

This instrument prepared by
(and after recording return to):

UNOFFICIAL COPY

19⁰⁰
78

Janet A. Stiven
Rooks, Pitts and Poust
55 West Monroe Street
Suite 1500
Chicago, IL 60603

91692577

CHI-GI 120

MEMORANDUM OF LEASE

This Memorandum of Lease is made this 11th day of October, 1991, between NBD TRUST COMPANY, under Trust Number 4172-HP, dated August 19, 1986 having an address at 513 Central Avenue, Highland Park, Illinois 60035, as the Landlord, and CHICAGO SMSA LIMITED PARTNERSHIP, an Illinois limited partnership, having an address c/o Ameritech Mobile Communications, Inc., 1515 Woodfield Road, Suite 1400, Schaumburg, Illinois 60173 (Attn: Vice President, General Counsel and General Manager, Real Estate and Zoning) as the Tenant.

WITNESSETH:

(1) Landlord and Tenant have entered into a Lease Agreement (the "Lease") dated September 18, 1991, granting to Tenant the right to lease the property located in the County of Cook, City of Chicago, and State of Illinois and legally described in Rider A and shown in Rider B (the "Property"). The common address of the property is 3043 North Knox, Chicago, Illinois 60641 and its property identification number is 13-27-103-002.

(2) The Lease is for an initial term of five (5) years beginning September 18, 1991, and ending September 17, 1996, unless the term is further extended by Tenant.

(3) Tenant has a right to extend the initial term four (4) successive terms of five (5) years each. The rights of extension are exercisable as follows: The Tenant giving the Landlord written notice of its intention to extend at least ninety (90) days prior to the end of the then current term. The maximum date to which this Lease may be extended is twenty-five (25) years from the commencement date.

(4) All mortgages, installment sale contracts and other financing instruments entered into by the Landlord after the date of this Agreement with respect to the Property or Landlord's interest in this Agreement shall be expressly subject to and subordinate to the rights of the Tenant under this Agreement unless the parties to such mortgages, contracts and other instruments agree to furnish Tenant with a non-disturbance and attornment agreement in form satisfactory to Tenant.

(5) The Lease contains provisions to the effect that all improvements (including antennas and fixtures) added to the leased premises by Tenant shall be Tenant's property and shall be removed by Tenant within ninety (90) days after termination of the Lease, except Tenant will not be required to remove any driveways, sidewalks, foundation, underground piping, wiring or fencing or any other fixtures or improvements. At Landlord's request, made before the termination date of the Lease, Tenant will remove any security fence built by Tenant.

(6) Subject to the terms and conditions of the Lease, Landlord hereby grant to Tenant, easements for access and utilities over, under and across the easement premises described on Exhibit A attached hereto as "Access Easement Description" and "Utility Easement Description".

September 26, 1991

COOK COUNTY CLERK

1991 DEC 31 AM 10:27

91692577

BOX 3324

D173 13753

91692577

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

9 1 6 9 2 7 7

CHI-GI 120

IN WITNESS WHEREOF, Landlord and Tenant have caused this Memorandum of Lease to be executed by themselves or their duly authorized officers as of the day and year written above for the purpose of providing an instrument for recording.

LANDLORD:

TENANT:

NBD TRUST COMPANY OF ILLINOIS,
as Trustee under Trust Number
4172-HP dated August 19, 1986
and not personally

CHICAGO SMSA LIMITED PARTNERSHIP,
an Illinois limited partnership,
By its sole general partner,
Ameritech Mobile Phone Service of
Chicago Inc., an Illinois corporation

91692577

By: [Signature]
Name: ASSISTANT VICE PRESIDENT & TRUST OFFICER
Title (if any): FRANK L. WELSH

By: [Signature]
Name: ROGER J. PACHUTA
Title (if any): VICE PRESIDENT

ATTEST:

ATTEST:

By: [Signature]
Name: MARCO P. WHITE
Title (if any): VICE PRESIDENT & TRUST OFFICER

By: [Signature]
Name: ROBERT N. REILAND
Title (if any): ASSISTANT SECRETARY

Date: 10-11-91

Date: DECEMBER 11, 1991

See attached rider to
executing NBD Trust
from Personal Liability

EXECUTED IN TRIPLICATE

Cook County Clerk's Office

12577

UNOFFICIAL COPY

by
NBD Trust
Company of
Illinois
in addition
to the
Trustee
of the
Trust

This instrument is executed by NBD Trust Company of Illinois, not individually but solely as Trustee as aforesaid. All the covenants and conditions to be performed hereunder by NBD Trust Company of Illinois are undertaken by it solely as Trustee as aforesaid and not individually, and no personal or individual liability shall be asserted or enforceable against NBD Trust Company of Illinois by reason of any of the covenants, statements, representations, indications or warranties expressed or implied herein contained in this instrument.

It is expressly understood and agreed by every person, firm or corporation claiming any interest under this document that NBD Trust Company of Illinois, shall have no liability, contingent or otherwise, arising out of, or in any way related to, (i) the presence, disposal, release or threatened release of any hazardous materials on, over, under, from, or affecting the property or the soil, water, vegetation, buildings, personal property, persons or animals thereof; (ii) any personal injury (including wrongful death) or property damage (real or personal) arising out of or related to such hazardous materials; (iii) any lawsuit brought or threatened, settlement reached or government order relating to such hazardous materials, and/or (iv) any violation of laws, orders, regulations, requirements, or demands of government authorities, or any policies or requirements of the trustee which are based upon or in any way related to such hazardous materials including, without limitation, attorneys and consultants' fees, investigation and laboratory fees, court costs, and litigation expenses.

In the event of any conflict between the provisions of this exculpatory rider and the provisions of the document to which it is attached, the provisions of this rider shall govern.

9165

MEMORANDUM OF LEASE

CHICAGO SMSA LIMITED PARTNERSHIP ACKNOWLEDGMENT

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

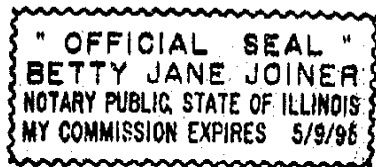
I, Betty Jane Joiner, a Notary Public in and for said County, in the state aforesaid, DO HEREBY CERTIFY that Roger J. Pachuta, personally known to me to be the Vice President of Ameritech Mobile Phone Service of Chicago, Inc., an Illinois corporation and Robert N. Reiland, personally known to me to be the Assistant Secretary of said corporation, which corporation is sole general partner of CHICAGO SMSA LIMITED PARTNERSHIP, an Illinois limited partnership, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument appeared before me this day in person and severally acknowledged that as such Vice President and Assistant Secretary they signed and delivered the said instrument as Vice President and Assistant 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, as the free and voluntary act and deed of said corporation, and as the free and voluntary act of said partnership for the uses and purposes therein set forth.

Given under my hand and official seal, this 11th day of DECEMBER, 1991.

Betty Jane Joiner
Notary Public

My Commission expires:

5-9-95



September 26, 1991

3

91692577

TRUSTEE ACKNOWLEDGMENT

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

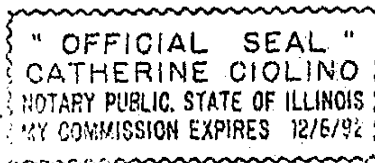
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO
HEREBY CERTIFY that MARKYL L. WESTIN ASSISTANT Vice President & Trust Officer personally known to me to be
the ASSISTANT Vice President & Trust Officer of NBD TRUST COMPANY OF ILLINOIS corporation, and
Thacy D. Skits Vice President & Trust Officer personally known to me to be the
Vice President & Trust Officer of said corporation as trustee aforesaid, and personally known
to me to be the same persons whose names are subscribed to the foregoing instrument, appeared
before me this 14th day in person and severally acknowledged that as such
ASSISTANT Vice President & Trust Officer and ASSISTANT Vice President & Trust Officer, they signed and
delivered the said instrument as ASSISTANT Vice President & Trust Officer and ASSISTANT Vice President & Trust Officer of said
corporations trustee aforesaid, 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 deed of said corporation as trustee aforesaid, for the uses and purposes therein
set forth.

Given under my hand and official seal, this 14th day of October, 1991

Catherine Ciolino
Notary Public

My Commission expires:

12-6-92



UNOFFICIAL COPY

Property of Cook County Clerk's Office

MEMORANDUM OF LEASE

RIDER A

LEGAL DESCRIPTION OF THE PROPERTY

LEGAL DESCRIPTION

ANCI EQUIPMENT ROOM LEASE SITE

A portion of an existing building located within Lot "D" in Koester and Zander's Section Line Subdivision of the North West 1/4 of the North West 1/4 of Section 27, Township 40 North, Range 13 East of the Third Principal Meridian, more particularly described as follows:

Commencing at the North East corner of Lot "D" aforesaid; thence North 88 degrees 03 minutes 34 seconds West, along the North line of Lot "D", for a distance of 29.22 feet; thence South 00 degrees 35 minutes 51 seconds West, for a distance of 0.78 feet to the Point of Beginning; thence continuing along a prolongation of the last described course for a distance of 18.60 feet; thence South 88 degrees 32 minutes 43 seconds East, for a distance of 0.76 feet; thence South 01 degrees 27 minutes 17 seconds West, for a distance of 2.40 feet; thence North 88 degrees 32 minutes 43 seconds West, for a distance of 21.73 feet; thence North 00 degrees 35 minutes 51 seconds East, for a distance of 21.00 feet; thence South 88 degrees 32 minutes 43 seconds East for a distance of 21.00 feet to the Point of Beginning, containing 44 square feet, more or less, in Cook County, Illinois.

ANCI EXTERIOR TOWER LEASE SITE

A parcel of land adjoining an existing building located within Lot "D" in Koester and Zander's Section Line Subdivision of the North West 1/4 of the North West 1/4 of Section 27, Township 40 North, Range 13, East of the Third Principal Meridian, more particularly described as follows:

Commencing at the North East corner of Lot "D" aforesaid, thence North 88 degrees 03 minutes 34 seconds West, along the North line of Lot "D", for a distance of 29.22 feet; thence South 00 degrees 35 minutes 51 seconds West, for a distance of 19.38 feet; thence South 88 degrees 32 minutes 43 seconds East, for a distance of 0.76 feet; thence South 01 degrees 27 minutes 17 seconds West, for a distance of 2.40 feet to the Point of Beginning; thence continuing along the last described course for a distance of 17.30 feet; thence North 88 degrees 32 minutes 43 seconds West, for a distance of 14.50 feet; thence North 01 degrees 27 minutes 17 seconds East, for a distance of 17.30 feet; thence South 88 degrees 32 minutes 43 seconds East, for a distance of 14.50 feet to the Point of Beginning, containing 251 square feet, more or less, in Cook County, Illinois.

September 26, 1991

UNOFFICIAL COPY

Property of Cook County Clerk's Office

MEMORANDUM OF LEASE

RIDER A CONTINUED

ANCI UTILITY EASEMENT

A parcel of land for Utility Easement purposes located within Lot "D" in Koester and Zander's Section Line Subdivision of the North West 1/4 of the North West 1/4 of Section 27, Township 40 North, Range 13 East of the Third Principal Meridian, more particularly described as follows:

Commencing at the North East corner of Lot "D" aforesaid; thence South 01 degree 22 minutes 31 seconds West along the East line of Lot "D", for a distance of 70.22 feet for a Point of Beginning; thence continuing along the last described course, for a distance of 25.00 feet; thence North 30 degrees 51 minutes 10 seconds West, for a distance of 75.35 feet; thence South 88 degrees 32 minutes 43 seconds East, for a distance of 9.47 feet; thence South 30 degrees 51 minutes 10 seconds East, for a distance of 57.60 feet to the Point of Beginning, containing 532 square feet, more or less, in Cook County, Illinois.

INGRESS AND EGRESS EASEMENT

A parcel of land for Ingress and Egress purposes located within the South 80.00 feet of the West, 213.00 feet of the East 313.00 feet of the North West 1/4 of the North West 1/4 of Section 27, Township 40 North, Range 13 East of the Third Principal Meridian. Also, within Lot "D" in Koester and Zander's Section Line Subdivision of the North West 1/4 of the North West 1/4 of Section 27, Township 40 North, Range 13, East of the Third Principal Meridian, as recorded January 25, 1915, as Document No. 557810, more particularly described as follows:

Beginning at a Point of Intersection of the South line of the North West 1/4 of Section 27 aforesaid with the East Right-of-Way line of Knox Avenue, said point being 313.00 feet Westerly of the East line of the North West 1/4 of the North West 1/4 of Section 27 aforesaid; thence South 38 degrees 03 minutes 25 seconds East along the South line of the North West 1/4 of the North West 1/4 of Section 27 aforesaid, for a distance of 185.83 feet to a Tangential Curve to the left having a radius of 17.00 feet for an Arc Distance of 26.87 feet; thence North 01 degree 22 minutes 31 seconds East parallel with and 110.00 feet Westerly of as measured perpendicular to the East line of the North West 1/4 of the North West 1/4 of Section 27 aforesaid, for a distance of 289.30 feet; thence North 88 degrees 32 minutes 43 seconds West, for a distance of 12.00 feet; thence South 01 degree 22 minutes 31 seconds West, for a distance of 15.01 feet; thence South 48 degrees 27 minutes 17 seconds West, for a distance of 7.08 feet; thence North 88 degrees 32 minutes 43 seconds West, for a distance of 15.73 feet; thence South 01 degree 27 minutes 17 seconds West, for a distance of 12.00 feet; thence South 88 degrees 32 minutes 43 seconds East, for a distance of 15.74 feet; thence South 43 degrees 35 minutes 08 seconds East, for a distance of 7.09 feet; thence South 01 degree 22 minutes 31 seconds West, for a distance of 252.31 feet to a Tangential Curve to the right having a radius of 5.00 feet for an Arc Distance of 7.90 feet; thence North 88 degrees 03 minutes 25 seconds West, parallel with and 13.00 feet Northerly of as measured perpendicular to the South line of the North West 1/4 of the North West 1/4 of Section 27 aforesaid, for a distance of 185.95 feet, said point being on the East Right-of-Way line of Knox Avenue; thence South 01 degree 22 minutes 31 seconds West, for a distance of 12.00 feet to the Point of Beginning, containing 6185 square feet, more or less, in Cook County, Illinois.

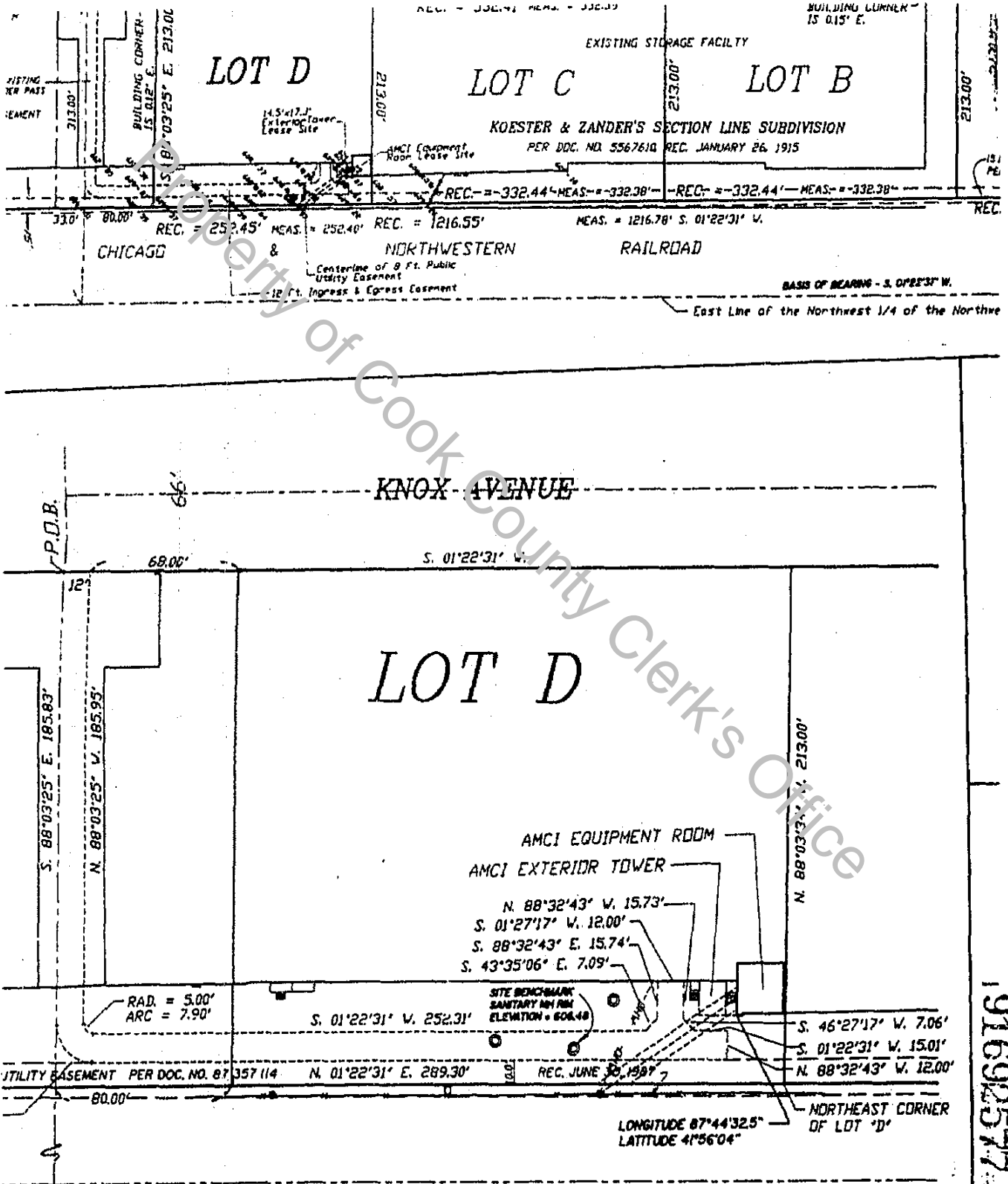
September 26, 1991

-6-

91692577

MEMORANDUM OF LEASE

RIDER B



191692577

UNOFFICIAL COPY

Property of Cook County Clerk's Office