

UNOFFICIAL COPY

This instrument was prepared by and after recording should be returned to:

Karl L. Marschel
Bryan Cave LLP
161 North Clark Street
Suite 4300
Chicago, Illinois 60601



Doc#: 1620234064 Fee: \$42.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 07/20/2016 01:03 PM Pg: 1 of 3

MEMORANDUM

THIS MEMORANDUM is made by **ENWAVE CHICAGO LLC**, an Illinois limited liability company (the "Supplier"), and **122 PROPERTY, LLC**, an Illinois limited liability company (the "Customer"). Reference is hereby made to that certain Chilled Water Service Agreement dated as of May 18, 2016 (the "Agreement"), between Supplier and Customer, pursuant to which Supplier, at Customer's request, has agreed to provide certain chilled water service to the property commonly known as 122 S. Michigan Ave., Chicago, Illinois and legally described in the manner set forth on Exhibit A attached hereto (the "Property").

The purpose of this Memorandum is to provide notice of the Agreement and, in accordance therewith, Supplier and Customer hereby acknowledge and agree that (a) Customer has granted to Supplier a license (which is irrevocable except as expressly provided in the Agreement) to locate and install on the Property, in the location specified in the Agreement, an Energy Transfer System (as such term as hereafter defined), and has granted to Supplier a right of access to the System, and (b) notwithstanding the manner or method by which the Energy Transfer Station (as such term is hereinafter defined) is installed in the Property, (i) the Energy Transfer Station (or any part thereof) shall not be deemed to be a "fixture" attached to the Property subject to the lien of any mortgage or other encumbrance of the Property, and (ii) the Energy Transfer Station is the personal property of Supplier (subject to the terms and conditions of the Agreement) and is not to be deemed part of the collateral pledged to any lender or creditor of Customer as security for the repayment of any indebtedness of Customer.

As used herein, the term "Energy Transfer Station" shall mean the equipment and related piping and apparatus between Supplier's distribution piping and the Connection Equipment (as defined in the Agreement), including, without limitation, a plate frame heat exchanger assembly or equivalent device, piping, valves, metering equipment and controls and additional equipment, if any, described in the IOM Specifications (as defined in the Agreement) installed by Supplier on the Property pursuant to the terms of the Agreement for use in providing chilled water service to Customer, and all replacements and additions thereof.

CCRD REVIEW 

UNOFFICIAL COPY

ENWAVE CHICAGO LLC, an Illinois limited liability company

By: [Signature]

Name: CARLYLE COUTINHO

Title: AUTHORIZED SIGNATORY

122 PROPERTY, LLC, an Illinois limited liability company

By: [Signature]

Title: Property Mgr.

By: [Signature]

Name: JAMES A. PAGNUSAT

Title: CFO

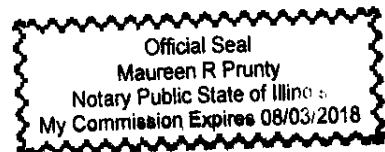
STATE OF ILLINOIS

COUNTY OF COOK)

I, MAUREEN R. PRUNTY, a Notary Public in and for said County, in the State aforesaid, do hereby certify personally that Carlyle Coutinho and James Pagnusat known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as a free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 24th day of MAY, 2016.

Notary Public



My commission expires: 8/3/18

STATE OF ILLINOIS)

COUNTY OF COOK)

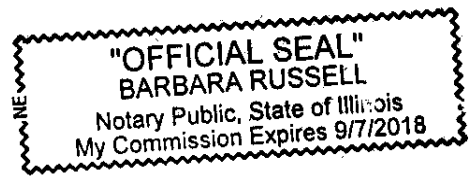
I, Barbara Russell, a Notary Public in and for said County, in the State aforesaid, do hereby certify personally that _____ known to me to be the same person whose name subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that signed, sealed and delivered of said instrument as a free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 28th day of June, 2016.

Notary Public

My commission expires: 9/7/18

[Signature]



UNOFFICIAL COPY

EXHIBIT A

Legal Description of Premises

PARCEL 1:

THE SOUTH 1/2 OF LOT 5 AND ALL OF LOTS 8 AND 9 (EXCEPT SO MUCH THEREOF AS HAS BEEN TAKEN FOR ALLEY) ALL IN BLOCK 4 IN FRACTIONAL SECTION 15 ADDITION TO CHICAGO, IN SECTION 15, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1, AS CREATED BY EASEMENT GRANT FROM THE CHURCH FEDERATION OF GREATER CHICAGO TO THE PEOPLES GAS LIGHT AND COKE COMPANY DATED MAY 30, 1972 AND RECORDED JUNE 13, 1972 AS DOCUMENT 21937644, TO CONSTRUCT, RECONSTRUCT, RENEW, REPLACE, OPERATE, MAINTAIN, INSPECT, ALTER, REPAIR AND REMOVE A GAS MAIN OR PIPES AND SUCH DRIPS, VALVES, FITTINGS, METERS AND OTHER EQUIPMENT AS MAY BE NECESSARY OR CONVENIENT FOR SUCH OPERATION, OVER THE FOLLOWING DESCRIBED LAND:

THE WEST 8 FEET 9 1/2 INCHES OF THE NORTH 1/2 OF LOT 5 OF BLOCK 4 OF FRACTIONAL SECTION 15, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as 122 S. Michigan Ave, Chicago, Illinois

PINs: 17-15-103-030-0000
17-15-103-031-0000
17-15-103-036-0000
17-15-103-037-0000
17-15-103-035-0000
17-15-103-039-0000