

UNOFFICIAL COPY

Homewood, IL
Store #5404-05



This Instrument Prepared by and
upon recording should be returned to:

Timm & Garfinkel, LLC
770 Lake Cook Road, Suite 150
Deerfield, Illinois 60015
Attention: Glenn Garfinkel

Doc#: 1425518013 Fee: \$48.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 09/12/2014 09:15 AM Pg: 1 of 6

Property of Cook County Clerk's Office

MEMORANDUM OF LEASE

By this Memorandum of Lease made the 4th day of September, 2013, between **WAL-MART STORES, INC.**, a Delaware corporation, "Lessee", and **KMART CORPORATION**, a Michigan corporation, "Lessor".

Lessor hereby leases to Lessee, and Lessee hereby rents from Lessor, for an initial term of twenty (20) years, commencing and expiring on such dates as shall be adjusted pursuant to a lease dated Sept. 4, 2013 between the parties hereto (the "Lease") and subject to prior termination as therein provided, the premises to include both the real property and building and other improvements, appurtenances, easements and privileges belonging thereto situated in the Village of Homewood, County of Cook, State of Illinois, depicted and legally described on Exhibit "A" attached hereto, and hereinafter referred to as the "Premises."

The Lease, among other things, contains the following provisions:

1. Lessee shall have the right and option to renew the Lease and extend the term thereof for six (6) consecutive periods of five (5) years each.
2. Provisions for additional rent and the other terms, covenants and conditions of said letting, including the options on the part of Lessee for prior termination and purchase, are set forth at length in the Lease, and all of said provisions, terms, covenants and conditions are, by reference hereto, hereby incorporated in and made a part of this Memorandum of Lease.
3. This instrument shall also bind and benefit, as the case may require, the heirs, legal representatives, assigns and successors of the respective parties, and all covenants, conditions and agreements herein contained shall be construed as covenants running with the land. This instrument shall not become binding upon the parties until it shall have been executed and delivered by both Lessor and Lessee.

S ✓
P ✓
S ✓
M ✓
SC ✓
E ✓
INT ✓

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4. This Memorandum of Lease is made and executed by the parties hereto for the purpose of recording the same in the office of the public records of Cook County, Illinois, and is subject in each and every respect, to the rents and other terms, covenants and conditions of the Lease and this Memorandum of Lease is executed and delivered with the understanding and agreement that the same shall not in any manner or form whatsoever, alter, modify or vary the rents and other terms, covenants and conditions of the Lease.

[SIGNATURE PAGE FOLLOWS]

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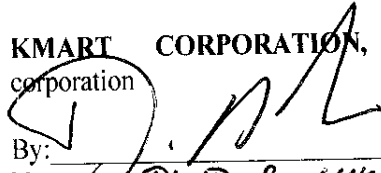
IN WITNESS WHEREOF, Lessor and Lessee have executed this Memorandum of Lease, under seal, as of the day and year first above written.

ATTEST:



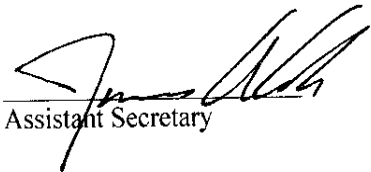
LESSOR

KMART CORPORATION, a Michigan corporation

By: 
Name: DAVID R. LUKES
Its: PRESIDENT, R.E. DEVELOPMENT


Date of Execution: 9/4/2013

ATTEST:


Assistant Secretary

LESSEE

WAL-MART STORES, INC., a Delaware corporation

By: 
Name: Brian Hober
Its: Vice President

Date of Execution: _____

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STATE OF ARKANSAS)
) SS
COUNTY OF BENTON)

I, a Notary Public, do hereby certify that Brian Hooper, personally known to me to be the ~~Vice President~~ ^{Real Estate} of WAL-MART STORES, INC., a Delaware corporation, and personally known to me to be the person whose name is subscribed in the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as such ~~Vice President~~ ^{Real Estate} of said corporation, pursuant to authority given by said corporation, as his free and voluntary act and as the free and voluntary act and deed of said trust, for the purposes therein set forth.

Given under my hand and notarial seal this 26th day of August, 2013.

My commission expires: 11-15-2021

Courtne D Ortiz
Notary Public

**COURTNE D ORTIZ
NOTARY PUBLIC
BENTON COUNTY, ARKANSAS
COMMISSION # 12384731
DATE OF EXPIRATION 11-15-2021**

STATE OF New York)
) SS
COUNTY OF Westchester)

I, Joy A Gallagher, Notary Public, in and for the State of New York, do hereby certify that David R. Lukes, the ~~President~~ ^{President, R2 Development} of Kmart Corporation, a Michigan corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such ~~President~~ ^{President, R2 Development} appeared before me this day in person and acknowledged that he signed and delivered said instrument as his own free and voluntary act and as the free and voluntary act of said trust for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and notarial seal this 4 day of September, 2013.

My commission expires: 5/23/15

Joy A Gallagher
Notary Public

**JOY A GALLAGHER
Notary Public - State of New York
NO. 01GA6241693
Qualified in Ulster County
My Commission Expires 5/23/15**

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EXHIBIT "A" TO MEMORANDUM OF LEASE

Legal Description

PARCEL 1:

LOT 1 IN KMART'S HOMEWOOD SUBDIVISION, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1993 AS DOCUMENT 93430134 AND THE CERTIFICATE OF CORRECTION RECORDED NOVEMBER 16, 1994 AS DOCUMENT 94975238, EXCEPT THAT PART OF SAID LOT 1 WHICH FALLS WITHIN LOT 1 OF G & H CONSOLIDATION PLAT, RECORDED JULY 22, 1993 AS DOCUMENT 93570547, IN COOK COUNTY, ILLINOIS.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF LOT 1 IN KMART'S HOMEWOOD SUBDIVISION, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1993 AS DOCUMENT 93430134 AND THE CERTIFICATE OF CORRECTION RECORDED NOVEMBER 16, 1994 AS DOCUMENT 94975238, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN SAID SUBDIVISION, SAID CORNER BEING ALSO THE SOUTHWEST CORNER OF LOT 1 IN STATE FARM SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 25688152;

THENCE SOUTH 89 DEGREES 58 MINUTES 18 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1 IN KMART'S HOMEWOOD SUBDIVISION, 769.50 FEET (FORMERLY A RECORD DISTANCE OF 769.51 FEET); TO THE SOUTHEAST CORNER OF GINSBURG SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 86383193;
THENCE NORTH 00 DEGREES 01 MINUTES 43 SECONDS EAST ALONG THE EAST LINE OF SAID GINSBURG SUBDIVISION, 340.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF 175TH STREET AS DEDICATED BY DOCUMENT 26661237; THENCE SOUTH 89 DEGREES 47 MINUTES 45 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 39.89 FEET (FORMERLY A RECORD DISTANCE OF 40.00 FEET) TO THE NORTHWEST CORNER OF MOTHER TUCKER'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 85113885; THENCE SOUTH 00 DEGREES 02 MINUTES 30 SECONDS WEST ALONG THE WEST LINE OF SAID MOTHER TUCKER'S SUBDIVISION AND SAID WEST LINE EXTENDED, 280.03 FEET (FORMERLY A RECORD DISTANCE OF 280.11 FEET) TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 94.48 FEET A CHORD OF 75.99 FEET AND A CHORD BEARING OF SOUTH 28 DEGREES 45 MINUTES 02 SECONDS EAST, AN ARC DISTANCE OF 78.18 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 98.35 FEET A CHORD OF 63.07 FEET AND A CHORD BEARING OF SOUTH 23 DEGREES 40 MINUTES 16 SECONDS EAST, AN ARC DISTANCE OF 64.22 FEET TO A NON-TANGENTIAL POINT, SAID POINT BEING THE SOUTHWESTERLY CORNER OF LOT 1 IN G & H CONSOLIDATION PLAT, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 93570547; THENCE SOUTH 89 DEGREES 59 MINUTES 17 SECONDS EAST ALONG THE SOUTH LINE OF SAID CONSOLIDATION PLAT, 377.52 FEET TO THE WEST RIGHT OF WAY LINE OF HALSTED AVENUE, SAID LINE BEING ALSO THE EAST LINE OF LOTS 1 AND 2 IN SAID KMART'S HOMEWOOD SUBDIVISION; THENCE SOUTH 00 DEGREES 01 MINUTES 23

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SECONDS WEST ALONG SAID RIGHT OF WAY LINE, 434.46 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN SAID KMART'S HOMEWOOD SUBDIVISION; THENCE NORTH 89 DEGREES 58 MINUTES 37 SECONDS WEST, 393.78 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 23 SECONDS WEST, 157.26 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 10 SECONDS WEST, 423.32 FEET (FORMERLY A RECORD DISTANCE OF 423.43 FEET); THENCE SOUTH 00 DEGREES 02 MINUTES 13 SECONDS WEST, 24.50 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 10 SECONDS WEST, 30.00 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 13 SECONDS WEST, 143.75 FEET TO A POINT ON THE NORTH LINE OF MAPLE LEAF SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 89072721 SAID POINT BEING 62.51 FEET WEST OF THE NORTHEAST CORNER OF SAID MAPLE LEAF SUBDIVISION; THENCE NORTH 89 DEGREES 57 MINUTES 47 SECONDS WEST ALONG SAID NORTH LINE, 400.67 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN SAID KMART'S HOMEWOOD SUBDIVISION; THENCE NORTH 00 DEGREES 01 MINUTES 39 SECONDS EAST ALONG THE WESTERNMOST LINE OF SAID KMART'S HOMEWOOD SUBDIVISION, 824.97 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL 1 CONTAINED IN THE SHOPPING CENTER RECIPROCAL EASEMENT AND OPERATION AGREEMENT MADE BY AND BETWEEN LASALLE NATIONAL TRUST, N.A., AS TRUSTEE UNDER A TRUST AGREEMENT DATED APRIL 15, 1992 AND KNOWN AS TRUST NUMBER 117000, AND KMART CORPORATION, A MICHIGAN CORPORATION, RECORDED OCTOBER 13, 1992 AS DOCUMENT 92757951, FOR COMMON USE, PARKING, INGRESS AND EGRESS, UPON AND OVER THE COMMON AREA (AS DEFINED THEREIN).

PARCEL 3:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR THE INSTALLATION, MAINTENANCE, REMOVAL AND RESTORATION OF UTILITIES, IN, UNDER, OVER AND THROUGH A 10 FOOT WIDE STRIP OF LAND, LYING NORTH OF AND ADJACENT TO THE NORTH RIGHT OF WAY LINE OF MAPLE AVENUE, AS CREATED BY PLAT OF EASEMENT RECORDED FEBRUARY 19, 1984 AS DOCUMENT 26966062.

PARCEL 4:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR PUBLIC UTILITIES CREATED BY PLAT OF EASEMENT MADE BY AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 28, 1983 AND KNOWN AS TRUST NUMBER 60015 IN FAVOR OF THE VILLAGE OF HOMEWOOD, ILLINOIS FOR UTILITY FACILITIES DATED JANUARY 8, 1985 AND RECORDED MARCH 28, 1985 AS DOCUMENT 27491811.

PARCEL 5:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR PUBLIC UTILITIES CREATED BY PLAT OF EASEMENT IN FAVOR OF THE VILLAGE OF HOMEWOOD, RECORDED FEBRUARY 10, 1984 AS DOCUMENT 26966063.

PIN: 29-32-200-052-0000

Address: 17550 Halsted, Homewood, IL