

UNOFFICIAL COPY

①

96293158

. DEPT-01 RECORDING \$55.00
. T#0012 TRAN 0212 04/18/96 14:48:00
. #1034 # CG *-96-293158
. COOK COUNTY RECORDER

Property of Cook County Clerk's Office

Fourth amendment to Memorandum of Restated
Ground Lease

*denegate 93753603
92 628536*

*DI 7178297 SS⁰²
JB*

96293158

BOX 333-CTI

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

This instrument was prepared by and
after recording is to be returned to:

Joseph J. Sperber, Esq.
Davis Polk & Wardwell
450 Lexington Avenue
New York, New York 10017

96293158

=====

FOURTH AMENDMENT TO MEMORANDUM OF RESTATED GROUND LEASE

AMENDMENT (this "Amendment"), dated as of October 3, 1994 between MORGAN GUARANTY TRUST COMPANY OF NEW YORK, a New York corporation, as Trustee under Declaration of Trust dated December 9, 1960 for the Commingled Pension Trust Fund (Special Situation Investments - Real Estate), having an address at 522 Fifth Avenue, New York, New York 10036 ("Lessor"), and RCUSE-RANDHURST SHOPPING CENTER, INC., a Maryland corporation having an address at 10275 Little Patuxent Parkway, Columbia, Maryland 21044 ("Lessee").

WITNESSETH:

WHEREAS:

A. Reference is hereby made to that certain Restated Ground Lease dated as of October 27, 1988 between Lessor and Lessee (as amended as set forth below, the "Lease") and that certain Memorandum of Restated Ground Lease dated as of October 27, 1988 between Lessor and Lessee which was recorded on October 31, 1988 in the Office of the Recorder of Cook County, Illinois (the "Recorder") as Document No. 88501075 and registered in the Office of the Registrar of Titles for said County (the "Registrar") as Document No. LR3750217 (as amended as set forth below, the

* Capitalized terms not otherwise defined herein are defined in Section 1.

D 176 78297 JFF

96293158

UNOFFICIAL COPY

000000

Property of Cook County Clerk's Office

000000

UNOFFICIAL COPY

"Memorandum"), as amended by that certain First Amendment to Restated Ground Lease dated as of October 10, 1990 between Lessor and Lessee and that certain First Amendment to Memorandum of Restated Ground Lease dated as of October 10, 1990 between Lessor and Lessee which was recorded on October 23, 1990 in the Office of the Recorder as Document No. ~~90517273~~ and registered in the Office of the Registrar as Document No. LR3921155, and as further amended by that certain Second Amendment to Restated Ground Lease dated as of July 22, 1992 between Lessor and Lessee and that certain Second Amendment to Memorandum of Restated Ground Lease dated as of July 22, 1992 between Lessor and Lessee which was recorded on August 25, 1992 in the Office of the Recorder as Document No. 92628538, and as further amended by that certain Third Amendment to Restated Ground Lease dated as of August 16, 1993 between Lessor and Lessee and that certain Third Amendment to Memorandum of Restated Ground Lease dated as of August 16, 1993 between Lessor and Lessee which was recorded on September 21, 1993 in the Office of the Recorder as Document No. 93753604, which Lease affects the Land described therein and in Exhibit A hereto.

B. Reference is also hereby made to that certain Fourth Amendment to Restated Ground Lease dated as of the date hereof between Lessor and Lessee (the "Fourth Amendment to Lease"), whereby Lessor and Lessee made certain amendments to the Lease effective as of the date thereof.

C. Lessor and Lessee desire to record this Amendment as a memorandum of the Fourth Amendment to Lease and to amend the Memorandum as set forth herein.

D. The part of the Land that was registered in the Office of the Registrar is no longer so registered.

NOW, THEREFORE, in consideration of the premises, and in consideration of the sum of Ten Dollars paid by each party to the other and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged by each party to the other, and in consideration of the agreements set forth in the Fourth Amendment to Lease and herein, and intending to be bound by the Fourth Amendment to Lease and hereby, the parties hereby agree that the Memorandum is hereby amended as follows:

SECTION 1. Capitalized terms used, but not defined, in this Amendment are defined in the Lease and have the same meanings herein as therein.

SECTION 2. Schedule A to the Memorandum, Part I thereof captioned "Description of the Land" is hereby

UNOFFICIAL COPY

Property of Cook County Clerk's Office

000000000000

UNOFFICIAL COPY

amended by adding thereto, immediately preceding the paragraph thereof that begins "TOGETHER WITH", the following paragraphs (i.e. by adding the parcel of land described in the following paragraphs to the land demised under the Lease), to wit:

TOGETHER WITH that certain parcel of land situated in the County of Cook in the State of Illinois described as follows to wit:

The North Seventy (70) Feet of the West Seventy (70) Feet of the South One Hundred Twenty (120) Feet of the East Half (1/2) of the South East Quarter (1/4) of Section 27, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

SECTION 3. Lessor and Lessee intend that this Amendment shall constitute a memorandum of the Fourth Amendment to Lease which amends Schedule A, Part I of the Lease in the same manner.

SECTION 4. This Amendment shall be effective as of the date first above written.

SECTION 5. Except as specifically amended by the hereby, all of the provisions of the Memorandum shall remain in full force and effect and are hereby ratified and confirmed; and, from and after said effective date, the Memorandum and this Amendment shall be deemed to be a single integrated document, incorporating in the Memorandum the changes effected by this Amendment and the Fourth Amendment to Lease.

SECTION 6. No provision of this Amendment shall be modified, waived or terminated, except by an instrument in writing, signed by the party against whom enforcement of such modification, waiver or termination is to be enforced.

SECTION 7. This Amendment shall be governed by and construed in accordance with the laws of the State of Illinois.

SECTION 8. This Amendment may be signed in any number of counterparts, each of which shall be deemed to be an original, with the same effect as if the signatures thereto and hereto were upon the same instrument, and it shall not be necessary in making proof hereof to produce or account for more than one such counterpart.

UNOFFICIAL COPY

IN WITNESS WHEREOF, Lessor and Lessee have caused this Amendment to be duly executed as of the date first above written.

LESSOR:

MORGAN GUARANTY TRUST COMPANY
OF NEW YORK, as Trustee
under Declaration of Trust
dated December 9, 1960 for
the Commingled Pension Trust
Fund (Special Situation
Investments - Real Estate)

By:

James M Walsh
Name: JAMES M WALSH
Title: Vice President

Corporate Seal

Attest:

James E Roscoe
Name: James E Roscoe
Title: Assistant Secretary

LESSEE:

ROUSE-RANDHURST SHOPPING
CENTER, INC.

By:

Jeffrey H. Donahue
Name: Jeffrey H. Donahue
Title: Vice President

Corporate Seal

Attest:

Kathleen E. Barry
Name: Kathleen E. Barry
Title: Assistant Secretary

96293158

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, GAIL E.M. CAMPBELL a Notary Public in and for said County in the State aforesaid, do hereby certify that JAMES WALSH, personally known to me to be a Vice President of MORGAN GUARANTY TRUST COMPANY OF NEW YORK, a New York corporation, and JAMES ROSASCO, personally known to me to be an Assistant Secretary of said corporation 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 they signed and delivered the said instrument as said Vice President and Assistant Secretary, respectively, and said Assistant Secretary 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 of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 18 day of ~~December~~, 1996
(gr) January

Gail E.M. Campbell
Notary Public

Notary Seal

Commission Expires:

December 22, 1996

GAIL E. M. CAMPBELL
Notary Public, State of New York
No. 41-4861347
Qualified in Queens County
Certificate Filed in New York County
Commission Expires Dec. 22, 1996

96293158

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

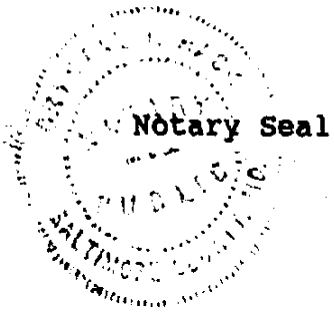
STATE OF MD)
COUNTY OF Howard) ss.:

I, Crystal J. Hack a Notary Public in and for said County in the State aforesaid, do hereby certify that William H. Donahue, personally known to me to be a Vice President of ROUSE-RANDHURST SHOPPING CENTER, INC., a Maryland corporation, and Kathleen E. Barry, personally known to me to be an Assistant Secretary of said corporation 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 they signed and delivered the said instrument as said Vice President and Assistant Secretary, respectively, and said Assistant Secretary 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 of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 27th day of December, 1995.

Crystal J. Hack
Notary Public

Commission Expires:
5/1/96



96293158

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT A

Description of the Land

Lots One and Two in Randhurst Center Resubdivision - No. 1, being a resubdivision of Lot One in Randhurst Center, being a subdivision of part of the Southeast 1/4 of Section 27, Township 42 North, Range 11 East of the 3rd Principal Meridian, Cook County, Illinois, according to the Plat of said Randhurst Center Resubdivision - No. 1 recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 87408581 and registered in the Office of the Registrar of Titles of said County as Document No. 3637429.

LESS AND EXCEPTING from Said Lot One that part of the West 1/2 of the South East 1/4 of Section 27, Township 42 North, Range 11, East of the Third Principal Meridian, (except that part thereof falling in a 100 foot strip conveyed to the County of Cook by Deed recorded May 6, 1941 as Document 12674702 and filed May 5, 1941 as Document 1r. 895623) described as following: beginning at the South West corner of the South East 1/4 of said Section 27; thence on an assumed bearing of North 00 degrees 00 minutes 33 seconds East along the West line of said South East 1/4 259.99 feet; thence South 89 degrees 59 minutes 27 seconds East 50.00 feet to the Easterly right of way line of Elmhurst Road as dedicated per Plat recorded September 24, 1928 as Document 10155704 in said County; thence South 34 degrees 48 minutes 52 seconds East 99.76 feet; thence South 45 degrees 31 minutes 35 seconds East 168.13 feet; thence South 67 degrees 48 minutes 12 seconds East 74.96 feet to the Northerly right of way line of Kensington Road (Foundry Road); thence South 00 degrees 10 minutes 27 seconds West 32.82 feet to the South line of the South East 1/4 of said Section 27; thence North 89 degrees 49 minutes 33 seconds West along said South line 296.28 feet to the Point of Beginning).

TOGETHER WITH AND SUBJECT TO that certain Declaration of Reciprocal Easements dated as of July 21, 1987 by LaSalle National Bank, as Trustee under Trust Agreement dated May 5, 1981 and known as Trust No. 103910, and recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 87408582 and registered in the Office of the Registrar of Titles of said County as Document No. 3637430.

PIN: 03-27-401-027 260 + 261 + 040

Common Street Address: Rand Road and Elmhurst Road
Mt. Prospect, Illinois

UNOFFICIAL COPY

Property of Cook County Clerk's Office