

# UNOFFICIAL COPY

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

Crown Castle  
1220 Augusta, Suite 600  
Houston, TX 77057  
Attn: PEP

Doc#: 1635108039 Fee: \$56.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 12/16/2016 10:48 AM Pg: 1 of 5

**PREPARED BY:**

Christian A. Farmakis, Esquire  
Babst Calland  
Two Gateway Center, 6<sup>th</sup> Floor  
Pittsburgh, PA 15222

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## MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (this "Memorandum") is made and entered into as of November 1, 2016 by and between 5435 N Wolcott, Inc., an Illinois corporation ("Owner") and Crown Castle NG Central LLC, a Delaware limited liability company ("Tenant").

### RECITALS:

WHEREAS, Chicago Title and Trust Company, as Trustee under Trust Number 1083566 ("Original Owner") entered into that certain Communications Site Lease Agreement (Ground) with Nextel West Corp., d/b/a Nextel Communications ("Original Tenant") dated February 28, 2005 (the "Original Agreement"), pursuant to which Original Owner leased to Original Tenant a portion ("Premises") of that certain real property located in the City of Chicago, County of Cook, State of Illinois ("Land"), as more particularly described in Exhibit A attached hereto, along with easements for ingress, egress and utilities;

WHEREAS, pursuant to that certain Trustee's Deed dated September 13, 2012, recorded in the Cook County, Illinois Recorder of Deeds Office at Document No. 1235333028, Original Owner conveyed and quitclaimed the Land to Owner;

WHEREAS, pursuant to that certain Assignment and Assumption Agreement of Underlying Lease/License dated April 3, 2006, a memorandum of which is recorded in the Cook County, Illinois Recorder of Deeds Office at Document No. 0825404169, Original Tenant assigned all of its rights, title and interest in and to the Original Agreement to Mobilitie Investments, LLC, a Delaware limited liability company ("Mobilitie");

WHEREAS, by way of name change on April 2, 2012, Mobilitie became SBA Monarch Towers I, LLC, a Delaware limited liability company;

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WHEREAS, in 2013, SBA Monarch Towers I, LLC assigned certain assets to SBA DAS, LLC, a Florida limited liability company, which assets included the Original Agreement;

WHEREAS, pursuant to that certain Asset Purchase Agreement dated June 29, 2016, Tenant acquired certain assets of SBA DAS, LLC, which assets included the Original Agreement;

WHEREAS, Owner and Tenant entered into that certain First Amendment to Communications Site Lease Agreement (Ground) dated November 1, 2016 (the "First Amendment") (the Original Agreement and the First Amendment are collectively referred to herein as the "Agreement"); and

WHEREAS, Owner and Tenant desire to have this Memorandum recorded in the Cook County, Illinois Recorder of Deeds Office.

NOW, THEREFORE, for and in consideration of the foregoing and other good and valuable consideration including the covenants and conditions more particularly set forth in the Agreement, the parties hereby covenant, promise and agree as follows:

1. The foregoing recitals are true and correct and are expressly incorporated herein by this reference. Any capitalized terms not defined herein shall have those meanings ascribed to them in the Agreement.
2. Owner and Tenant have entered into that certain First Amendment pursuant to which the parties have agreed to extend the term of the Agreement for a new term of ten (10) years with an option to automatically renew for two (2) additional terms of five (5) years each, resulting in a cumulative expiration date of October 31, 2026 upon the terms and conditions as set forth in the Agreement. In the event Owner undertakes Redevelopment during the Initial Term, the Agreement may be extended as set forth therein.
3. This Memorandum shall be and is intended to be notice to the public of the existence of the Agreement. If there is any conflict between the terms of the Agreement and this Memorandum, the terms of the Agreement shall prevail.

**[Signatures on following pages]**

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IN WITNESS WHEREOF, the parties hereto have executed this Memorandum on the day and year first above written.

OWNER:

**5435 N WOLCOTT, INC.,**  
an Illinois corporation

By: [Signature]  
Printed Name: David Cassman  
Title: pres

Property of COOK COUNTY Clerk's Office

### ACKNOWLEDGEMENT

STATE/Commonwealth of Illinois )  
 )  
COUNTY OF Cook )

On this, the 7 day of Nov, 2016, before me, the undersigned officer in and for the above-stated jurisdiction, personally appeared David Cassman, who acknowledged before me him/herself to be the President of 5435 N Wolcott, Inc., an Illinois corporation, and that he/she, being authorized to do so, executed the foregoing Memorandum of Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]  
Notary Public



TENANT:

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**CROWN CASTLE NG CENTRAL LLC,**  
a Delaware limited liability company

By: *[Signature]*  
Printed Name: WILLIAM G. BARNETT  
Title: VP ASSETS

### ACKNOWLEDGEMENT

STATE/Commonwealth of Pennsylvania )  
COUNTY OF Washington )

On this, the 5 day of December, 2016, before me, the undersigned officer in and for the above-stated jurisdiction, personally appeared William Barnett, who acknowledged before me him/herself to be the Vice President of Crown Castle NG Central LLC, a Delaware limited liability company, and that he/she, being authorized to do so, executed the foregoing Memorandum of Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*[Signature]*  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Jarrod S. Krenn, Notary Public  
Cecil Twp., Washington County  
My Commission Expires Aug. 18, 2018  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

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## EXHIBIT A

### Land

PROPERTY ADDRESS: 5435 NO WOLCOTT AVENUE, CHICAGO, IL 60640

THE SOUTH ½ OF BLOCK 7 (EXCEPT THE EAST 150 FEET THEREOF CONVEYED TO CHICAGO AND NORTHWESTERN RAILROAD COMPANY, AND EXCEPT THAT PORTION LYING SOUTH OF THE EAST RAIL OF LEAD SPUR TRACK OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY ENTERING THE CONSOLIDATED COMPANY) IN NICHOLAS MILLER'S BALMORAL SUBDIVISION OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ (EXCEPT THE NORTH 25 FEET) WEST OF RAILROAD IN SECTION 7, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 14-07-201-019-0003