

# UNOFFICIAL COPY

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Karen A. Yarbrough  
Cook County Clerk  
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THIS DOCUMENT PREPARED BY:

DYKEMA GOSSETT PLLC  
Adam M. Fishkind, Esq.  
39577 Woodward Avenue, Suite 300  
Bloomfield Hills, Michigan 48304

AFTER RECORDING RETURN TO:

Crown Castle  
Attn: Post-Closing Department  
1220 Augusta Drive, Suite 600  
Houston, TX 77057

## MEMORANDUM OF OPTION AND SITE LEASE AGREEMENT

See Exhibit "A" for Legal Description, Common Address and Parcel No.

**THIS MEMORANDUM OF OPTION AND SITE LEASE AGREEMENT** (this "Memorandum") is made this 31 day of March, 2020, by and between **OAKTON INDUSTRIAL LLC**, an Illinois limited liability company ("Landlord"), having a mailing address of 853 North Elston, Chicago, Illinois 60642, and **NCWPCS MPL 26 – YEAR SITES TOWER HOLDINGS LLC**, a Delaware limited liability company ("Tenant"), having a mailing address of Legal Department, Attn: Network Legal, Re: Fixed Asset No. 10095674, 208 S. Akard Street, Dallas, Texas 75202-4206, by and through its attorney-in-fact, CCATT LLC, a Delaware limited liability company, having a mailing address of c/o Crown Castle USA Inc., Attn: Legal – Real Estate Department, 2000 Corporate Drive, Catoonsburg, Pennsylvania 15317.

### RECITALS

**WHEREAS**, Landlord and Tenant are the current parties under that certain Option and Site Lease Agreement dated as of January 31, 1996, with a commencement date of October 25, 1996, originally by and between AT&T Wireless PCS, Inc., a Delaware corporation ("AT&T"), as tenant, and Landlord, as landlord (the "Original Lease");

**WHEREAS**, the Original Lease was amended by that certain undated Addendum No. 1 to Option and Site Lease Agreement and that certain undated Addendum No. 2 to Option and Site Lease Agreement and further amended by that certain Addendum No. 3 to Option and Site Lease Agreement dated September 11, 1996, that certain Addendum No. 4 to Option and Site Lease Agreement dated September 30, 1996 and that certain Addendum No. 5 to the Site and Lease Agreement dated August 24, 1999 (collectively, with the Original Lease, the "Lease");

**WHEREAS**, Tenant is the successor in interest to AT&T;

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**WHEREAS**, the parties have modified the terms of the Lease by that certain Addendum No. 6 to Option and Site Lease Agreement dated the same date as this Memorandum, by and between Landlord and Tenant, and wish to provide record notice of the existence of the Lease as amended thereby (hereafter, the Lease is referred to as the "Amended Lease") and the status of certain rights and interests thereunder through the recording of this Memorandum in the Public Records of Cook County, Illinois; and

**WHEREAS**, the Amended Lease pertains to certain real property leased to Tenant (the "Leased Premises") together with access and utility easements granted to Tenant more particularly described in the Amended Lease, located on a portion of Landlord's property that is more particularly described on Exhibit "A" attached hereto and incorporated by this reference ("Landlord's Property").

## OPERATIVE PROVISIONS

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. The recitals hereinabove are true and correct and are incorporated herein by this reference.
2. Landlord hereby acknowledges, ratifies, and confirms Tenant's interest in and to the Amended Lease.
3. The terms and provisions of the Amended Lease are hereby restated and incorporated herein by this reference.
4. The current term of the Amended Lease will expire on October 31, 2021, to be followed by up to four (4) additional terms of five (5) years each. The term of the Amended Lease, including all additional terms, if exercised, will expire on October 31, 2041.
5. The Amended Lease pertains to a 1,500 square foot portion of that certain real property described on Exhibit "A" attached hereto.
6. The parties consent to the recording of this Memorandum in the public records of the county in which the Leased Premises is situated, and agree that this Memorandum shall be executed in recordable form.
7. This Memorandum may be executed in counterparts, each of which shall constitute an original instrument.

[Signatures begin on the following page]

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**TENANT:**

**NCWPCS MPL 26 – YEAR SITES TOWER HOLDINGS LLC,**  
a Delaware limited liability company

**By:** CCATT LLC,  
a Delaware limited liability company  
**Its:** Attorney-in-fact

**By:** *[Signature]*  
**Name:** Helen V. Smith  
**Its:** Director  
**Date:** 3.31.21

### ACKNOWLEDGEMENT

STATE OF TEXAS                                )  
  ) SS  
COUNTY OF HARRIS                         )

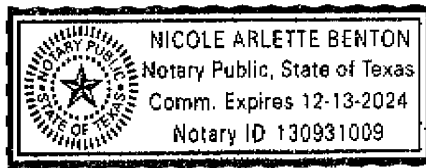
On this, the 31 day of March, 2020, before me, the undersigned Notary Public, personally appeared Helen V. Smith, who acknowledged him/herself to be the Director of CCATT LLC, a Delaware limited liability company, the Attorney-in-Fact for NCWPCS MPL 26 – Year Sites Tower Holdings LLC, a Delaware limited liability company, and that he/she, being authorized to do so, executed the foregoing Memorandum of Option and Site Lease Agreement for the purposes therein contained.

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

*[Signature]*

Notary Public, State of Texas, County of Harris  
My Commission Expires:

[SEAL]



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IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum as of the date first written above.

**LANDLORD:**

**OAKTON INDUSTRIAL LLC**, an Illinois limited liability company

By: 

Name: Harley Kahn

Its: Property Manager

Date: 3.9.2021

Property of Cook County Clerk's Office

**ACKNOWLEDGEMENT**

STATE OF Illinois )  
 ) SS  
COUNTY OF Cook )

On this, the 12<sup>th</sup> day of March, 2021, before me, the undersigned Notary Public, personally appeared HARLEY KAHN, who acknowledged him/herself to be the PROPERTY MANAGER of Oakton Industrial LLC, an Illinois limited liability company, and that he/she, being authorized to do so, executed the foregoing Memorandum of Option and Site Lease Agreement for the purposes therein contained.

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

Molly Ferstel

Notary Public, State of Illinois, County of Cook

Acting in the County of Cook

My Commission Expires: June 05, 2022

[SEAL]



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## EXHIBIT "A"

### LEGAL DESCRIPTION OF LANDLORD'S PROPERTY

THE WEST 305.0 FEET OF THE EAST 691.0 FEET, EXCEPT THE SOUTH 270.0 FEET THEREOF, OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 SECTION 23, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

AND

THE WEST 283.0 FEET OF THE EAST 974 FEET (EXCEPT THE SOUTH 50 FEET OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL ID#: 08-23-400-015, 08-23-400-019 & 08-23-400-020

THIS BEING A PORTION OF THE SAME PROPERTY CONVEYED TO OAKTON INDUSTRIAL COMMONS, A JOINT VENTURE, AN UNDIVIDED SEVENTY FIVE AND ONE-HALF (75.50%) INTEREST AND CHICAGO TRUST COMPANY, AS TRUSTEE OF THE LOIS WAGENER DECLARATION OF TRUST DATED OCTOBER 13, 1987, AN UNDIVIDED TWENTY FOUR AND ONE HALF (24.50%) INTEREST, TO BE HELD AS TENANTS-IN-COMMON, AS TO EACH OTHER FROM FIRST AMERICAN BANK, AS SUCCESSOR TRUSTEE TO FIRSTMERIT BANK, N.A., AS SUCCESSOR TRUSTEE TO MIDWEST BANK AND TRUST COMPANY, AN ILLINOIS BANKING CORPORATION, AS TRUSTEE UNDER THE PROVISIONS OF A DEED OR DEEDS IN TRUST, DULY RECORDED OR REGISTERED AND DELIVERED TO SAID BANK IN PURSUANCE OF A TRUST AGREEMENT DATED THE 1ST DAY OF NOVEMBER, 1976, AND KNOWN AS TRUST NO. 76-11-1866 IN A DEED DATED AUGUST 5, 2019 AND RECORDED AUGUST 22, 2019 AS INSTRUMENT NO. 1923417154.

Property Address: 2416-2440 Oakton Street, Mt. Prospect, Illinois 60005

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