

# UNOFFICIAL COPY

MEMORANDUM OF AGREEMENT

87373995

THIS AGREEMENT is made on the 10<sup>th</sup> day of June, 1987, by and between QUALITY DISTRIBUTION SYSTEMS, an Illinois Corporation, hereinafter referred to as "Quality", and JEWEL COMPANIES, INC., a New York corporation, hereinafter referred to as "Jewel".

14<sup>00</sup>

In consideration of the mutual covenants and agreements herein contained, Quality hereby reserves the 150,000 square feet of floor space situated in the Village of Melrose Park, County of Cook and State of Illinois, designated as "Leased Premises" on Exhibit D attached to that certain Agreement between the parties bearing even date herewith (hereinafter referred to as the "Leased Premises"), together with all appurtenances thereto. The warehouse building, of which the Leased Premises is a part, is legally described on Exhibit E hereto attached (said warehouse building and the land upon which it is constructed is hereinafter referred to as the "Lake Street Warehouse") and is located at 2800 W. Lake Street, Melrose Park, IL.

The term shall begin approximately June 15, 1987, and shall end approximately June 14, 1990, subject to all of the terms, conditions, provisions and covenants contained in that certain Agreement (the "Agreement") between the parties hereto bearing even date herewith which are incorporated herein by reference; among said terms, conditions, provisions and covenants are the following:

Jewel reserves the right to utilize all or any part of the additional 45,000 square feet ("Additional 45,000 square feet") in the Lake Street Warehouse, as designated on Exhibit D attached to the Agreement hereto, in 5,000 square foot increments from time to time at the same rent and other charges and conditions contained in said Agreement. Jewel shall provide Quality with written notice of its intent to lease additional space and stating the square footage of said additional space and Quality shall deliver said additional space to Jewel within thirty (30) days of Jewel's notice.

It is understood and agreed, that Jewel may reduce the Reserved Space, in the following proportions and in the following sequence, by giving up such space in the Lake Street Warehouse, by delivering to Quality written notice of this intention to do so not less than thirty (30) days prior to the effective date of such reduction:

<u>Amount of Reduction</u>	<u>Effective Date</u>
Up to 30,000 square feet	The first day of any month during the term
30,000 square feet	February 1, 1988, or any time thereafter

Extension of Term. Subject to Quality's ability to renew its lease on the Lake Street Warehouse, Jewel shall have a right of first refusal to renew the Agreement for an additional period of two years upon the expiration of the Term or any extensions or renewals thereof. Not less than six (6) months prior to the end of the Term hereof, Jewel may advise Quality in writing of its election to extend this Agreement at a rental of \$0.34 per square foot.

IN WITNESS WHEREOF, the parties hereto have executed and affixed their respective seals to this Lease as of the day and year first above written.

QUALITY/DISTRIBUTION SYSTEMS

JEWEL COMPANIES, INC.

By Frank G. Payne  
Chairman

By Joseph S. Vassallo  
Vice President

APPROVED

Attest \_\_\_\_\_  
Secretary

Attest Frederick P. ...  
Assistant Secretary

LESSOR

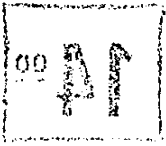
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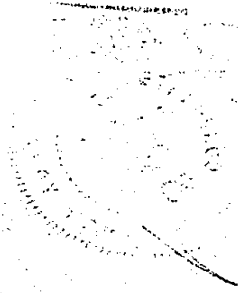
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**PARCEL 1:**

Lot 1 in Metropolitan Industrial District Melrose Park, a Subdivision of Section 4, Township 39 North, Range 12 East of the Third Principal Meridian, according to the plat recorded April 8, 1971 as document 21444584, as corrected by Certification dated April 27, 1971 and recorded June 15, 1971 as document 21512369;

ALSO

**PARCEL 2:**

Easement to construct, maintain, use, operate, relocate, reconstruct and renew Railroad tracks and related Railroad facilities for the benefit of Parcel 1 aforesaid as created by grant recorded January 13, 1971 as document 21370506 over and upon the following: That part of the South 187.0 feet of the East half of the South East quarter of Section 4 lying East of the East line of the right of way of the Indiana Harbor Belt Railroad Company and that part of the East half of and the North East quarter of Section 9 lying East of said East line of the right of way of the Indiana Harbor Belt Railroad Company, all in Township 39 North, Range 12 East of the Third Principal Meridian, described as follows: Beginning at a point on said East line of the Indiana Harbor Belt Railroad Company 187.0 feet North of the South line of Section 4; thence Easterly along a line which is parallel to and 187.0 feet Northerly of said South line of Section 4 a distance of 20 feet; thence Southerly along a line parallel to and 20 feet Easterly of said East line of the Indiana Harbor Belt Railroad Company, measured at right angles thereto, a distance of 22.5 feet to a point; thence South Westerly along a curve concave to the West, said curve being tangent to the last described line at the last described point and having a radius of 726.8 feet, a distance of 129.50 feet to a point; thence South Westerly along a line tangent to the said curve at the last described point a distance of 48.03 feet to a point on said East line of the Indiana Harbor Belt Railroad Company, said point being 198.54 feet Southerly (measured along said East line) of the point of beginning; thence Northerly along said East line a distance of 198.54 feet to the point of beginning;

ALSO

**PARCEL 3:**

Easement for the benefit of Parcel 1 as created by grant from National Boulevard Bank of Chicago, a National Banking Association, as Trustee under Trust Agreement dated December 30, 1970 and known as Trust No. 3625 to National Boulevard Bank of Chicago, a National Banking Association, as Trustee under Trust Agreement dated January 30, 1970 and known as Trust No. 3362 dated August 19, 1971 and recorded September 17, 1971 as document 21625805 for ingress and egress and for parking motor vehicles over the West 80 feet of Lot 2 in Metropolitan District Melrose Park, a Subdivision of Section 4, Township 39 North, Range 12 East of the Third Principal Meridian;

ALSO

**PARCEL 4:**

Easement for the benefit of Parcel 1 as created by grant from National Boulevard Bank of Chicago, a National Banking Association, as Trustee under Trust Agreement dated August 17, 1971 and known as Trust No. 4040 to National Boulevard Bank of Chicago, a National Banking Association, as Trustee under Trust Agreement dated January 30, 1970 and known as Trust No. 3362 dated August 19, 1971 and recorded September 17, 1971 as document 21625805 for ingress and egress and to maintain and operate a water pump, water tank and related equipment in and to Lot 5 in Metropolitan Industrial District Melrose Park, aforesaid, all in Cook County, Illinois.

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2800 W LAKE ST.  
MELROSE PARK, ILL.  
15-04-412-009  
HCO ME

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ACKNOWLEDGMENTS

STATE OF )  
 ) SS.  
COUNTY OF )

I, \_\_\_\_\_ a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that

personally known to me to be the same person \_\_\_ who executed the foregoing instrument, appeared before me this day in person and acknowledged that \_\_\_ executed the foregoing instrument as \_\_\_\_\_ free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

My Commission expires:

\_\_\_\_\_  
Notary Public

STATE OF )  
 ) SS.  
COUNTY OF )

I, JOHN L. MANISCO a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that FRANK S. PAGONE, personally known to me to be the CHAIRMAN of QUALITY DISTRIBUTION SYSTEMS, and \_\_\_\_\_, personally known to me to be the \_\_\_\_\_ Secretary of said corporation, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the said instrument of writing as \_\_\_\_\_ President and \_\_\_\_\_ Secretary of said corporation and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 16<sup>th</sup> day of JUNE, 1987.

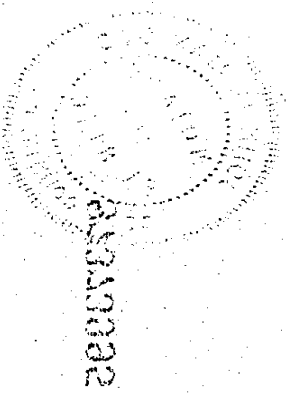
My Commission expires: \_\_\_\_\_  
My Commission Expires on 1987, 01, 1988

John L. Manisco  
Notary Public

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published and both parties are advised that the same shall be binding upon them and their heirs, assigns and assigns forever.

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## ACKNOWLEDGMENTS

STATE OF ILLINOIS )  
 ) SS.  
 COUNTY OF COOK )

I, Carol S. Marotis a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that Joseph J. Passalunghi, personally known to me to be the Vice President of General Compassion, Inc., and Fredrick W. McEwen, personally known to me to be the Secretary of said corporation, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the said instrument of writing as Vice President and Secretary of said corporation and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 23<sup>rd</sup> day of June, 1987.

My Commission expires: 5/23/88

Carol S. Marotis  
 Notary Public

COOK COUNTY, ILLINOIS  
 FILED FOR RECORD

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Prepared by: Earl Barnes  
 & Mail to 8725 W. Higgins Rd.  
 Chicago, Illinois 60631

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