

WHEN RECORDED, RETURN TO:

City Clerk
City of Chandler
Post Office Box 4008, Mailstop 606
Chandler, Arizona 85244-4008

DTChandler2A2BMemo-7-1-1--
henrya

**MEMORANDUM OF LAND AND IMPROVEMENTS LEASE FOR SITE 3,
PARCELS 2A and 2B**

THIS MEMORANDUM OF LAND AND IMPROVEMENTS LEASE ("Memorandum") is made and entered into as of the 22nd day of April, 2019 (the "Effective Date"), by and between the CITY OF CHANDLER, an Arizona municipal corporation, ("Landlord") whose address is P.O. Box 4008, Chandler, AZ 84244-4008, and DT CHANDLER, LLC, an Arizona limited liability company ("Tenant") whose address is 140 E Rio Salado Pkwy, Unit 305, Tempe, Arizona 85281.

1. Landlord and Tenant have entered into that certain Land and Improvements Lease, dated March 29, 2019 ("Lease"), whereby Landlord leases to Tenant that real property described as the Site 3, Parcels 2A and 2B, as legally described in **Exhibit A** attached hereto and by this reference incorporated herein, together with all rights and privileges appurtenant thereto, and all present and future improvements thereon (collectively the "Premises") for a term commencing on the Effective Date and ending on the 25th anniversary of the Effective Date. The Lease sets forth all terms and provisions relative to the lease of the Premises by Landlord to Tenant. Without limiting the generality of the foregoing, Tenant has the right to mortgage its leasehold interest and there are restrictions on the right of Landlord to transfer or encumber its interest in the Premises or the Lease.

2. This Memorandum is being recorded to give constructive notice to all persons dealing with the Premises that Landlord leases to Tenant the Premises, and that Landlord and Tenant consider the Lease to be a binding agreement between Landlord and Tenant regarding the Premises.

This Memorandum is not a complete summary of the Lease. The provisions of this Memorandum shall not be used in interpreting the Lease. In the event of any conflict between the terms and provisions of this Memorandum and the Lease, the terms and provisions of the Lease shall govern and control. A complete copy of the Lease is available for inspection at the office of the Chandler City Clerk, 175 South Arizona Avenue, 1st Floor, Chandler, Arizona 85225.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum of Land and Improvements Lease as of the date set forth above.

LANDLORD:

TENANT:

CITY OF CHANDLER, an Arizona municipal corporation

DT CHANDLER, LLC, an Arizona limited liability company

By: Kevin Hartke
Kevin Hartke, Mayor

By: Bret Anderson
Bret Anderson, Manager

ATTESTED TO:

Dana R. DeRoy
City Clerk



APPROVED BY:

[Signature]
City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

On April 22, 2019, before me, a notary public in and for the State of Arizona, personally appeared Mayor Kevin Hartke, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the above Memorandum of Land and Improvements Lease and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

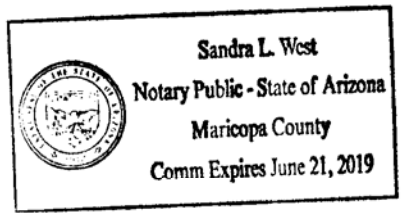
I certify under PENALTY OF PERJURY under the laws of the State of Arizona that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Sandra L West
Notary Public

My Commission Expires:

June 21, 2019



STATE OF ARIZONA)
) ss.
County of Maricopa)

On April 18, 2019, before me, a notary public in and for the State of Arizona, personally appeared Bret Anderson, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the above Memorandum of Land and Improvements Lease and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Arizona that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Alexis Proper

Notary Public

My Commission Expires:

May 10, 2019

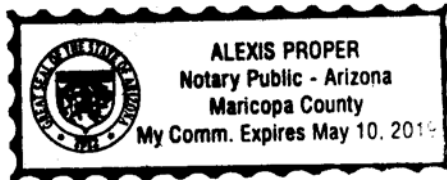


Exhibit A

Legal Description of Premises

**LEGAL DESCRIPTION
SITE 3,
DOWN TOWN CHANDLER**

PORTIONS OF PARCEL 4, 5 AND THE NORTH/ SOUTH ALLEY AS DEPICTED ON FINAL PLAT FOR 'SAN MARCOS COMMONS', RECORDED IN BOOK 865, PAGE 18, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA AND LOT 1 OF FINAL PLAT 'QWEST CHANDLER MAIN', AS RECORDED IN BOOK 694, PAGE 15, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT A BRASS CAP IN A HANDHOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 33, FROM WHICH A CITY OF CHANDLER BRASS CAP SET FLUSH MARKING THE CENTERLINE OF CHANDLER BOULEVARD BEARS SOUTH 89°38'04" WEST, A DISTANCE OF 409.95 FEET;

THENCE SOUTH 89°38'04" WEST, ALONG THE CENTERLINE OF CHANDLER BOULEVARD, A DISTANCE OF 104.46 FEET;

THENCE SOUTH 00°21'56" EAST, A DISTANCE OF 45.50 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 44°55'01" EAST, A DISTANCE OF 24.01 FEET TO A POINT ON THE WEST RIGHT OF WAY OF ARIZONA AVENUE AS DEPICTED ON SAID FINAL PLAT FOR 'SAN MARCOS COMMONS';

THENCE SOUTH 00°37'20" WEST, A DISTANCE OF 140.81 FEET;

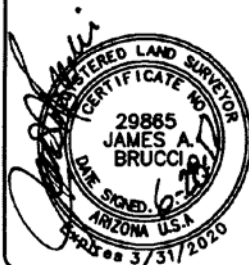
THENCE SOUTH 14°38'31" EAST, A DISTANCE OF 49.26 FEET;

THENCE SOUTH 00°37'20" WEST, A DISTANCE OF 106.12 FEET TO A POINT OF CURVATURE, CONCAVE EASTERLY, WHOSE RADIUS IS 1431.31 FEET;

THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°51'26" AN ARC LENGTH OF 21.41 FEET;

THENCE SOUTH 89°47'02" WEST, ALONG THE NORTH LINE OF AN ALLEY AS DEPICTED ON SAID 'SAN MARCOS COMMONS' FINAL PLAT, A DISTANCE OF 146.96 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID QWEST CHANDLER MAIN FINAL PLAT;

THENCE NORTH 00°40'46" EAST, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 168.48 FEET;



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TITLE: **XB03**
DATE: 06/28/17
DESC: SITE 3
DOWNTOWN CHANDLER

HUNTER	CIVIL AND SURVEY
ENGINEERING	
10450 N. 74TH ST., SUITE 200 SCOTTSDALE, AZ 85258 T 480 991 3985 F 480 991 3986	
	LGEC223-XB03.DWG PROJ.NO.,LGEC223-S

LEGAL DESCRIPTION SITE 3, DOWN TOWN CHANDLER

THENCE NORTH 89°10'32" WEST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 153.97 FEET;

THENCE NORTH 00°40'41" EAST, A DISTANCE OF 32.33 FEET TO A POINT OF NON TANGENT CURVATURE, CONCAVE SOUTHWESTERLY, WHOSE RADIUS IS 36.07 FEET AND WHOSE CHORD BEARS NORTH 40°02'10" WEST, A CHORD DISTANCE OF 44.65 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 76°28'06" AN ARC LENGTH OF 48.14 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE NORTHEASTERLY, WHOSE RADIUS IS 29.50 FEET;

THENCE NORTHERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 78°43'06" AN ARC LENGTH OF 40.53 FEET;

THENCE NORTH 00°00'00" EAST, A DISTANCE OF 55.43 FEET;

THENCE NORTH 44°49'02" EAST, A DISTANCE OF 28.37 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF CHANDLER BOULEVARD AS DEPICTED ON SAID "SAN MARCOS COMMONS" FINAL PLAT;

THENCE NORTH 89°38'04" EAST, A DISTANCE OF 49.88 FEET;

THENCE SOUTH 84°21'17" EAST, A DISTANCE OF 96.29 FEET;

THENCE NORTH 89°38'04" EAST, A DISTANCE OF 67.27 FEET;

THENCE NORTH 89°38'04" EAST, A DISTANCE OF 91.37 FEET TO THE POINT OF BEGINNING.

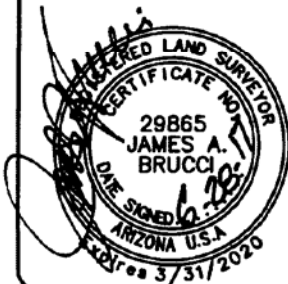
SAID DESCRIPTION CONTAINING 1.780 ACRES+--.

TOGETHER WITH:

PARCEL 3 AND A PORTION OF PARCEL 1 AS DEPICTED ON SAID FINAL PLAT FOR "SAN MARCOS COMMONS"; MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT A CITY OF CHANDLER BRASS CAP IN A HANDHOLE MARKING THE INTERSECTION OF ARIZONA AVENUE AND BUFFALO STREET FROM WHICH A CITY OF CHANDLER BRASS CAP SET FLUSH MARKING THE CENTER LINE OF SAID BUFFALO STREET BEARS SOUTH 89°47'02" WEST A DISTANCE OF 410.08 FEET;

THENCE SOUTH 89°47'02" WEST, ALONG THE CENTER LINE OF SAID BUFFALO STREET, A DISTANCE OF 374.45 FEET;



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CIVIL AND SURVEY

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PROJ. NO, LGEC223-S

**LEGAL DESCRIPTION
SITE 3,
DOWN TOWN CHANDLER**

THENCE NORTH 01°06'05" EAST, A DISTANCE OF 42.51 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF SAID BUFFALO STREET;

THENCE NORTH 89°47'02" EAST, A DISTANCE OF 174.20 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°39'31" EAST, ALONG THE WEST LINE OF SAID PARCEL 3, A DISTANCE OF 120.00 FEET TO A POINT ON THE SOUTH LINE OF AN ALLEY AS DEPICTED ON SAID FINAL PLAT FOR 'SAN MARCOS COMMONS';

THENCE NORTH 89°47'02" EAST, A DISTANCE OF 130.32 FEET TO A POINT ON A CURVE, CONCAVE WESTERLY, WHOSE RADIUS IS 1431.31 AND WHOSE CHORD BEARS SOUTH 01°33'04" EAST A CHORD DISTANCE OF 105.02 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°12'18" AN ARC LENGTH OF 105.05 FEET;

THENCE SOUTH 00°32'57" WEST, A DISTANCE OF 4.05 FEET;

THENCE SOUTH 45°05'35" WEST, A DISTANCE OF 15.55 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF BUFFALO STREET;

THENCE SOUTH 89°47'02" WEST, A DISTANCE OF 123.48 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINING 0.366 ACRE±.

TOGETHER WITH:

COMMENCING AT A CITY OF CHANDLER BRASS CAP IN A HANDHOLE MARKING THE INTERSECTION OF ARIZONA AVENUE AND BUFFALO STREET FROM WHICH A CITY OF CHANDLER BRASS CAP SET FLUSH MARKING THE CENTER LINE OF SAID BUFFALO STREET BEARS SOUTH 89°47'02" WEST A DISTANCE OPF 410.08 FEET;

THENCE SOUTH 89°47'02" WEST, ALONG THE CENTER LINE OF SAID BUFFALO STREET, A DISTANCE OF 374.45 FEET;

THENCE NORTH 01°06'05" EAST, A DISTANCE OF 42.51 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF SAID BUFFALO STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING;



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**LEGAL DESCRIPTION
SITE 3,
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THENCE NORTH 00°40'41" EAST, A DISTANCE OF 94.34 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHEASTERLY, WHOSE RADIUS IS 22.00 FEET ;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 89°06'22" AN ARC LENGTH OF 34.21 FEET;

THENCE NORTH 89°47'02" EAST, A DISTANCE OF 52.93 FEET TO A POINT ON THE WEST LINE OF PARCEL 2 OF SAID "SAN MARCOS COMMONS";

THENCE SOUTH 00°40'36" WEST, ALOND SAID WEST LINE, A DISTANCE OF 116.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF SAID BUFFALO STREET;

THENCE SOUTH 89°47'02" WEST, A DISTANCE OF 74.59 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINING 0.197 ACRE±.



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