

# UNOFFICIAL COPY

95579463

## MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE, is made and entered into as of this 12th day of July, 1995, by and between LaSalle National Trust, N.A., Successor Trustee to LaSalle National Bank, not individually, but solely as Trustee Under Trust Agreement #109245 ("Landlord"), and OCB Realty Co., a Minnesota corporation ("Tenant").

### RECITALS

WHEREAS, Landlord and Buffets, Inc. entered into that certain lease dated December 8, 1993 as amended by that certain Lease amendment dated February 24, 1994 (collectively, the "Lease"), relating to certain leased premises (the "Premises") in the shopping center development commonly known as Ridge Plaza (the "Shopping Center"), situated on certain real property in the City of Arlington Heights, Cook County, Illinois, legally described on Exhibit A attached hereto; and

DEPT-01 RECORDING \$29.50  
15585 TRAM 6177 08/31/95 09:58:00  
76871 E.J. # 95-579463  
COOK COUNTY RECORDER

WHEREAS, Buffets, Inc. subsequently assigned its interest under said Lease to Tenant; and

WHEREAS, Tenant has subleased the Premises to OCB Restaurant Co.; and

DEPT-10 PENALTY \$26.00

WHEREAS, Landlord and Tenant now wish to memorialize of record the existence of the Lease and certain specific terms of the same.

NOW THEREFORE, in consideration of the Lease and other good and valuable consideration, Landlord and Tenant agree as follows:

1. Landlord and Tenant are parties to the Lease to demise and let the Premises, upon the terms and conditions more particularly set forth in the Lease.

2. The term of the Lease shall be for an initial term of fifteen (15) full Lease Years and any Partial Lease Year (as such terms are defined in the Lease), commencing on September 12, 1994 (the "Commencement Date"), and expiring on December 31, 2009.

3. Subject to the terms and conditions more particularly set forth in the Lease, Tenant has the option to extend the term of the Lease for two (2) additional periods of five (5) years each, such periods to commence at the expiration of the initial term or preceding extended term of the Lease, as the case may be.

4. As of the date of this Memorandum of Lease, the gross leasable area of the Premises is approximately nine thousand four hundred (9,400) square feet.

5. Tenant shall have the exclusive right to operate a buffet-style restaurant on Landlord's Tract, except such exclusive shall not apply to those stores occupied by department, specialty or variety stores over 50,000 square feet or to tenants or occupants under existing leases or agreements ("Excepted Occupants"). Except for the Excepted Occupants, landlord covenants and

95579463

\$29.50  
\$26.00  
\$55.50 JHC

UNOFFICIAL COPY

Property of Cook County Clerk's Office

95579463

# UNOFFICIAL COPY

agrees not to lease any space on Landlord's Tract exceeding 2,000 square feet, to any other tenant whose primary business conducted in such space is the operation of a buffet-style restaurant, nor shall Landlord permit or consent, either explicitly or implicitly, to the operation of a buffet-style restaurant in the Shopping Center, provided, however, in the event Landlord ever regains control of the Excepted Occupants' premises or in the event those stores over 50,000 square feet shall be divided into lesser leasable area, Landlord shall not lease, permit or consent any such space to a buffet-style restaurant.

6. Reference is made to the Lease for a full statement of the terms and conditions of the Lease, all of which are hereby incorporated by reference.

7. Nothing in this Memorandum of Lease shall be construed to amend, modify, change, alter, amplify, interpret or supersede any of the terms and provisions of the Lease, which shall in all things control.

IN WITNESS WHEREOF, Landlord and Tenant have caused the Memorandum of Lease to be executed as of the day and year first above written.

Witness:

[Signature]  
Jack Linder

Witness:

[Signature]  
Kari L. Basel

LANDLORD:

LASALLE NATIONAL TRUST, N.A.,  
Successor Trustee to LaSalle National  
Bank, not individually but solely as Trustee  
Under Trust Agreement #109245

By: [Signature]  
Its: ASSISTANT SECRETARY

TENANT:

OCB REALTY CO.,  
a Minnesota corporation

By: [Signature]  
Its: CEO

This instrument is executed by LASALLE NATIONAL TRUST, N.A., not personally but solely as Trustee, as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. All the terms, provisions, stipulations, covenants and conditions to be performed by LASALLE NATIONAL TRUST, N.A. are understood by it solely as Trustee, as aforesaid, and not individually and all authorities herein made are made on information and belief and are to be construed accordingly. No personal liability shall be asserted or be enforceable against LASALLE NATIONAL TRUST, N.A. by reason of any of the terms, provisions, stipulations, covenants and/or statements contained in this instrument.

95579463

UNOFFICIAL COPY

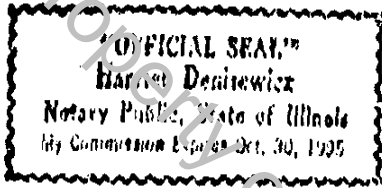
Property of Cook County Clerk's Office

# UNOFFICIAL COPY

STATE OF Illinois )  
 )ss.  
COUNTY OF Cook )

The foregoing instrument was acknowledged before me this 12th day of July, 1995, by Nancy A. Stack, the Assistant Secretary of LASALLE NATIONAL TRUST, N.A., Successor Trustee to LaSalle National Bank, not individually, but solely as Trustee Under Trust Agreement #109245.

(seal)

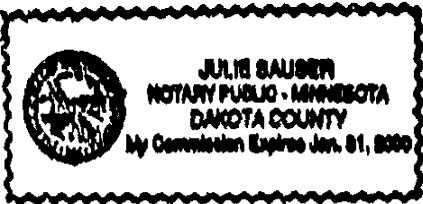


Harold Deniewicz  
Notary Public

STATE OF MINNESOTA )  
 )ss.  
COUNTY OF Dakota )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of August, 1995, by Ray H. Walker, the CEO of OCB Realty Co., a Minnesota corporation, on behalf of the corporation.

(seal)



Julie Sauber  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY  
AND TO BE RETURNED TO:  
OCB Realty Co. (JGS)  
10260 Viking Drive, Suite 100  
Eden Prairie, MN 55344  
(612) 946-0612



95579463

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## EXHIBIT A

### PARCEL 1:

Lot 4 in Westridge Unit No. 1 being a subdivision of part of the South East 1/4 of Section 6, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

### PARCEL 2:

Lot 5 in Westridge Unit 1, a resubdivision of Lot 4 in Westridge Unit 1, being a subdivision of part of the Southeast 1/4 of Section 6, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

### PARCEL 3:

Perpetual Easement for the benefit of Parcels 1 and 2 as created by Easement Agreement between LaSalle National Bank, as Trustee under Trust Agreement dated December 1, 1984 and known as Trust Number 109748 and LaSalle National Bank, as Trustee under Trust Agreement dated June 11, 1985 and known as Trust Number 109857 dated June 17, 1985 and recorded July 2, 1985 as Document 85084789 for parking and passage of passenger motor vehicles subject to the terms and limitations as set forth herein over the following described property:

A tract of land in the South East 1/4 of Section 6, Township 42 North, Range 11, East of the Third Principal Meridian, described as follows:

Commencing at the intersection of the North Right of Way of Dundee Road, as recorded as Document 21189365, and the West line of said South East 1/4, thence North 00 degrees 20 Minutes 48 seconds East 926.62 feet, along last said West Line; thence North 89 degrees 59 minutes 10 seconds East 40 feet to a point of beginning; thence continuing North 89 degrees 59 minutes 30 seconds East 594 feet; thence South 00 degrees 00 minutes 30 seconds East 163.50 feet; thence South 89 degrees 59 minutes 30 seconds West 275.22 feet; thence North 00 degrees 00 minutes 30 seconds West 22.50 feet; thence South 89 degrees 59 minutes 30 seconds West 320.00 feet; thence North 00 degrees 20 minutes 48 seconds East 167.50 feet to the place of beginning, all in Cook County, Illinois.

### PARCEL 4:

Non-exclusive easement for the benefit of and appurtenant to Parcel 1 as follows:

Easement for the use, management, operation, maintenance, reconstruction and repair of the common area; perpetual easement for the maintenance, repair, reconstruction of any facilities located in such proximity to the servient estate that such facilities can as a practical matter, be so maintained, repaired or reconstructed most advantageously from said servient estate; easement for parking and passage of vehicles over the parking area and roadways; easement for passage of pedestrians over the parking area, roadways and walkways; perpetual easement for abutment to the other party's building; easement for the right of self help in performing certain obligations required of adjoining owners; perpetual easement for the right to create certain encroachments onto adjoining property; perpetual easement for the right to install and use common utility facilities and future other pipes, lines, conduits, wires, cables and other utility facilities (said utility easements to be exclusive insofar as they relate to pipe(s) which are lateral(s) to service the building in question) located within 5 feet of the building line of the Grantee and any other pipe(s) not a common utility facility, and non-exclusive insofar as they relate to common utility facilities) over, upon, under, along and across parts of Lot 5 in Westridge Unit 1 being a subdivision of part of the South East 1/4 of Section 6, Township 42 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois as created by that certain Ridge Plaza Operating Agreement dated June 24, 1985 recorded in the Office of the Recorder of Deeds of Cook County, Illinois on July 3, 1985 as Document 85088497 in Cook County, Illinois.

95579463

UNOFFICIAL COPY

Property of Cook County Clerk's Office



# UNOFFICIAL COPY

PARCEL 5:

Non-exclusive Easement for the benefit of and appurtenant to Parcel 1 as follows:

Easement for the parking and passage of vehicles over the parking area and roadways and the passage of pedestrians over the parking area, roadways and walkways (except as noted in Paragraph 1.A of Document 85012640) and perpetual easement for the right to install and use common utility facilities and future other pipes, lines, conduits, wires, cables, and other utility facilities (said utility easements to be exclusive insofar as they relate to pipe(s) (which are lateral(s) to service the building in question) located within 5 feet of the building line of the Grantee and any other pipe(s) not a common utility facility, and non-exclusive insofar as they relate to common utility facilities) over, upon, under, along and across parts of:

That part of Lot 4 in Westridge Unit 1, being a subdivision of part of the South East 1/4 of Section 6, Township 42 North, Range 11 East of the Third Principal

Meridian, in the Village of Arlington Heights, Cook County, Illinois described as follows:

Commencing at the South West corner of said Lot 1; thence North 00 degrees 24 minutes 15 seconds East 12.50 along the West line of said Lot to the piece of beginning; thence continuing North 00 degrees 24 minutes 15 seconds East 17.26 feet to a point of curve; thence Northerly on a curve convex to the West having a radius of 181.40 feet, an arc distance of 66.29 feet to a point of tangent; thence North 21 degrees 32 minutes 14 seconds East 122.42 feet to a point of curve; thence Northerly on a curve convex to the East having a radius of 247.40 feet, an arc distance of 81.97 feet; thence South 75 degrees 20 minutes 34 seconds East 137.98 feet; thence South 11 degrees 42 minutes 51 seconds West 69.29 feet; thence South 12 degrees 59 minutes 18 seconds East 64.76 feet; thence South 00 degrees 24 minutes 15 seconds West 80.58 feet; thence South 89 degrees 59 minutes 32 seconds West 205 feet to the point of beginning.

Also known as:

Lot 1 in Westridge Unit 1 Resubdivision of Lot 4 of Westridge Unit 1 as recorded July 2, 1985 as Document 85084774

Created by that certain Ridge Plaza Operating Agreement dated June 24, 1985 recorded in the Office of the Recorder of Deeds of Cook County, Illinois on July 3, 1985 as Document 85088497 as confirmed by the Irving Federal Savings and Loan Association Reciprocal Easement Agreement dated February 1, 1986 and recorded March 14, 1986 as Document 86102640, in Cook County, Illinois.

Common Address: Northeast corner Dundee Road and Kennicott, Arlington Heights, Illinois

TAX I.D. - 37-1314346

Address of Property:

Ridge Plaza  
Old Country Buffet  
800 West Dundee Road  
Arlington Heights, IL 60004

95579463

UNOFFICIAL COPY

Property of Cook County Clerk's Office