

UNOFFICIAL COPY

Doc#: 2334506299 Fee: \$107.00
Karen A. Yarbrough
Cook County Clerk
Date: 12/11/2023 01:48 PM Pg: 1 of 6

THIS INSTRUMENT WAS PREPARED)
BY)
Joseph A. Bennett, Esq.)
Eversheds Sutherland (US) LLP)
227 W Monroe St., Suite 6000)
Chicago, IL 60606)

AFTER RECORDING RETURN TO:)

c/o Aligned Data Centers, LLC)
2800 Summit Avenue)
Plano, TX 75074)
Attn: General Counsel)

[Space Above Reserved for Recording Data]

AMENDED MEMORANDUM OF LEASE

THIS AMENDED MEMORANDUM OF LEASE (“**Memorandum**”) is dated as of the 4th day of December, 2023 with an effective date of November 22, 2023 by and between Aligned Data Centers (ORD) PropCo, LLC (“**Landlord**”), and Aligned Data Centers (ORD) DevCo, LLC (“**Tenant**”).

RECITALS

A. Landlord owns certain real property located at 501 Northwest Avenue, Northlake in Cook County, Illinois, consisting of approximately 7.504 acres of land, which is described more particularly on Exhibit A attached hereto (as more fully described in the Lease, and hereinafter defined, the “**Premises**”).

B. Landlord has leased the Premises, with all applications, approvals and permits related thereto, if any, to Tenant pursuant to a Ground Lease, dated November 22, 2023 and amended December 4, 2023 (the “**Lease**”).

C. Pursuant to this Memorandum, Landlord and Tenant desire to confirm, ratify and give public notice of Landlord’s lease of the Premises to Tenant pursuant to the Lease and of certain of the rights and interests of Tenant and Landlord under the Lease.

UNOFFICIAL COPY

Notice is hereby given of the following:

1. Lease. The Lease pertains to real property located at 501 Northwest Avenue, Northlake in Cook County, Illinois consisting of approximately 7.461 acres of land, which is described more particularly on Exhibit A attached hereto and includes a portion of Parcel 12-31-301-021-0000.

2. Term. The Lease provides that the Initial Term of the Lease is ninety-nine (99) years commencing on November 22, 2023 (the "**Commencement Date**"). The term of the Lease will be automatically extended for two (2) additional consecutive periods of five (5) years each, all on the terms and conditions in the Lease, unless Tenant gives written notice to Landlord of Tenant's intent not to have the term of the Lease so extended.

3. Use and Restrictions. The Lease provides that Tenant may use the Premises for any legal purpose, including, without limitation, the development of a data center. The Lease also provides that Landlord grants access to Tenant to all of the existing driveways, roads and paved areas located on Landlord's property so Tenant has vehicular and pedestrian access to Northwest Avenue, a public right-of-way in Northlake, IL.

4. Memorandum. The foregoing represents only selected provisions of the Lease. Interested parties should contact Landlord or Tenant for more information. This Memorandum, and the rights and obligations of the parties hereunder, are subject to all of the terms and conditions of the Lease. This Memorandum does not add to, supersede, replace, amend or otherwise affect the Lease. To the extent of any conflict or inconsistency between any provisions of this Memorandum and the provisions of the Lease, the Lease, and not this Memorandum, shall control and govern.

[Signature page and acknowledgements follow]

UNOFFICIAL COPY

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the date set forth above.

LANDLORD:

TENANT:

Aligned Data Centers (ORD) PropCo, LLC

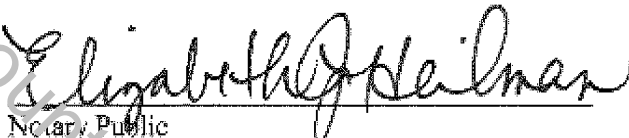
Aligned Data Centers (ORD) DevCo, LLC

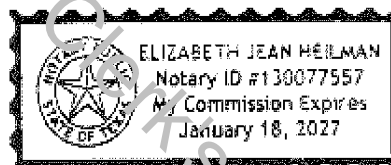
By: _____
Name: Andrew Schaap
Title: CEO

By: _____
Name: Anubhav Raj
Title: CFO

STATE OF TEXAS)
 : ss.
COUNTY OF COLLIN)

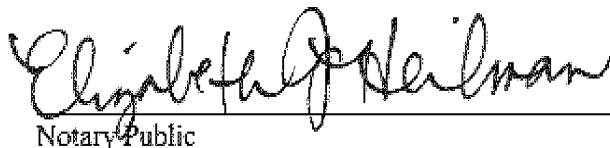
On the 4th day of December, 2023 personally appeared before me Andrew Schaap who duly acknowledged to me that he executed the foregoing Memorandum of Lease as the CEO of Aligned Data Centers (ORD) PropCo, LLC.

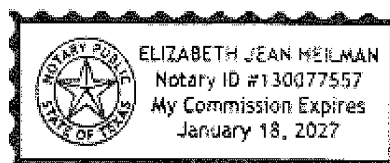

Notary Public



STATE OF TEXAS)
 : ss.
COUNTY OF COLLIN)

On the 4th day of December, 2023 personally appeared before me Anubhav Raj who duly acknowledged to me that he executed the foregoing Memorandum of Lease as the CFO of Aligned Data Centers (ORD) DevCo, LLC.


Notary Public



UNOFFICIAL COPY

EXHIBIT A

Description and Depiction

ALL THAT CERTAIN TRACT OF LAND SITUATED IN THE WEST 1/2 OF FRACTIONAL SECTION 31, TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SECTION 30 SAID LINE ALSO BEING THE DIVISION LINE BETWEEN DUPAGE COUNTY AND COOK COUNTY, A DISTANCE OF 1,051.81 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THAT CERTAIN EASEMENT CONVEYED BY THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY TO THE COMMONWEALTH EDISON COMPANY BY EASEMENT DEED DATED JANUARY 16, 1957 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR COOK COUNTY, ILLINOIS AS DOCUMENT 16827903, ON FEBRUARY 18, 1957 IN BOOK 52875 ON PAGES 192-195; THENCE NORTH 70 DEGREES 11 MINUTES 30 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY OF SAID EASEMENT, A DISTANCE OF 338.80 FEET TO A POINT; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE PARALLEL WITH AND 60 FEET EAST OF (MEASURED AT RIGHT ANGLES) THE EAST RIGHT OF WAY LINE OF THE NORTHERN ILLINOIS TOLL HIGHWAY A DISTANCE OF 1,147.84 FEET TO A POINT; THENCE CONTINUING ALONG THE LAST MENTIONED COURSE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 2,500 FEET TO A POINT BEING THE SOUTHWEST CORNER OF A CERTAIN PARCEL OF LAND CONVEYED TO THE KROGER COMPANY BY THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY BY DEED DATED ON FEBRUARY 26, 1960; THENCE CONTINUING ALONG THE LAST MENTIONED COURSE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF ACCESS ROAD "C", SAID LINE ALSO BEING 60 FEET EASTERLY OF (MEASURED PERPENDICULAR TO) THE EASTERLY RIGHT OF WAY LINE OF THE NORTHERN ILLINOIS TOLL HIGHWAY A DISTANCE OF 392.84 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF ACCESS ROAD "C", ALSO BEING A LINE 60 FEET EASTERLY OF (AS MEASURED PERPENDICULAR TO) THE EASTERLY RIGHT OF WAY LINE OF THE NORTHERN ILLINOIS TOLL HIGHWAY, BEING A CURVE CONVEX WESTERLY AND HAVING A RADIUS OF 7,597.44 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 00 DEGREES 12 MINUTES 23 SECONDS EAST HAVING A CHORD LENGTH OF 43.09 FEET FOR AN ARC LENGTH OF 43.09 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 161.71 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 6.21 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 23.74 FEET TO A POINT OF CURVATURE BEING A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 81 DEGREES

UNOFFICIAL COPY

19 MINUTES 04 SECONDS EAST, HAVING A CHORD LENGTH OF 30.00 FEET FOR AN ARC LENGTH OF 30.11 FEET TO A POINT OF REVERSE CURVATURE, BEING A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100.00 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 81 DEGREES 19 MINUTES 04 SECONDS EAST, HAVING A CHORD LENGTH OF 30.00 FEET FOR AN ARC LENGTH OF 30.11 FEET TO A NON-TANGENT LINE; THENCE NORTH 89 DEGREES 56 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 670.99 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 271.40 FEET TO A POINT OF CURVATURE, BEING A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 44 DEGREES 56 MINUTES 41 SECONDS WEST, HAVING A CHORD LENGTH OF 141.42 FEET FOR AN ARC LENGTH OF 157.08 FEET TO A POINT OF TANGENCY; THENCE SOUTH 39 DEGREES 56 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 607.28 FEET TO A POINT OF CURVATURE BEING A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 20.00 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 45 DEGREES 03 MINUTES 19 SECONDS WEST, HAVING A CHORD LENGTH OF 28.28 FEET FOR AN ARC LENGTH OF 31.42 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 03 MINUTES 19 SECONDS WEST A DISTANCE OF 14.47 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 65.14 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 5.53 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 02 SECONDS WEST FOR A DISTANCE OF 114.97 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE OF ACCESS ROAD "C", ALSO BEING A LINE 60 FEET EASTERLY OF (AS MEASURED PERPENDICULAR TO) THE EASTERLY RIGHT OF WAY LINE OF THE NORTHERN ILLINOIS TOLL HIGHWAY; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF ACCESS ROAD "C", ALSO BEING A LINE 60 FEET EASTERLY OF (AS MEASURED PERPENDICULAR TO) THE EASTERLY RIGHT OF WAY LINE OF THE NORTHERN ILLINOIS TOLL HIGHWAY, BEING A CURVE CONVEX WESTERLY AND HAVING A RADIUS OF 7,597.44 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 01 DEGREES 34 MINUTES 03 SECONDS WEST HAVING A CHORD LENGTH OF 317.83 FEET FOR AN ARC LENGTH OF 317.86 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

CONTAINING 7.504 ACRES (326,884 SF) MORE OR LESS, AND PERTAINS TO REAL PROPERTY LOCATED AT 501 NORTHWEST AVENUE, NORTHLAKE IN COOK COUNTY, ILLINOIS AND INCLUDES A PORTION OF PARCEL 12-31-301-021-0000.

UNOFFICIAL COPY

