

# UNOFFICIAL COPY

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Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 08/30/2018 10:06 AM Pg: 1 of 7

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## SECOND ASSIGNMENT OF EASEMENT AND ASSIGNMENT OF LEASE AGREEMENT

**PIN: 10-16-433-074**  
**Tax Exempt: 35ILCS 200/31-45(e) & (k)**

STATE OF: ILLINOIS  
COUNTY OF: COOK

Document Date: June 6, 2018

**GRANTOR:** LANDMARK INFRASTRUCTURE OPERATING  
COMPANY LLC  
Address: P.O. Box 3429  
El Segundo, CA 90245

**GRANTEE:** LMRK PROPCO 3 LLC  
Address: P.O. Box 3429  
El Segundo, CA 90245

Legal Description: Attached as Exhibit A

**Prepared by:**  
Landmark Dividend LLC  
P.O. Box 3429  
El Segundo, CA 90245  
TC154578

**Return after recording to:**  
Fidelity National Title Group  
Attn: Melissa Cater  
7130 Glen Forest Drive #300  
Richmond, VA 23226

26849033

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## SECOND ASSIGNMENT OF EASEMENT AND ASSIGNMENT OF LEASE AGREEMENT

**THIS SECOND ASSIGNMENT OF EASEMENT AND ASSIGNMENT OF LEASE AGREEMENT** (this "Assignment"), effective on June 6, 2018 is executed by Landmark Infrastructure Operating Company LLC, a Delaware limited liability company, ("Assignor") and LMRK PropCo 3 LLC, a Delaware limited liability Company, ("Assignee").

**WHEREAS**, F Michael 4868, LLC, an Illinois limited liability company ("Owner") leased a certain portion of property located at 4864 Dempster St, Skokie IL 60077-2253; as more particularly described in Exhibit "A" attached hereto (the "Property") to Voicestream GSM I Operating Co., LLC, a Delaware limited liability company, ("Tenant") pursuant to a certain lease dated Sep 30, 2005 and more particularly described in Exhibit "C" attached hereto (the "Lease"); and

**WHEREAS**, Owner and Landmark Infrastructure Holding Company LLC ("LIHC") are parties to that certain Easement and Assignment of Lease Agreement dated Jun 10, 2016, as recorded on October 4, 2016, in the Official Records of Cook County as Instrument 1627817167 whereby Owner granted a 50 year easement over the area more particularly described in the attached "Exhibit B" (the "Easement") to LIHC and assigned all of its right, title and interest as lessor under the Lease to LIHC; and

**WHEREAS**, LIHC and Assignor are parties to that certain Assignment of Easement and Assignment of Lease Agreement dated August 1, 2016, as recorded on October 21, 2016 in the Official Records of Cook County as Instrument 1629549116 whereby LIHC assigned all of its right, title and interest to the Easement and Lease to Assignor; and

**WHEREAS** Assignor desires to assign all of Assignor's rights, title and interest in and to the Easement and Lease to Assignee; and

**NOW THEREFORE**, In consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Assignor Assignment.** Assignor does hereby assign, transfer, and deliver to Assignee all of Assignor's right, title, and interest in and to the Easement and Lease, including, without limitation, the right to receive any and all rents thereunder.
2. **Assignee Assumption of Obligations of Performance.** Assignee warrants that it shall assume and faithfully perform and discharge any and all of obligations as grantee under the Easement and lessor under the Lease and Assignor shall be relieved of all future obligations and liability thereunder.
3. **Covenants of Cooperation.** Assignor and Assignee warrant that it will take such further actions and execute such further instruments, if any, as may be reasonably required to perfect Assignee's assignment and assumption of the Lease.
4. **Governing Law.** This Assignment shall be governed by and construed in accordance with the laws of the State of California without giving effect to its conflict of laws rules.
5. **Counterparts; Facsimile Execution.** This Assignment may be executed in one or more counterparts (including by facsimile or by electronic copy or transmission), each of which will be the binding agreement of the executing party and which, when taken together, shall be deemed to be one and the same instrument.
6. **Successors and Assigns.** This Assignment shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.
7. **Effective Date.** This Assignment shall be effective on the date first written above.



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**ASSIGNEE:**

LMRK PROPCO 3 LLC,  
a Delaware limited liability company

By: [Signature]  
Name: Josef Bobek  
Title: Authorized Signatory  
Dated: 7-23-18

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

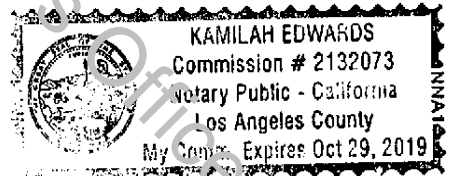
On 7-23-18, before me Kamilah Edwards, a Notary Public, personally appeared Josef Bobek, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official Seal.

[Signature]  
Signature of Notary Public

[SEAL]



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## EXHIBIT "A"

### LEGAL DESCRIPTION OF PROPERTY

The land referred to herein below is situated in the County of Cook, City of Skokie, State of Illinois and is described as follows:

The East 67.60 feet of the West 125.0 feet of that part of Lot 12 in County Clerk's Division of Section 16, Township 41 North, Range 13, East of the Third Principal Meridian, described as follows:

Commencing at a point on the Original North Line of Dempster Street (said Original North Line of Dempster Street Being 30 feet North of and Parallel with The South Line of said Section 16) 238.68 feet West from the Original Northwest Corner of Dempster Street and Niles Center Road; thence North Parallel to the East Line of Section 16 Aforesaid, 130.10 feet; thence West 150 feet; thence South 130.10 feet; thence East 150 feet to the point of beginning (excepting therefrom the South 10 feet thereof Taken for the Widening of Dempster Street per Case No. 55704 County Court), in Cook County, Illinois.

Parcel ID #10-16-433-074

This being the same property conveyed to F. Michael 4868 LLC, an Illinois Limited Liability Company from Chicago Title Land Trust Company, a corporation of Illinois, as Successor Trustee under the Provisions of a deed or deeds in trust, duly recorded and delivered to said company in pursuance of a trust agreement dated the 1st day of June, 1993, and Known as Trust Number RV-012110, in a deed dated February 16, 2011 and Recorded April 29, 2011 as Instrument No. 1111956032.

Property Commonly Known As: 4864 Dempster St Skokie, IL 60077 2253

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## EXHIBIT "B"

### EASEMENT AREA DESCRIPTION

#### ROOFTOP EASEMENT

THAT PART OF THE EAST 67.60 FEET OF THE WEST 125.0 FEET OF THAT PART OF LOT 12 IN COUNTY CLERK'S DIVISION OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF BRONX AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DEMPSTER STREET (BEING 40 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 16); THENCE SOUTH 89°52'42" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 316.4 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SAID EAST 67.60 FEET; THENCE NORTH 0°22'56" EAST ALONG SAID WESTERLY LINE, 56.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°22'56" EAST ALONG SAID LINE, 39.94 FEET; THENCE SOUTH 89°35'04" EAST, 67.31 FEET; THENCE SOUTH 0°38'54" WEST, 39.94 FEET; THENCE NORTH 89°35'04" WEST, 67.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,685 SQUARE FEET (OR 0.062 ACRES), MORE OR LESS.

#### EQUIPMENT EASEMENT

THAT PART OF THE EAST 67.60 FEET OF THE WEST 125.0 FEET OF THAT PART OF LOT 12 IN COUNTY CLERK'S DIVISION OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF BRONX AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DEMPSTER STREET (BEING 40 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 16); THENCE SOUTH 89°52'42" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 316.4 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SAID EAST 67.60 FEET; THENCE NORTH 0°22'56" EAST ALONG SAID WESTERLY LINE, 56.18 FEET; THENCE CONTINUING NORTH 0°22'56" EAST ALONG SAID LINE, 39.94 FEET; THENCE SOUTH 89°35'04" EAST, 57.60 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°22'56" EAST, 23.19 FEET TO THE SOUTHERLY LINE OF A 20.00 FOOT WIDE PUBLIC ALLEY; THENCE SOUTH 89°41'10" EAST ALONG SAID SOUTHERLY LINE, 10.00 FEET TO THE EASTERLY LINE OF THE AFORESAID EAST 67.60 FEET; THENCE SOUTH 0°22'56" WEST ALONG SAID EASTERLY LINE, 23.21 FEET; THENCE NORTH 89°35'04" WEST, 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 232 SQUARE FEET (OR 0.005 ACRES), MORE OR LESS.

#### ACCESS & UTILITY EASEMENT

A NON-EXCLUSIVE EASEMENT IN, ON, OVER, UNDER, AND ACROSS THE ROOFTOP AND BUILDING LOCATED ON THE PARENT PARCEL PROPERTY DESCRIBED IN EXHIBIT A FOR THE PURPOSES OF ACCESS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, REMOVAL, MAINTENANCE, REPAIR OR REPLACEMENT OF RELATED FACILITIES, TOWER AND BASE ANTENNA, MICROWAVE DISHES, GLOBAL POSITIONING SYSTEM ANTENNAS, EQUIPMENT SHELTERS AND/OR CABINETS AND RELATED ACTIVITIES TOGETHER WITH THE SPACE REQUIRES FOR PLACEMENT AND DISTRIBUTION OF ELECTRICAL WIRES AND RELEASED FACILITIES TO SERVICE THE EQUIPMENT DESCRIBED HEREIN.

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## EXHIBIT "C"

### LEASE DESCRIPTION

That certain Lease Agreement dated Sep 30, 2005, by and between Landmark Infrastructure Holding Company LLC, a Delaware limited liability company, successor in interest to F Michael 4868, LLC, an Illinois limited liability company, whose address is P.O. Box 3429, El Segundo, California, 90245 ("Lessor") and Voicestream GSM I Operating Co., LLC, a Delaware limited liability company, ("Lessee"), whose address is 12920 S.E. 38th Street Attn: PCS Lease Administrator, Bellevue WA 98006, for the property located at 4864 Dempster St, Skokie IL 60077-2253, together with any and all amendments, modifications and/or assignments thereto.