

WHEN RECORDED, RETURN TO:

City Attorney, City of Glendale
Glendale City Hall
5850 West Glendale Avenue
Glendale, Arizona 85301

**CITY CLERK
ORIGINAL**

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
ELECTRONIC RECORDING
20080158419,02/22/2008 04:04
MOLJQH-14-1-1--N

MEMORANDUM OF LEASE

^{30th} BY THIS MEMORANDUM OF LEASE (this "Memorandum"), entered into as of the day of January, 2008, by and between the CITY OF GLENDALE, ARIZONA ("Lessor") and JQH - GLENDALE, AZ DEVELOPMENT, LLC, a Missouri limited liability company ("Lessee"), the parties declare and agree as follows:

Lessor owns approximately 6.3379 acres of land as legally described on Exhibit A attached hereto and incorporated herein by this reference, together with all improvements located thereon from time to time (the "Public Facilities Site").

Lessor and Lessee entered into that certain Management and Lease Agreement dated January 30, 2008 (the "Lease") pursuant to which Lessor has leased to Lessee, and Lessee has leased from Lessor, a portion of the Public Facilities Site in accordance with the terms of the Lease and as depicted on B attached hereto and incorporated herein by this reference. All initially capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Lease.

Pursuant to the Lease, the initial fifty-five (55) year term shall commence on the date on which all of the following have occurred: (i) the initial Improvements have been substantially completed in accordance with the Approved Plans, (ii) a certificate of substantial completion has been issued by the general contractor(s) and architect(s) for the initial Improvements, and a copy of such certificate has been delivered to Lessor and Lessee, and (iii) a temporary certificate of occupancy for the initial Improvements has been issued by the City, and a copy thereof has been delivered to Lessee.

The parties have executed this Memorandum for recording purposes only as to the Lease described above, and it is not intended to and shall not modify, amend, supersede or otherwise affect the terms and provisions of said Lease.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


WITNESS WHEREOF, the Parties have executed and delivered this Memorandum as of the date first set forth above.

LESSEE:

JQH – GLENDALE, AZ DEVELOPMENT, LLC,
a Missouri limited liability company


By: John Q. Hammons Hotels Development,
LLC, Its sole member

By: John Q. Hammons Revocable Trust
dated December 28, 1989, as Amended
and Restated, Its sole member


By: 
John Q. Hammons
Its: Trustee

LESSOR:

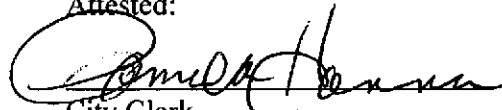
CITY OF GLENDALE, ARIZONA


Ed Beasley
City Manager

Approved as to Form:


Craig D. Tindall, City Attorney

Attested:


City Clerk

[NOTARY SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

STATE OF MISSOURI)
)
) ss
COUNTY OF GREENE)

This instrument was acknowledged before me on the 11 day of February 2008, by John Q. Hammons, Trustee of the John Q. Hammons Revocable Trust Dated December 28, 1989, as Amended and Restated, the Sole Member of John Q. Hammons Hotels Development, LLC, the Sole Member of JQH – Glendale, AZ Development, LLC, on behalf of thereof.

Karen L. Collette

Notary Public, State of Missouri

My Commission Expires:
11-30-2010



Karen Collette Comm # **08492787**
Greene County State of Missouri
My Commission Expires Nov. 30, 2010

Exhibit A
(to Memorandum of Lease)

Public Facilities Site – Legal Description

[attached]

Wood, Patel & Associates, Inc.
(602) 333-8500
www.woodpatel.com

March 13, 2006
WP # 011419.23
Page 1 of 4
See Exhibit "A"

PARCEL DESCRIPTION
Maryland Avenue
Proposed Parcel A-2

A portion of Parcel A of Maryland Avenue and 95th Avenue, as shown on the Minor Land Division, recorded in Book 795, page 23, Maricopa County Records (M.C.R.), and a portion of Lot 9 of Westgate, as shown on the Final Plat for Westgate, recorded in Book 745, page 14, M.C.R., lying within Section 9, Township 2 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at center quarter corner of said Section 9, an iron pipe, from which the east quarter corner of said Section 9, a brass cap, bears North 88°01'45" East(basis of bearing), a distance of 2644.84 feet;
THENCE along the east-west mid-section line of said section, North 88°01'45" East, a distance of 135.40 feet;

THENCE leaving said east-west mid-section line, North 01°47'39" West, a distance of 55.00 feet, to a point on the northerly right-of-way line of Maryland Avenue, per document No. 03-1582963, M.C.R.;
THENCE continuing, North 01°47'39" West, a distance of 212.42 feet, to the **POINT OF BEGINNING**;

THENCE North 01°47'39" West, a distance of 6.54 feet, to a point of intersection with a non-tangent curve;

THENCE northerly along said curve, having a radius of 20.00 feet, concave easterly, whose radius bears North 88°01'45" East, through a central angle of 30°10'36", a distance of 10.53 feet, to the curve's end;

THENCE North 28°12'21" East, a distance of 111.45 feet, to the beginning of a curve;

THENCE northeasterly along said curve, having a radius of 80.00 feet, concave southeasterly, through a central angle of 60°00'00", a distance of 83.78 feet, to the curve's end;

THENCE North 88°12'21" East, a distance of 14.92 feet;

THENCE North 01°47'39" West, a distance of 372.30 feet;

THENCE North 88°12'21" East, a distance of 26.50 feet;

THENCE North 01°47'39" West, a distance of 186.39 feet, to a point on the southerly line of Coyote Boulevard, as recorded in Document 2005-18000413, M.C.R.;

THENCE along said southerly line, North 88°12'21" East, a distance of 36.50 feet, to a point on the westerly line of Parcel B of said Minor Land Division;

THENCE leaving said southerly line, along said westerly line, South 01°47'39" East, a distance of 186.34 feet, to the southwest corner of said Parcel B;

THENCE leaving said westerly line, along the southerly line of said Parcel B, North 88°12'21" East, a distance of 146.63 feet, to the southeast corner of said Parcel B and the easterly line of said Parcel A;

THENCE leaving said southerly line, along said easterly line and its southerly prolongation, South 01°47'39" East, a distance of 525.94 feet;

Parcel Description
Maryland Avenue
Proposed Parcel A-2

March 13, 2006
WP # 011419.23
Page 2 of 4
See Exhibit "A"

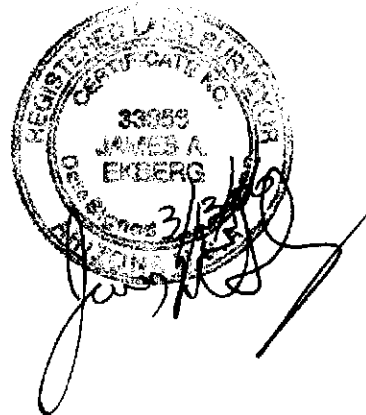
THENCE leaving said southerly prolongation, South 88°12'21" West, a distance of 352.23 feet, to the **POINT OF BEGINNING.**

Containing 3.0481 acres, or 132,775 square feet of land, more or less.

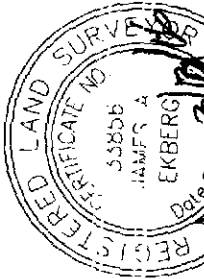
Subject to existing rights-of-way and easements.

This parcel description is based on the Minor Land Division Map of Dedication, of Maryland Avenue and 95th Avenue recorded in Book 795, page 23, M.C.R. and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of August, 2003 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

Y:\WP\Parcel Descriptions\011419.23 Maryland Ave. Proposed Parcel A-2.doc



COYOTE BOULEVARD
DOC. 05-1800413 M.C.R.



PARCEL "P"
MINOR LAND DIVISION
MARYLAND AND 95TH AVENUE
BOOK 795, PAGE 23, M.C.R.

PARCEL "A"
MINOR LAND DIVISION
MARYLAND AND 95TH AVENUE
BOOK 795, PAGE 23, M.C.R.

LOT 9
FINAL PLAT WESTGATE
BOOK 745, PAGE 14, M.C.R.

EX. 120' R.O.W.
PER DOC.
03-1582963,
M.C.R.

EX. 55' R.O.W.
PER DOC.
03-1582963,
M.C.R.

SW CORNER OF E 1/2 OF
NW 1/4 OF SECTION 9,
T.2N., R.1E.
(NOTHING FD. OR SET)

1013.12'
S88°01'23"W 1320.00'
BRASS CAP
IN HAND HOLE

306.88'
CENTER QUARTER
CORNER OF SECTION 9, T.2N., R.1E.
IRON PIPE
POINT OF COMMENCEMENT

135.40'
N88°01'45"E 2644.84'

2509.44'
E1/4 CORNER OF
SECTION 9,
T.2N., R.1E.
BRASS CAP

MARYLAND AVENUE

EXHIBIT "A"

WOOD/PATEL
2051 West Northern
Phoenix, AZ 85021
Phone: (602) 335-8500
Fax: (602) 335-8580
PHOENIX • MESA • TUCSON

MARYLAND AVENUE
PROPOSED PARCEL A-2
D3-13-06
WP# 011419.23
PAGE 3 OF 4
NOT TO SCALE

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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N01°47'39"W	55.00'
L2	N01°47'39"W	6.54'
L3	N28°12'21"E	111.45'
L4	N88°12'21"E	14.92'
L5	N88°12'21"E	26.50'
L6	N01°47'39"W	186.86'
L7	N88°12'21"E	36.50'
L8	S01°47'39"E	186.34'
L9	N88°12'21"E	146.63'

CURVE TABLE			
CURVE	DELTA	RADIUS	ARC
C1	30°10'36"	20.00'	10.53'
C2	60°00'00"	80.00'	83.78'

WOOD/PATEL
 2051 West Northern
 Phoenix, AZ 85021
 Phone: (602) 335-8500
 Fax: (602) 335-8580
 PHOENIX • MESA • TUCSON

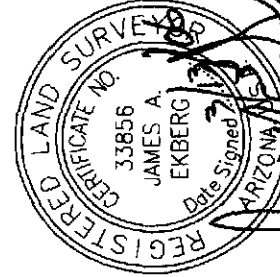


EXHIBIT "A"

MARYLAND AVENUE
 PROPOSED PARCEL A-2

03-13-06

WP# 011419.23

PAGE 4 OF 4

NOT TO SCALE

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Wood, Patel & Associates, Inc.
(602) 335-8500
www.woodpatel.com

March 13, 2006
WP# 011419.23
Page 1 of 4
See Exhibit "A"

PARCEL DESCRIPTION
Maryland Avenue
Proposed Parcel A-3

A portion of Parcel A of Maryland Avenue and 95th Avenue, as shown on the Minor Land Division, recorded in Book 795, page 23, Maricopa County Records (M.C.R.), and a portion of Lot 9 of Westgate, as shown on the Final Plat, recorded in Book 745, page 14, M.C.R., lying within Section 9, Township 2 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the center quarter corner of said Section 9, an iron pipe, from which the east quarter corner of said Section 9, a brass cap, bears North 88°01'45" East(basis of bearing), a distance of 2644.84 feet;

THENCE along the east-west mid-section line of said section, South 88°01'23" West, a distance of 221.70 feet;

THENCE leaving said east-west mid-section line, North 01°58'38" West, a distance of 55.00 feet, to a point on the northerly right-of-way line of Maryland Avenue, per document No. 03-1582963, M.C.R., and also the **POINT OF BEGINNING**;

THENCE along said northerly right-of-way line, North 46°53'09" West, a distance of 35.30 feet, to the easterly right-of-way line of 95th Avenue, per said document;

THENCE leaving said northerly right-of-way line, along said easterly right-of-way line, North 01°47'39" West, a distance of 637.18 feet;

THENCE leaving said easterly right-of-way line, North 88°12'21" East, a distance of 121.47 feet;

THENCE North 43°12'21" East, a distance of 35.00 feet;

THENCE South 46°47'39" East, a distance of 47.50 feet;

THENCE North 43°12'21" East, a distance of 9.40 feet;

THENCE South 46°47'39" East, a distance of 24.50 feet;

THENCE North 89°08'37" East, a distance of 5.09 feet;

THENCE North 88°12'21" East, a distance of 124.80 feet;

THENCE South 01°47'39" East, a distance of 32.33 feet;

THENCE North 88°12'21" East, a distance of 83.42 feet;

THENCE South 01°47'39" East, a distance of 30.69 feet;

THENCE North 88°12'21" East, a distance of 39.75 feet;

THENCE South 01°47'39" East, a distance of 136.82 feet;

THENCE North 88°10'25" East, a distance of 68.04 feet;

THENCE South 01°47'39" East, a distance of 76.04 feet;

THENCE South 88°12'21" West, a distance of 14.92 feet, to the beginning of a curve;

THENCE southwesterly along said curve, having a radius of 80.00 feet, concave southeasterly, through a central angle of 60°00'00", a distance of 83.78 feet, to the curve's end;

THENCE South 28°12'21" West, a distance of 111.45 feet, to the beginning of a curve;

**Parcel Description
Maryland Avenue
Proposed Parcel A-3**

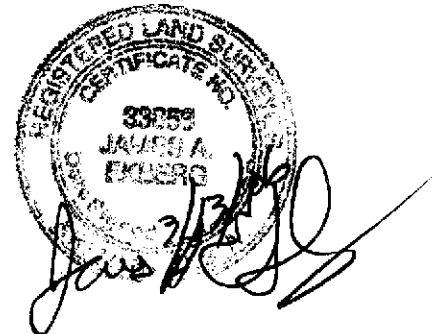
March 13, 2006
WP# 011419.23
Page 2 of 4
See Exhibit "A"

THENCE southerly along said curve, having a radius of 20.00 feet, concave easterly, through a central angle of 30°10'36", a distance of 10.53 feet, to a point of intersection with a non-tangent line;
THENCE South 01°47'39" East, a distance of 218.96 feet, to the northerly right-of-way line of said Maryland Avenue;
THENCE along said northerly right-of-way line, South 88°01'45" West, a distance of 39.98 feet;
THENCE leaving said northerly right-of-way line, North 01°47'39" West, a distance of 239.35 feet, to a point of intersection with a non-tangent curve;
THENCE northeasterly along said curve, having a radius of 15.00 feet, concave northwesterly, whose radius bears North 31°31'25" West, through a central angle of 30°16'15", a distance of 7.92 feet, to a point of intersection with a non-tangent line;
THENCE North 28°18'42" East, a distance of 124.97 feet;
THENCE North 58°14'17" West, a distance of 11.68 feet;
THENCE North 61°47'24" West, a distance of 10.88 feet;
THENCE North 28°12'36" East, a distance of 10.50 feet;
THENCE North 61°47'24" West, a distance of 30.29 feet;
THENCE South 28°12'36" West, a distance of 5.00 feet;
THENCE North 61°47'24" West, a distance of 5.63 feet;
THENCE North 01°47'24" West, a distance of 2.68 feet;
THENCE South 88°12'36" West, a distance of 23.09 feet;
THENCE South 01°47'24" East, a distance of 0.58 feet;
THENCE South 88°12'36" West, a distance of 18.33 feet;
THENCE South 01°47'24" East, a distance of 24.72 feet;
THENCE South 88°12'36" West, a distance of 36.83 feet;
THENCE South 01°47'24" East, a distance of 10.00 feet;
THENCE South 88°12'36" West, a distance of 9.04 feet;
THENCE South 01°47'39" East, a distance of 117.62 feet;
THENCE South 88°12'21" West, a distance of 17.73 feet;
THENCE South 01°47'39" East, a distance of 237.64 feet, to a point on the northerly right-of-way line of said Maryland Avenue;
THENCE along said northerly right-of-way line, South 88°01'23" West, a distance of 233.00 feet, to the **POINT OF BEGINNING**.

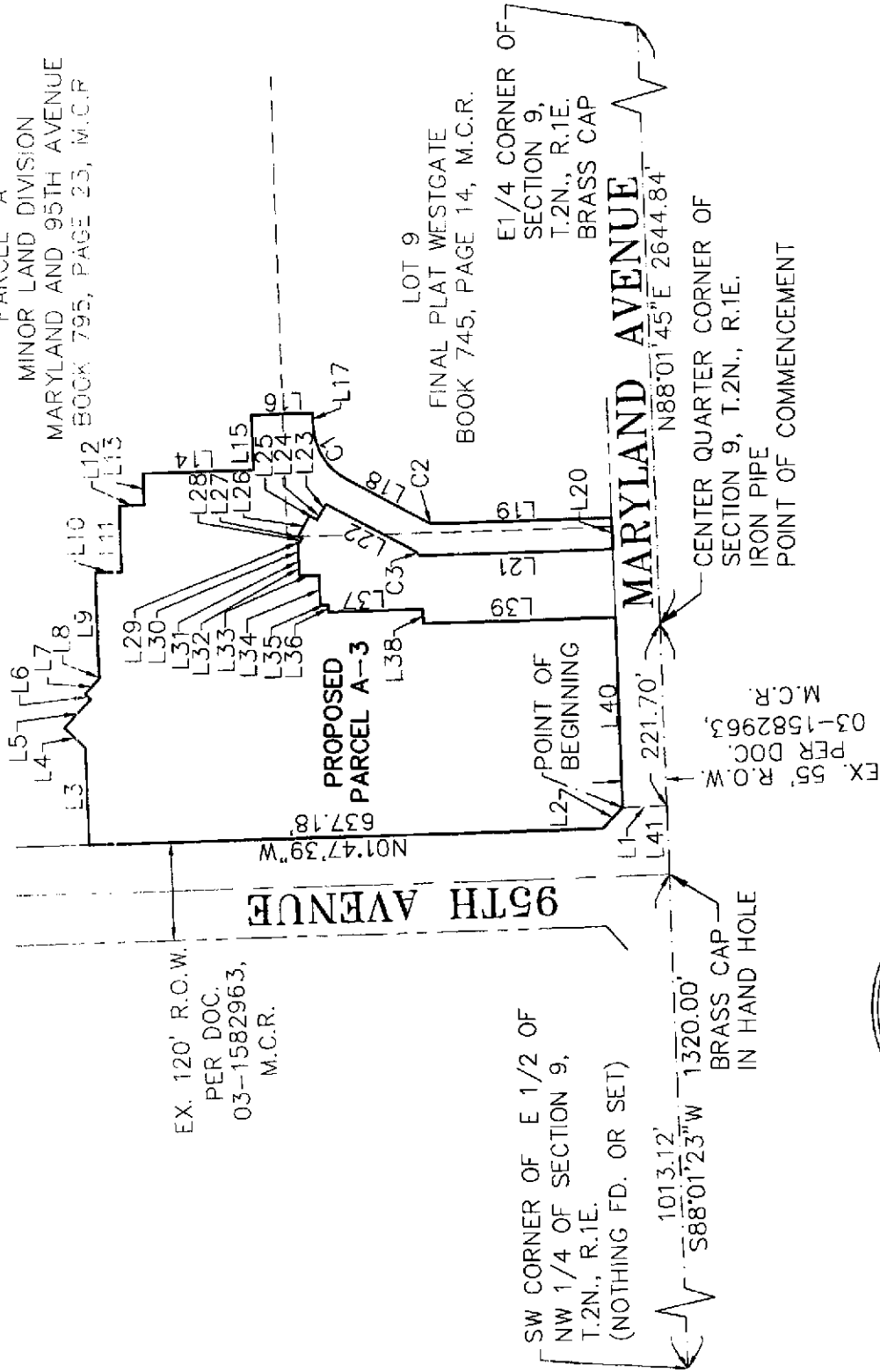
Containing 5.5402 acres, or 241,330 square feet of land, more or less.

Subject to existing rights-of-way and easements.

This parcel description is based on the Minor Land Division Map of Dedication, of Maryland Avenue and 95th Avenue recorded in Book 795, page 23, M.C.R. and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of August, 2003 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.



PARCEL "A"
 MINOR LAND DIVISION
 MARYLAND AND 95TH AVENUE
 BOOK 795, PAGE 23, M.C.R.



EX. 120' R.O.W.
 PER DOC.
 03-1582963,
 M.C.R.

SW CORNER OF E 1/2 OF
 NW 1/4 OF SECTION 9,
 T.2N., R.1E.
 (NOTHING FD. OR SET)

1013.12'
 S88°01'23"W 1320.00'
 BRASS CAP
 IN HAND HOLE

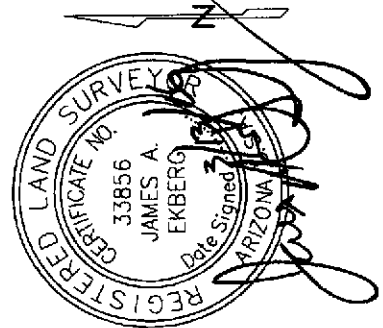
EX. 55' R.O.W.
 PER DOC.
 03-1582963,
 M.C.R.

CENTER QUARTER CORNER OF
 SECTION 9, T.2N., R.1E.
 IRON PIPE
 POINT OF COMMENCEMENT

E1/4 CORNER OF
 SECTION 9,
 T.2N., R.1E.
 BRASS CAP

LOT 9
 FINAL PLAT WESTGATE
 BOOK 745, PAGE 14, M.C.R.

MARYLAND AVENUE
 N88°01'45"E 2644.84'



WOOD/PATEL
 2051 West Northern
 Phoenix, AZ 85021
 Phone: (602) 335-8500
 Fax: (602) 335-8580
 PHOENIX • MESA • TUCSON

EXHIBIT "A"

MARYLAND AVENUE
 PROPOSED PARCEL A-3
 03-13-06

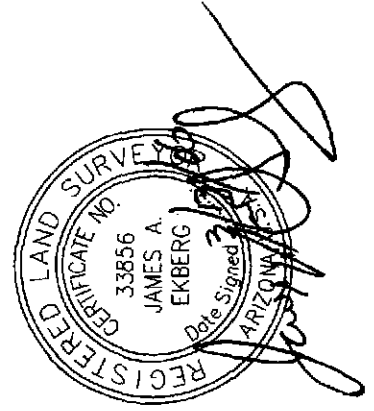
WP # 011419.23
 PAGE 3 OF 4
 NOT TO SCALE

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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N01°58'38"W	55.00'
L2	N46°53'09"W	35.30'
L3	N88°12'21"E	121.47'
L4	N43°12'21"E	35.00'
L5	S46°47'39"E	47.50'
L6	N43°12'21"E	9.40'
L7	S46°47'39"E	24.50'
L8	N89°08'37"E	5.09'
L9	N88°12'21"E	124.80'
L10	S01°47'39"E	32.33'
L11	N88°12'21"E	83.42'
L12	S01°47'39"E	30.69'
L13	N88°12'21"E	39.75'
L14	S01°47'39"E	136.82'
L15	N88°10'25"E	68.04'
L16	S01°47'39"E	76.04'
L17	S88°12'21"W	14.92'
L18	S28°12'21"W	111.45'
L19	S01°47'39"E	218.96'
L20	S88°01'45"W	39.98'
L21	N01°47'39"W	239.35'
L22	N28°18'42"E	124.97'
L23	N58°14'17"W	11.68'
L24	N61°47'24"W	10.88'

LINE TABLE		
LINE	BEARING	DISTANCE
L25	N28°12'36"F	10.50'
L26	N61°47'24"W	30.29'
L27	S28°12'36"W	5.00'
L28	N61°47'24"W	5.63'
L29	N01°47'24"W	2.68'
L30	S88°12'36"W	23.09'
L31	S01°47'24"E	0.58'
L32	S88°12'36"W	18.33'
L33	S01°47'24"E	24.72'
L34	S88°12'36"W	36.83'
L35	S01°47'24"E	10.00'
L36	S88°12'36"W	9.04'
L37	S01°47'39"E	117.62'
L38	S88°12'21"W	17.73'
L39	S01°47'39"E	237.64'
L40	S88°01'23"W	233.00'
L41	S88°01'22"W	85.18'

CURVE TABLE			
CURVE	DELTA	RADIUS	ARC
C1	60°00'00"	80.00'	83.78'
C2	30°10'36"	20.00'	10.53'
C3	30°16'15"	15.00'	7.92'



WOOD/PATEL
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 Phoenix, AZ 85021
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EXHIBIT "A"

MARYLAND AVENUE
 PROPOSED PARCEL A-3
 03-13-06
 WP# 011419.23
 PAGE 4 OF 4
 NOT TO SCALE

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Exhibit B
(to Memorandum of Lease)

Managed Property – Depiction

[attached]

If the Map CR1.2 is too small to read it can be viewed in person. The CR1.2 Map in regards to the Exhibit can be viewed in the City of Glendale City Clerk's Office located at:

Address: 5850 W. Glendale Ave Ste # 455
Glendale AZ 85301

Please feel free to contact the City of Glendale, Clerk's Office with any questions.

623-930-2252 x1

