# FICIAL COPY

Store #972 Niles, Illinois

### AGREEMENT

AGREEMENT made and entered into this eighteenth day of August, 1986, by and between MILWAUKEE GOLF DEVELOPMENT COMPANY, an Illinois limited partnership, with offices at 308 Golf Mill Professional Building, Niles, Illinois 60648 hereinafter called the "Landlord", and J. C. PENNEY COMPANY, INC., a Delaware corporation with offices at 1301 Avenue of the Americas, New York, New York 10019, hereinafter called the "Tenant",

### WITNESSETH: That

WHEREAS, by Indenture of lease dated as of April 10, 1964, a Memorandum o lease having been recorded on November 6, 1964 in the Office of the Recorder of Deeds of Cook County, Illinois as Document #19295405, as amended by any agreement or agreements supplementary thereto (the "Lease"), Milwaukee Golf Development Corporation, predecessor in interest to Landlord, leased to Tenant, formerly known as J. C. Penney Company, certain premises in the Golf Mill Shopping Center (the "Shopping Center") located in the Town of Niles, County of Cook and State of Illinois, more particularly described therein (the "Demised Premises"), for a term which commenced on October 20, 1/6/ and continuing thereafter to and including October 31, 1986, unless extended or sooner terminated as therein provided; and

WHEREAS, the parties hereto further modified the terms and provisions of the Lease by a Lease Amendment Agreement dated as of February 22, 1985 (hereinafter referred to the "Agreement"); and

WHEREAS, the Agreement provided for an extension of the term of the Lease for a period of fifteen years commencing on September 1, 1986 or the date on which the Grand Re-Opening of the Shopping Center occurs, whichever date is earlier (the "Commencement Date"), and continuing thereafter to and including the date fifteen (15) years from the first day of the first month immediately following the Commencerent Date; and

WHEREAS, the Commencement Date has been determined to be September 1, 1986.

NOW, THEREFORE, the parties hereto agree as follows:

The extended term of the Lease shall commence on September 1, 1986 and shall continue until September 30, 2001, unless sooner terminated or extended as provided therein.

Each lease year of the term of the Lease shall continue to commence on November 1 of each year and to expire on October 31 of the **A**llowing year.

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RETURN RECORDED DOCUMENT TO: Schaumburg, N. 60173-5079 Attn: Reaf Estate Dept.

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RETURN RÉCORDED DOCUMENT TO:
J.C. PENNEY COMPANY, INC.
650 Woodfield
Schaumburg, N. 60173-5073
Attn: Real Estate Dept.

3. Tenant's operating covenant as set forth in Article 24 of the Agreement captioned "OPERATING COVENANT OF TENANT" shall commence on September 1, 1986 and shall expire on August 31, 2001, unless sooner terminated as provided therein.

IN WITNESS WHEREOF, Landlord and Tenant have duly executed and sealed this Agreement as of the day and year first above written.

MILWAUKEE GOLF DEVELOPMENT WITNESSES (as to Landlord): Este 1.1 By ohn F. Cuned, Jr. Ox Cook ( J. C. PENNEY COMPANY, INC. ATTEST: Margarit A Honor Assistent Secretary Margaret R Johnson RECORTS Vice President ATPROVED (Corporate Seal) WITNESSES / at to Tenant): John

> This document prepared by: Margaret R. Johnson, Esq. Attorney at Law c/o J.C. Penney Company, Inc. 650 Woodfield Schaumberg, Ill. 69195

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STATE OF JLLINOIS COUNTY OF COOK  On this the 2ND day of SEPTEMBER, 1986, before me, a Notary Public duly authorized in and for the said County in the State aforesaid to take acknowledgments, personally appeared  OHNF. CONED, JR.  known to me to be the person(s) whose name(s) (is) (are) subscribed to the foregoing instrument and acknowledged having executed the same as a free and voluntary act for the purposes therein contained.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.
Tore M. Bollinger Notery Public
STATE OF NEW YORK COUNTY OF NEW YORK
On this the 18 day of Stember, 1966, before me, a Notary Public duly authorized in and for the sold County-in the State aforesaid to take acknowledgments, personally appeared to me to be a Vice President of J. Pennsey Company, Inc., one of the corporations described in the foregoing instrument, and acknowledged that as such officer, being authorized so to do, he executed the foregoing instrument on behalf of said corporation by subscribing the name of said corporation by himself or such officer and caused the corporate seal of said corporation to be affixed thereto, as his free and voluntary act, and as the free and voluntary act of said corporation, for the uses and resposes therein set forth.
IN WITNESS WHEREOF, I hereunto set my hand and of icial seal.
My Commission Expires:  My Commission Expires Oct. 18, 1986  Dorothy J. Porlem a Notary Public

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#### EXHIBIT A

### DESCRIPTION OF SHOPPING CENTER SITE

The tract of land herein referred to in this Momorandum of Lease Agreement as the Shopping Center is situated in the Town of Niles, County of Cook, and State of Illinois, and is To To more parcicularly described as follows:

#### PARCEL I

That part of the North Half of Section 14, Township 41 North, Range 12 East of the Third Principal Meridian, described as follows:

Commencing at a point located 50.00 feet east and 40.00 feet north of the southwest corner of the Southeast Quarter of the Northwest Quarter of Section 14; thence on an assured bearing of North 87 Degrees 44 Minutes 00 Seconds East along the north line of Church Street, said line being 40.00 feet north of and parallel to the south line of the North Half of Section 14, for a of and parallel to the south line of the North Half of Section 14, for a distance of 335.54 feet to a point of beginning; thence continuing North 87 Degrees 44 Minutes 00 Seconds East along the north line of Church Street for a distance of 1368.64 feet to a point on a curve, said curve being the northwesterly line of Maryland Street as dedicated September 30, 1959 By Document 1888825; thence northeasterly along the arc of a curve on the northwesterly line of Maryland Street, said curve being concave to the southeast and having a radius of 136.00 feet and a chord bearing North 29 Degrees 21 Minutes 37 Seconds East for a distance of 151.51 feet to a point of tangency; thence continuing northeasterly along the northerly line of Maryland tangency; thence continuing northeasterly along the northerly line of Maryland Street on a bearing of North 61 Degrees 14 Minutes 05 Seconds East for a distance of 213.57 feet to a point on the southwesterly line of Milwaukee Avenue as described in a Quit Claim Deed dated June 29, 1961 and recorded as Document 18316718; thence North 28 Degrees 45 Minutes 55 Seconds West along the southwesterly line of Milwaukee Avenue for a distance of 314 00 feet to a the southwesterly line of Milwaukee Avenue for a distance of 314.00 feet to a point, said point being 49.62 feet southwesterly, measured at right angles, from the centerline of Milwaukee Avenue; thence South 61 Degrees 14 Minutes 05 Seconds West along the southwesterly line of Milwaukee Avenue for a distance of 5.00 feet to a point; thence North 28 Degrees 46 Minutes 10 Seconds West along the southwesterly line of Milwaukee Avenue for a distance of 280.04 feet to a point, said point being 54.68 feet southwesterly, measured at right angles, from the centerline of Milwaukee Avenue; thence North 28 Degrees 49

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PARCEL I (Continued)

Minutes 24 Seconds West along the southwesterly line of Milwaukee Avenue for a distance of 101.65 feet to a point, said point being 54.73 feet southwesterly, measured at right angles, from the centerline of Milwaukee Avenue; thence North 28 Degrees 40 Minutes 58 Seconds West along the southwesterly line of Milwaukee Avenue for a distance of 345.62 feet to a point of curvature, said point being 55.00 feet southwesterly, measured at right angles, from the centerline of Milwaukee Avenue; thence northwesterly along the arc of a curve, said curve being on the southwesterly line of Milwaukee Avenue, concave to the southwest, having a radius of 5400.37 feet and a chord bearing North 30 Degrees 32 Minutes 45 Seconds West, for a distance of 319.52 feet to a point on the southwesterly line of land conveyed by Milwaukee-Golf Development Corporation to Sears Roebuck and Company by Warranty Deed dated April 12, 1957 and recorder April 26, 1957 as Document 16887721, in the office of the Recorder of Lands, in and for Cook County, Illinois,

Thence South 71 Degrees 00 Minutes 00 Seconds West along said southensterly line of land conveyed by deed dated April 12, 1975, for a distance of 456.31 feet to a point; thence North 19 Degrees 00 Minutes 00 Seconds West for a distance of 97.06 feet to a point; thence South 71 Degrees 00 Minutes 00 Seconds West for a distance of 36.00 feet to the southeasterly corner of said brick building occupied by a Sears Roebuck Retail Store; thence South 71 Degrees 04 Minutes 44 Seconds lest along the southerly face of said building for a distance of 50.96 feet to a point; thence South 12 Degrees 37 Minutes 40 Seconds East along said southerly face of said building for a distance of 5.95 feet to a point; thence South 78 Degrees 20 Minutes 39 Seconds West along said southerly face of said building for a distance of 5.95 feet to a point; thence South 13 Degrees 19 Minutes 16 Seconds East along said southerly face of building for a distance of 1.10 feet to a point; thence South 76 Degrees 09 Hinutes 38 Seconds West along said southerly face of building for a distance of 25.54 feet to a point; thence South 19 Degrees 40 Minutes 20 Seconds East along said southerly face of building for a distance of 2.80 feet to a point; thence South 71 Degrees 36 Minutes 50 Seconds Ast along said southerly face of building for a distance of 2.84 feet to a point; thence South 74 Degrees 42 Minutes 36 Seconds West along said southerly face of building for a distance of 2.54 feet to a point; thence South 74 Degrees 42 Minutes 36 Seconds West along said southerly face of building for a distance of 2.80 feet to a point; thence South 71 Degrees 20 Minutes 19 Seconds West along said southerly face of building for a distance of 2.74 feet to a point; thence South 71 Degrees 20 Minutes 19 Seconds West along said southerly face of building for a distance of 2.75 feet to a point; thence South 65 Degrees 07 Minutes 09 Seconds West along said southerly face of building for a distance of 5.86 feet to a point; thence South 71 Degrees 20 Minutes 45 Seconds We

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PARCEL I (Continued)

78.18 feet to the southwesterly corner of said brick building; thence continuing South 70 Degrees 58 Minutes 00 Seconds West along the southerly face of a brick wall for a distance of 57.86 feet to the southwesterly corner of said brick wall; thence South 71 Degrees 00 Minutes 00 Seconds West for a distance of 69.29 feet to a point; thence South 19 Degrees 00 Minutes 00 Seconds East for a distance of 97.06 feet to a point; thence South 71 Degrees 00 Minutes 00 Seconds West for a distance of 453.76 feet to a point on the east line of Greenwood Avenue; thence South 0 Degrees 00 Minutes 00 Seconds West along the east line of Greenwood Avenue for a distance of 636.59 feet to a point; thence North 71 Degrees 00 Minutes 00 Seconds East for a distance of 276.39 feet to a point; thence South 0 Degrees 00 Minutes 00 Seconds West for a distance of 236.53 feet to a point; thence North 87 Degrees 44 Minutes 00 Seconds East for a distance of 73.98 feet to a point; thence South 0 Degrees 00 Minutes 00 Seconds East for a distance of 73.98 feet to a point; thence South 0 Degrees 00 Minutes 00 Seconds West for a distance of 236.43 feet to the point of beginning, 21 in Cook County, Illinois,

Said tract con wining 47.06 acres, more or less.

#### PARCEL II

That part of the East Half of the Northwest Quarter and the West Half of the Northeast Quarter of Section 14 Township 41 North, Range 12 East of the Third Principal Meridian, together with that part of Block 2 of Superior Court Commissioners Division of part of the West Half of the Northeast Quarter and part of the Northeast Quarter of the Northwest Quarter of Section 14, Township 41 North, Range 12 East of the Third Principal Meridian, according to the plat reworded December 12, 1940 as Document 12593211, described as follows:

Commencing at a point in the centerline of Greenwood Avenue 1150.00 feet south of the centerline of Golf Road; thence on an assumed bearing of North 71 Degrees 00 Minutes 00 Seconds East for a distance of 52.88 feet to a point on the east line of Greenwood Avenue as dedicated November 21, 1932 by Document 11167090, said point being the point of beginning; thence continuing North 71 Degrees 00 Minutes 00 Seconds East for a distance of 320.51 feet to a point; thence South 19 Degrees 00 Minutes 00 Seconds East for a distance of 39.80 feet to a point; thence North 71 Degrees 00 Minutes 00 Seconds East for a distance of 37.56 feet to the northwesterly come: of a brick building occupied by a Sears Roebuck Retail Store; thence North 71 Degrees 01 Minutes 33 Seconds East along the northerly face of said building for a distance of 154.76 feet to a point; thence North 11 Degrees 48 Minutes 17 Seconds West along said northerly face of building for a distance of 6.00 feet to a point; thence North 78 Degrees 27 Minutes 31 Seconds East along said northerly face of building for a distance of 0.99 feet to a point; thence North 76 Degrees 04 Minutes 43 Seconds East along said northerly face of building for a distance of 25.53 feet to a point; thence North 19 Degrees 00 Minutes 00 Seconds West along said northerly face of building for a distance of 25.53 feet to a point; thence North 19 Degrees 00 Minutes 00 Seconds West along said northerly face of building for a distance of 2.82 feet to a point; thence South 19 Degrees 13 Minutes 42 Seconds East along said northerly face of building for a distance of 2.82 feet to a point; thence South 19 Degrees 13 Minutes 42 Seconds East along said northerly face of building for a distance of 5.3.96 feet to a point; thence North 71 Degrees 13 Minutes 42 Seconds East along said northerly face of building for a distance of 5.3.96 feet to a point; thence North 71 Degrees 03 Minutes 23 Seconds East along said northerly face of building for a distance of 5.3.95 feet to a point; thence North 71 Deg

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PARCEL II (Continued)

of building for a distance of 23.78 feet to a point; thence North 19 Degrees 27 Minutes 37 Seconds West along said northerly face of building for a distance of 2.49 feet to a point; thence North 70 Degrees 32 Minutes 23 Seconds East along said northerly face of building for a distance of 2.85 feet to a point; thence South 18 Degrees 55 Minutes 41 Seconds East along said northerly face of building for a distance of 3.43 feet to a point; thence North 66 Degrees 02 Minutes 52 Seconds East along said northerly face of building for a distance of 25.58 feet to a point; thence South 20 Degrees 04 Minutes 23 Seconds East along said northerly face of building for a distance of 1.05 feet to a point; thence North 63 Degrees 28 Minutes 27 Seconds East along said northerly face of building for a distance of 25.50 feet to a point; thence South 25 Degrees 26 Minutes 36 Seconds East along said northerly face of building for a distance of 6.06 feet to a point; thence North 71 Degrees 01 Minutes 14 Seconds East along said northerly face of building for a distance of 50.75 (we to the northeasterly corner of said brick building; thence North 71 Degrees 00 identes 00 Seconds East for a distance of 36.00 feet to a point; thence North 19 Degrees 00 Minutes 00 Seconds West for a distance of 40.06 feet to a point; thence North 71 Degrees 00 Minutes 00 Seconds East for a distance of 338.03 feet to a point on the southwesterly line of Milwaukes Avenue, said point being 55.00 feet southwesterly, measured at right angles, and point being 55.00 feet southwesterly, measured at right angles, and point being 55.00 feet southwesterly measured at right angles, and the second se from the centerline of Milwaukee Avenue; thence South 36 Degrees 24 Minutes 03 Seconds East along the southwesterly line of Milwaukee Avenue for a distance of 49.17 feet to a point of curvature; thence southeasterly along the southwesterly line of Milwiwlee Avenue, said line being on a curve concave to the southwest, having a radius of 5400.37 feet and a chord bearing South 34 Degrees 19 Minutes 15 Seconds Last, for a distance of 392.10 feet to a point on the southeasterly line of the land conveyed by Milwaukee-Golf Development Corporation, to Sears Roebuck and Company by Warranty Deed dated April 12, 1957 and recorded April 26, 1957, as rocument 16887721, in the Office of the Recorder of Deeds, in and for Cook Courty, Illinois;

Thence South 71 Degrees 00 Minutes 00 Seconds West along said southeasterly line of the land conveyed by deed dated April 12, 1957 for a distance of 456.31 feet to a point; thence North 19 Degrees 00 Minutes 00 Seconds West for a distance of 97.06 feet to a point; thence south 71 Degrees 00 Minutes 00 Seconds West for a distance of 36.00 feet to the coutheasterly corner of said brick building occupied by a Sears Roebuck Rect. Store; thence South 71 Degrees 04 Minutes 44 Seconds West along the southerly face of said building for a distance of 50.86 feet to a point; thence South 2 Degrees 37 Minutes 40 Seconds East along said southerly face of said building for a distance of 5.95 feet to a point; thence South 78 Degrees 20 Minutes 39 Seconds West along said southerly face of said building for a distance of 25.46 feet to a point; thence South 13 Degrees 19 Minutes 16 Seconds East along said southerly face of said building for a distance of 1.10 feet to a point; thence South 76 Degrees 09 Minutes 58 Seconds West along said southerly face of said building for a distance of 25.54 feet to a point; thence South 18 Degrees 40 Ninutes 02 Seconds East along said southerly face of said building for a distance of 3.44 feet to a point; thence South 71 Degrees 36 Minutes 50 Seconds West along said southerly face of said building for a distance of 2.84 feet to a point; thence South 74 Degrees 42 Minutes 36 Seconds West along said southerly face of said building for a distance of 2.84 feet to a point; thence South 74 Degrees 42 Minutes 36 Seconds West along said southerly face of said building for a distance of 3.44 feet to a point; thence South 75 Degrees 28 Minutes 37 Seconds West along said southerly face of said building for a distance of 3.90 feet to a point; thence South 79 Degrees 08 Minutes 37 Seconds West along said southerly face of said building for a distance of 3.90 feet to a point; thence South 68 Degrees 07 Minutes 09 Seconds West along said southerly face of said building for a distance of 3.90 feet to a point;

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### PARCEL II (Continued)

southerly face of building for a distance of 2.48 feet to a point; thence South 70 Degrees 02 Minutes 43 Seconds West along said southerly face of building for a distance of 2.75 feet to a point; thence North 19 Degrees 57 Minutes 17 Seconds West along said southerly face of building for a distance of 3.00 feet to a point; thence South 65 Degrees 53 Minutes 12 Seconds West along said southerly face of building for a distance of 25.58 feet to a point; thence North 22 Degrees 18 Minutes 45 Seconds West along said southerly face of building for a distance of 1.10 feet to a point; thence South 63 Degrees 32 Minutes 35 Seconds West along said southerly face of building for a distance of 23.34 feet to a point; thence North 27 Degrees 11 Minutes 53 Seconds West alon, said southerly face of building for a distance of 5.96 feet to a point; thence South 70 Degrees 58 Minutes 00 Seconds West along said southerly face of builting for a distance of 78.18 feet to the southwesterly corner of said brick building; thence continuing South 70 Degrees 58 Minutes 00 Seconds West along the southerly face of a brick wall for a distance of 57.86 feet to the southwesterly corner of said brick wall; thence South 71 Degrees 00 Minutes 00 Seconds West for a distance of 69.29 feet to a point; thence South 19 Degrees 00 Minutes 00 Seconds East for a distance of 97.06 feet to a point; thence South 71 Degrees 05 Minutes 00 Seconds West for a distance of 453.76 feet to a point on the east line of Greenwood Avenue; thence North O Degrees 00 Minutes 00 Seconds East alorg the east line of Greenwood Avenue for a distance of 449.49 feet to the point of beginning,

Said tract containing 10.32 acres, more or less.

And also:

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 14, Township 41 North, Range 12 East of the Third Principal Meridian, described as follows:

Beginning at a point located 50.00 feet east and 40.00 feet north of the southwest corner of the Southerst Quarter of the Northwest Quarter of Section 14, Township 41 North, Range 12 East of the Third Principal Meridian; proceed northerly along a line 50.00 feet east of and parallel to the west line of aforesaid Southeast Quarter, 393.31 feet to a point; thence proceed northeasterly 109 degrees 00 minutes counterclockwise from the aforesaid line, 276.39 feet to a point; thence proceed southerly 236.53 feet along a line parallel to the west line of alorsaid Southeast Quarter to a point; thence proceed easterly along a line parallel to the south line of the aforesaid Southeast Quarter 73.98 feet to a point; thence proceed southerly along a line parallel to the aforesaid west line of the Southeast Quarter, 236.42 feet to a point in the north line of Church Street; thence proceed westerly along a line 40.00 feet north of and parallel to the south line of the aforesaid Southeast Quarter 335.54 feet to a point, the point of beginning, in Cook County, Illinois,

Said tract containing 3.00 acres, more or less.

#### PARCEL III

That part of the Northeast Quarter of the Northwest Quarter of Section 14, Township 41 North, Range 12 East of the Third Principal Meridian, described as follows:

Commencing at the northwest corner of said Northeast Quarter of the Northwest Quarter, which is the intersection of the centerline of Golf Road and the centerline of Greenwood Avenue; thence southerly along the west line of said Northeast Quarter of the Northwest Quarter for a distance of 1150.00 feet to a point; thence on an assumed bearing of North 71 Degrees 00 Minutes 00 Seconds East for a distance of 52.88 feet to a point on the east; line of Greenwood Avenue as dedicated November 21, 1932 by Document 11167090, said point being the point of beginning; thence continuing North 71 Degrees 00 Minutes 00 Seconds East for a distance of 320.51 feet to a point; thence South 19 Degrees 00 Minutes 00 Seconds East for a distance of 39.80 feet to a point; thence North 71 Degrees 00 Minutes 00 Seconds East for a distance of 37.56 feet to the northwesterly corner of a brick building occupied by a Sears Roebuck Retail Store; thence North 71 Degrees 01 Minutes 33 Seconds East along the northerly face of said building for a distance of 154.76 feet to a point; thence North 11 Degrees 48 Minutes 57 Seconds West along said northly face of building for a distance of 6.00 feet to a point; thence North 78 Degrees 27 Minutes 31 Seconds East along said northerly face of building for a distance of 25.34 feet to a point; thence North 12 Degrees 35 Minutes 44 Seconds West along said northerly face of building for a distance of 25.34 feet to a point; thence North 12 Degrees 35 Minutes 44 Seconds West along said northerly face of building for a distance of 25.34 feet to a point; thence North 12 Degrees 35 Minutes 44 Seconds West along said northerly face of building for a distance of 0.99 feet to a point; thence North 76 Degrees 04 Minutes 43 Seconds East along said northerly face of building for a distance of 25.53 feet to a point; thence North 19 Degrees 00 Minutes 00 Seconds West along said northerly face of building for a distance of 3.37 feet to a point; thence North 70 Degrees 35 Minutes 38 Seconds East along said northerly face of building for a distance of 2.82 feet to a point; 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thence North 71 Degrees 00 Minutes 00 Seconds East for a distance of 338.03 feet to a point on the southwesterly line of Milwaukee Avenue, said point being 55.00 feet southwesterly, measured at right angles, from the centerline of Milwaukee Avenue; thence North 36 Degrees 24 Minutes 03 Seconds West along a line 55.00 feet southwesterly of and parallel to said centerline of Milwaukee Avenue for a distance of 859.03 feet to a point of curvature; thence northwesterly along the arc of a curve concave to the southwest, having a redius of 100.00 feet and a chord bearing North 64 Degrees 21 Minutes 28 Seconds West for a distance of 97.25 feet to a point of tangency; thence South 87 Degrees 47 Minutes 00 Seconds West along a line 55.00 feet south of and parallel to the centerline of Golf Road, for a distance of 421.02 feet to a point of curvature; thence southwesterly along the arc of a curve concave to the southeast, having a radius of 50.00 feet and a chord bearing South 43 Degrees 53 Minutes 30 Seconds West for a distance of 76.61 feet to a point of tangency; thence South 0 Degrees 00 Minutes 00 Seconds West along the east line of Greenwood Avenue for a distance of 1031.57 feet to the point of beginning, all in Cook County, Illinois,

Said tract containing 18.08 acres, more or less.

Initialled for Landlord:

Initialled for Tenant:\_\_

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