017

Sonia Saddler  
NOTARY PUBLIC, STATE OF FLORIDA

**LANDLORD'S ADDRESS:**

NRG Touhy McCormick, LLC  
c/o Centrum Partners, LLC  
Attn: Graham Palmer  
225 West Hubbard Street  
Chicago, IL 60654-4916

**TENANT'S ADDRESS:**

RARE Hospitality Management, Inc.  
c/o Darden Restaurants, Inc.  
Attn: Property Law Administration Dept.  
1000 Darden Center Drive  
Orlando, FL 32837

**UNOFFICIAL COPY****Exhibit A  
Legal of Premises**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SECTION 26, WHICH IS 660 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION; THENCE SOUTH 89 DEGREES 04 MINUTES 18 SECONDS WEST, ALONG SAID SECTION LINE, 856.49 FEET (RECORD DISTANCE OF 856.85 FEET) TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 1 IN H & M REALTY SUBDIVISION RECORDED JUNE 25, 1999 AS DOCUMENT NUMBER 99616231, ALSO BEING A POINT WHICH IS 460.02 FEET (RECORD DISTANCE OF 460.00 FEET) EAST OF THE WEST LINE OF THE SOUTH HALF OF THE EAST HALF OF THE WEST HALF OF SOUTHEAST QUARTER OF SAID SECTION 26 (MEASURED ALONG SAID SECTION LINE); THENCE NORTH 00 DEGREES 37 MINUTES 39 SECONDS EAST, ALONG SAID SOUTHERLY EXTENSION AND EAST LINE, 500.40 FEET (RECORD DISTANCE OF 500.00 FEET) TO A CORNER; THENCE NORTH 89 DEGREES 05 MINUTES 36 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 1 IN H & M REALTY SUBDIVISION, 648.16 FEET; THENCE SOUTH 00 DEGREES 55 MINUTES 42 SECONDS EAST, 217.00 FEET; THENCE SOUTH 27 DEGREES 47 MINUTES 33 SECONDS WEST, 67.24 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 04 MINUTES 18 SECONDS EAST, 219.00 FEET TO A LINE 43.77 FEET WEST OF AND PARALLEL WITH THE CENTERLINE OF MCCORMICK BOULEVARD AS SHOWN ON DOCUMENT NUMBER 893000294; THENCE SOUTH 00 DEGREES 35 MINUTES 25 SECONDS WEST, ALONG SAID PARALLEL LINE, 154.06 FEET; THENCE SOUTH 55 DEGREES 51 MINUTES 09 SECONDS WEST, 36.49 FEET TO A LINE 50.00 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF TOUHY AVENUE AS SHOWN ON DOCUMENT NUMBER 893000294; THENCE SOUTH 89 DEGREES 04 MINUTES 18 SECONDS WEST, ALONG SAID PARALLEL LINE, 184.39 FEET; THENCE NORTH 00 DEGREES 55 MINUTES 42 SECONDS WEST, 174.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

TO BE KNOWN AS:

LOT 3 IN SKOKIE COMMONS SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

CONTAINING 37,405 SQUARE FEET, (0.859 ACRES) MORE OR LESS.

Part of PIN: 10-26-403-002-0000

Part of 3300 – 3408 Touhy Avenue and 7200 – 7248 McCormick Boulevard, Skokie, IL 60074

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## Exhibit B Site Plan of Premises

