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## AGREEMENT

THIS AGREEMENT ("Agreement") is made as of the 11th day of December 1995, by and between RYAN CONSTRUCTION COMPANY OF MINNESOTA, INC., a Minnesota corporation ("Ryan"), and BERTUCCI'S RESTAURANT CORP., a Massachusetts corporation ("Bertucci's").

WHEREAS, Ryan is the owner of the land located in Cook County, Illinois, legally described on Exhibit A attached hereto and hereby made a part hereof ("Ryan Land"), and Bertucci's is the owner of the adjoining land located in Cook County, Illinois, legally described on Exhibit B attached hereto and hereby made a part hereof ("Bertucci's Land");

WHEREAS, Bertucci's has requested that Ryan, as an Approving Party under that certain Operation and Easement Agreement dated April 14, 1993, and recorded with the Cook County Recorder as Document No. 93351020, as amended ("OEA"), approve plans ("Plans") for construction of a restaurant building ("Building") on the Bertucci's Land in the location desired by Bertucci's; and

WHEREAS, Ryan has agreed to approve the Plans, subject to the agreements by Bertucci's set forth herein.

NOW THEREFORE, In consideration of the premises, of Ryan's approval of the Plans, of Ten and No/100ths Dollars (\$10.00), and of other good and valuable consideration in hand paid, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby covenant and agree as follows:

PREPARED BY AND AFTER RECORDING RETURN TO:

Robert A. Heiberg  
Dorsey & Whitney P.L.L.P.  
220 South Sixth Street  
Minneapolis, Minnesota 55402

TAX IDENTIFICATION NUMBERS:

See Exhibit A

ADDRESS OF PROPERTY:

Southwest corner of  
Meacham and Higgins Road  
Schaumburg, Illinois

29 <sup>50</sup>/<sub>EL</sub>

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Bertucci's agrees to maintain in good condition and repair the brick enclosure for its trash dumpster to be constructed on the south side of the Building, including but not limited to the wooden doors thereon, so that said enclosure and doors do not become unsightly, and so that said doors remain operable. If Bertucci's fails to so maintain said enclosure and doors, Ryan, or Ryan's tenant, may so notify Bertucci's in writing, and, if Bertucci's does not remedy said failure within thirty (30) days after receipt of said notice, the person, party or entity which gives said notice may remedy the same at the sole cost and expense of Bertucci's.

The foregoing covenants and agreements shall be binding upon and enforceable by the parties hereto and their respective tenants, successors and assigns and shall be deemed to run with the Ryan Land and the Bertucci's Land and to be binding upon and benefit any successor owners thereof.

IN WITNESS WHEREOF, The parties hereto have caused these presents to be executed, effective as of the date first above written.

RYAN CONSTRUCTION COMPANY OF  
MINNESOTA, INC.

By \_\_\_\_\_

Its \_\_\_\_\_

BERTUCCI'S RESTAURANT CORP.

By \_\_\_\_\_

Its \_\_\_\_\_

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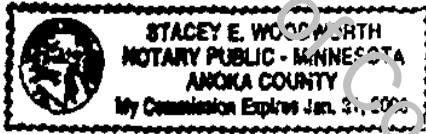
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STATE OF MINNESOTA )  
 ) SS.  
COUNTY OF ANOKA )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Scott Veltke, the Vice President of RYAN CONSTRUCTION COMPANY OF MINNESOTA, INC., a Minnesota corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his 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 official seal this 18 day of December 1995.

(NOTARY PUBLIC)



[Signature]  
Notary Public

My Commission Expires: Jan 31, 2000

STATE OF Massachusetts )  
 ) SS.  
COUNTY OF Middlesex )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Joseph Crusale, the President of BERTUCCIS RESTAURANT CORP., a Massachusetts corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his 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 official seal this 11 day of December 1995.

(NOTARY PUBLIC)

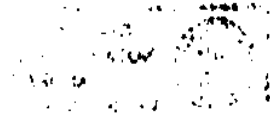
[Signature]  
Notary Public

My Commission Expires: April 6, 2001

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## EXHIBIT A

Lot 4 in Park St. Claire Plaza Resubdivision No. 1, recorded May 2, 1995, as Document Number 95288758, and re-recorded July 7, 1995, as Document Number 95441456, being a resubdivision of Lot 2 in Park St. Claire Plaza, a subdivision of part of the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section 13, Township 41 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois.

PERMANENT INDEX NUMBER: 07-13-300-036

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## EXHIBIT B

Lot 3 in Park St. Claire Plaza Resubdivision No. 1, recorded May 2, 1995, as Document Number 95288758, and re-recorded July 7, 1995, as Document Number 95441456, being a resubdivision of Lot 2 in Park St. Claire Plaza, a subdivision of part of the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section 13, Township 41 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois.

PERMANENT INDEX NUMBER: 07-13-300-036 PT

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