

# UNOFFICIAL COPY

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Karen A. Yarbrough  
Cook County Clerk  
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Prepared by and upon  
recording return to:

Weiss Brown, PLLC  
6263 N. Scottsdale Rd.,  
Suite 340  
Scottsdale, AZ 85250

PIN: 16-14-301-025-0000

Above Space for Recorder's Use Only

## MEMORANDUM OF FIRST AMENDMENT TO OPTION AND SITE LEASE AGREEMENT

This Memorandum of First Amendment to Option and Site Lease Agreement is made effective this 22 day of June, 2022 by and between AP WIRELESS INVESTMENTS I LLC, a Delaware limited liability company, with a mailing address of 4250 Executive Square, Suite 900, La Jolla, CA 92037 (hereinafter referred to as "Landlord") and NCWPCS MPL 26 - YEAR SITES TOWER HOLDINGS LLC, a Delaware limited liability company, by and through its Attorney In Fact, CCATT LLC, a Delaware limited liability company, having a mailing address of 2000 Corporate Drive, Canonsburg, Pennsylvania 15317 (hereinafter referred to as "Tenant").

1. Channon C. Turner and Iris M. Turner (collectively "Original Landlord") and AT&T Wireless PCS, Inc., a Delaware corporation ("Original Tenant") entered into an Option and Site Lease Agreement dated February 15, 1996 (the "Lease"), whereby Original Tenant leased certain real property, together with access and utility easements, located in Cook County, Illinois from Original Landlord (the "Premises"), all located within certain real property owned by Original Landlord ("Landlord's Property"). Landlord's Property, of which the Premises is a part, is more particularly described on Exhibit A attached hereto.

2. Original Landlord, predecessor to Landlord, as landlord under the Agreement, entered into an Easement and Assignment Agreement dated November 22, 2010 with Landlord's predecessor in interest AP Wireless Infrastructure Partners LLC, a Delaware limited liability company (the "Easement Agreement"), which Easement Agreement was recorded in the official records of Cook County, Illinois ("Official Records") on February 16, 2011 at Document No. 1104733184, whereby Original Landlord (i) granted to Landlord a forty (40) year easement over a portion of Landlord's Property (the "Communications Easement Area") for the transmission and

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reception of wireless communications signals and the construction, maintenance, repair replacement improvement operation and removal of towers, antennas, buildings, fences gates and related facilities, and (ii) granted easements for access and utilities to the Communications Easement Area, and (iii) assigned to Landlord the landlord's interest under the Agreement. The Easement Agreement was assigned to Landlord by an Asset Transfer Agreement dated December 1, 2012.

3. Original Landlord and AP WIP Tower LLC, a Delaware limited liability company ("Site Owner"), entered into a Purchase and Sale, which was recorded in the official records of Cook County, Illinois ("Official Records") on March 24, 2014 at Document No. 1408322028, whereby Original Landlord conveyed and quit claimed the Landlord's Property to Site Owner. Site Owner consents to the First Amendment, defined below, and the recording of this Memorandum.

4. NCWPCS MPL 26 - Year Sites Tower Holdings LLC is currently the Tenant under the Lease as successor in interest to the Original Tenant.

5. The Lease had an initial term that commenced on June 28, 1996 and expired on June 30, 2001. The Lease provides for four (4) extensions of five (5) years each, all of which were exercised by Tenant (each extension is referred to as an "Additional Term"). According to the Lease, the final Additional Term expired June 30, 2021. The Lease has continued on a month to month basis since July 1, 2021.

6. Landlord and Tenant have entered into a First Amendment to Option and Site Lease Agreement (the "First Amendment"), of which this is a Memorandum, providing for twenty (20) more Additional Terms of five (5) years each. If all Additional Terms are exercised, the final Additional Term will expire June 30, 2121.

7. If requested by Tenant, Landlord will execute, at Tenant's sole cost and expense, all documents required by any governmental authority in connection with any development of, or construction on, the Premises ("Development"), including documents necessary to petition the appropriate public bodies for certificates, permits, licenses and other approvals deemed necessary by Tenant in Tenant's absolute discretion to utilize the Premises for the purpose of constructing, maintaining and operating communications facilities, including without limitation, tower structures, antenna support structures, cabinets, meter boards, buildings, antennas, cables, equipment and uses incidental thereto. Landlord agrees to be named applicant if requested by Tenant. In furtherance of the foregoing, in the event that Tenant requests Landlord to sign any land use applications, permits, licenses and other approvals for the Development and Landlord fails to execute or provide reasonable comments thereto and return same to Tenant within fifteen (15) days of receiving the documents, Landlord hereby appoints Tenant as Landlord's attorney-in-fact to execute such documents on Landlord's behalf. If Landlord provides reasonable comments to the documents and the comments are agreed to by Tenant, Landlord shall have three (3) business days upon receiving the revised documents to execute same or Tenant may do so as Landlord's attorney-in-fact. Landlord shall be entitled to no further consideration with respect to any of the foregoing matters.

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8. The terms, covenants and provisions of the First Amendment shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of Landlord and Tenant.

9. This Memorandum does not contain the social security number of any person.

10. A copy of the First Amendment is on file with Landlord and Tenant.

[Execution Pages Follow]

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**LANDLORD:**

AP WIRELESS INVESTMENTS I, LLC, a Delaware limited liability company

By: \_\_\_\_\_

Print Name: Andrew Wood

Title: Executive VP

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 CA )

COUNTY OF San Diego )

ss:

On June 22, 2022 before me, Kristi Ann Howard (insert name and title of the officer), personally appeared Andrew Wood Executive VP, 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 the 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 CA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kristi Ann Howard

Signature of Notary Public



[Seal]



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## EXHIBIT A (Legal Description of Landlord's Property)

An interest in land, said interest being over a portion of the following described parent parcel:

Lot 27 in Frank J. Wisner's Addition to Chicago, a subdivision of Lots 1 and 2 of Circuit Court Partition of the West half of the South West quarter of Section 14, Township 39 North, Range 13, East of the Third Principal Meridian in the County of Cook, State of Illinois.

Tax Parcel Nos. 16-14-301-025-0000

Common Address: 2905 W Harrison St, Chicago, IL 60624

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