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MEMORANDUM OF LEASE

MEMORANDUM OF LEASE made this 4th day of April, 1994, by and between BURBANK JOINT VENTURE, a Michigan partnership (hereinafter called "Landlord"), and TODAY'S MAN, INC DEPT-01 HIRSHDING Pennsylvania \$35.50 corporation (hereinafter called "Tenant"). T#2222 TRAN 5386 07/12/94 15:52:00 #6114 KR #94-603084

COOK COUNTY RECORDER

WITNESSETH:

WHEREAS, Landlord and Tenant have entered into an agreement of lease made the 1st day of December, 1993; and

WHEREAS, Landlord and Tenant desire to have a memorandum of said agreement of lease recorded in the Recorder of Deed's office of Chicago, Illinois.

NOW THEREFORE, Landlord and Tenant hereby state the following for recording:

1. Pursuant to an agreement of lease made between Landlord and Tenant on the 1st day of December, 1993 (hereinafter referred to as the "Lease"), Landlord agreed to construct and lease to Tenant approximately 27,160 square feet of ground floor area of a certain building located on a parcel of land located in Burbank, Illinois and known as Cicero Station, said land being more particularly described by the schedule attached hereto as Exhibit "A" (hereinafter referred to as the "Restricted Area"), with such additional rights and all as more particularly described in said Lease.

2. The term of the Lease commenced on March 18, 1994 and will expire on March 17, 2009, and Tenant shall thereafter have three (3) options to renew the lease for three (3) successive periods of five (5) years each.

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3. During the term of the Lease, or any extensions thereof, Landlord agreed not to permit any portion of the Restricted Area to be used for any of the following (hereinafter collectively sometimes called the "Prohibited Uses"): amusement center or arcade or operation (whether or not as a separate business or as part of a business), including but not limited to betting parlors, movie theaters or penny arcades; bingo parlor; adult book store; sale of adult ("X" rated, or similar) films or items; flea market; business operation which regularly, or with significant frequency, and accounting for more than thirty (30%) percent of its annual business volume, sells merchandise commonly known as "odd lot", "close out", "discontinued", "cancellation", "second", "factory reject", "sample", "floor model", "demonstration" "obsolescent", "overstock", "discount", "bankruptcy", "fire sale", or "damaged", theaters, office and/or non-retail use with greater than 3,000 square feet of space; for any purpose which is noxious or unreasonably offensive because of the emission of noise, smoke dust or odors.

In the event Tenant elects to terminate its obligations under the Lease pursuant to any of the provisions contained above, or for any breach of a warranty of Landlord given pursuant to Article X of the Lease, for a period of five (5) years after such termination, no portion of the Restricted Area may be used for any of the Prohibited Uses, and this restriction shall survive any such termination of the Lease.

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4. This Memorandum of Lease is solely for the purpose of recording and shall not be construed to alter, modify or supplement the Lease, of which this is a memorandum.

IN WITNESS WHEREOF, this Memorandum of Lease has been duly executed by the parties hereto the day and year first above written.

TODAY'S MAN, INC., a  
Pennsylvania Corporation

(CORPORATE SEAL)

BY: \_\_\_\_\_  
*[Signature]*

ATTEST: \_\_\_\_\_  
*[Signature]*

IN THE PRESENCE OF:

*Kevin J. Tracy*  
*Benee Vial*

LANDLORD:

BURBANK JOINT VENTURE, a  
Michigan partnership  
("Landlord")

BY: Big Beaver Development  
Corporation, a Michigan  
corporation

BY: \_\_\_\_\_  
*[Signature]*

ITS: V.P.'s

BY: JUPITER BURBANK  
PARTNERSHIP, a Michigan  
partnership

BY: JUPITER BURBANK LIMITED  
PARTNERSHIP, an Illinois  
limited partnership

BY: JUPITER BURBANK,  
INC. an Illinois  
corporation

BY: \_\_\_\_\_  
*[Signature]*

ITS: VP

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STATE OF New Jersey  
COUNTY OF Burlington

On the 23<sup>rd</sup> day of June, 1994, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Mr. Blankman who acknowledged himself to be the Executive Vice President of TODAY'S MAN, INC., a Pennsylvania corporation, who I am satisfied is the person who signed the within instrument, and that he acknowledged that he signed, sealed with a corporate seal and delivered the same as such President, being authorized to do so, and that this within instrument is the voluntary act and deed of such corporation, made by virtue of a resolution of its Board of Directors, and he desired that the same might be recorded as such.

WITNESS my hand and seal the day and year aforesaid.

Lois A. Hawk  
Notary Public

My Commission Expires:

LOIS A. HAWK  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES EXPIRES JUNE 29, 1998

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4-11-2021  
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STATE OF Michigan :

COUNTY OF Oakland :

On the 5<sup>th</sup> day of July, 1994, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Eileen M. Melanin, who acknowledged ~~himself~~<sup>herself</sup> to be the Vice President of BIG BEAVER DEVELOPMENT CORPORATION, a Michigan corporation, who I am satisfied is the person who signed the within instrument, and that she acknowledged that she signed and delivered the same as such President, being authorized to do so, and that this within instrument is the voluntary act and deed of such Corporation, made by virtue of a resolution of its Board of Directors, and she desired that the same might be recorded as such.

WITNESS my hand and seal the day and year aforesaid.

Rhonda A. Wilson  
Notary Public

My Commission Expires:

RHONDA A. WILSON  
Notary Public, Wayne County, MI  
Acting in Oakland, County, MI  
My Commission Expires April 29, 1997

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STATE OF :

COUNTY OF :

On the \_\_\_\_\_ day of \_\_\_\_\_, 1994, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_, who acknowledged himself to be the \_\_\_\_\_ of JUPITER BURBANK, INC., an Illinois corporation, who I am satisfied is the person who signed the within instrument, and that he acknowledged that he signed and delivered the same as such President, being authorized to do so, and that this within instrument is the voluntary act and deed of such \_\_\_\_\_, made by virtue of a resolution of its Board of Directors, and he desired that the same might be recorded as such.

WITNESS my hand and seal the day and year aforesaid.

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

My Commission Expires:

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## EXHIBIT A

### LEGAL DESCRIPTION OF LAND

That part of the South 6/12 of the North 8/12 of the South 60 acres of the East 1/2 of the Southeast 1/4 of Section 28, Township 38 North, Range 13 East of the Third Principal Meridian, lying North of the North right-of-way line of 78th Street, (except therefrom the West 33.0 feet taken for Lavergne Avenue) and (except the East 650.0 feet taken for Cicero Avenue), In Cook County, Illinois and containing 26.62 acres, more or less.

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SAE/11335/1657/FW3

Prepared By + Mail to: Dickerson, Wright + Moon  
525 N Woodward Ave  
Bloomfield Hills, MI 48303-0509

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## TAX NUMBERS/KMART BURBANK

19-28-414-001  
19-28-413-001  
19-28-401-030  
19-28-414-013  
19-28-414-012  
19-28-414-011  
19-28-414-005  
19-28-414-004  
19-28-414-003  
19-28-414-014  
19-28-413-014  
19-28-413-013  
19-28-413-011  
19-28-413-005  
19-28-413-004  
19-28-413-003  
19-28-413-002  
19-28-412-016  
19-28-412-015  
19-28-412-014  
19-28-412-013  
19-28-415-020  
19-28-412-026  
19-28-412-027  
19-28-412-029  
19-28-412-030  
19-28-412-033  
19-28-415-001  
19-28-415-002  
19-28-415-003  
19-28-415-004  
19-28-415-010  
19-28-415-013  
19-28-415-014  
19-28-415-015  
19-28-401-029  
19-28-401-031  
19-28-401-055

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