

2006-016082

Klamath County, Oregon



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08/10/2006 10:20:39 AM

Fee: \$41.00

**WHEN RECORDED RETURN TO:**

**NEXTEL WEST CORP.  
1255 TREAT BLVD., SUITE 800  
WALNUT CREEK, CA 94597-7982  
ATTN: PNW PROPERTY SERVICES**

**KLAMATH COUNTY RECORDER COVER SHEET**

**Document Title(s)**

Memorandum of Lease Agreement

**Reference Number(s) of Documents assigned or released**

1. Nextel Site Reference – OR0320-B/Chiloquin

**Grantor(s)**

Quentin L. Breen, trustee of Train Mountain Foundation

**Grantee(s)**

Nextel West Corp., a Delaware corporation, d/b/a Nextel Communications

**Legal description (Abbreviated: i.e.. lot, block & subdivision name or number OR section/township/range and quarter/quarter section)**

See Exhibit A:

**Complete Legal Description on Page 5 of the document.**

**Assessor's Property Tax Parcel/Account Number(s)**

3407-02900-01100  
3407-02800-00301

**The Auditor/Recorder will rely on the information provided on this cover sheet. The Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.**

**I am requesting an emergency nonstandard recording for an additional fee as provided in ORS 205.327. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.**

**Signature of Requesting Party (Required for non-standard recordings only)**  
Gpcovst.doc rev 4/02

**RECORDED AT REQUEST OF, AND  
WHEN RECORDED RETURN TO:**

Nextel West Corp.  
1255 Treat Blvd., Suite 800  
Walnut Creek, CA 94597-7982  
Attn: Property Services

**ORIGINAL**

**MEMORANDUM OF AGREEMENT**

**OR-0320-B / Chiloquin  
APN: 3407-02900-01100  
3407-02800-00301**

This MEMORANDUM OF AGREEMENT is entered into on this 25<sup>th</sup> day of October, 2004, by Quentin L. Breen, trustee of Train Mountain Foundation with an address at 36941 S Chiloquin Road, Chiloquin, Oregon 97624 (hereinafter referred to as "**Owner**" or "**Landlord**") and Nextel West Corp., a Delaware corporation, d/b/a Nextel Communications, with an office at 1255 Treat Blvd., Suite 800, Walnut Creek, CA 94597-7982 (hereinafter referred to as "**Nextel**" or "**Tenant**").

1. Owner and Nextel entered into a Communications Site Lease Agreement ("**Agreement**") on the 25<sup>th</sup> day of October, 2004, ("**Effective Date**") for the purpose of Nextel undertaking certain Investigations and Tests and, upon finding the Land appropriate, for the purpose of installing, operating and maintaining a communications facility and other improvements. All of the foregoing is set forth in the Agreement.
2. The term of Nextel's tenancy under the Agreement is for five (5) years commencing on the commencement of construction of the Tenant Facilities or eighteen (18) months following the Effective Date, whichever first occurs ("**Term Commencement Date**"), and terminating on the fifth anniversary of the Term Commencement Date with five (5) successive five (5) year options to renew.
3. The Land that is the subject of the Agreement is described in Exhibit A annexed hereto. The portion of the Land being leased to Tenant and all necessary access and utility easements (the "**Premises**") are set forth in the Agreement.

**\*\*\* SIGNATURES ON FOLLOWING PAGE\*\*\***

In witness whereof, the parties have executed this Memorandum of Agreement as of the day and year first written above.

**LANDLORD:**

Quentin L. Breen,  
trustee of Train Mountain Foundation

By: [Signature]  
Name: Quentin Breen  
Title: Trustee  
Date: 10-14-04

**TENANT:**

Nextel West Corp.,  
a Delaware corporation,  
d/b/a Nextel Communications

By: [Signature]  
Name: Mary Murdoch  
Title: Director of Site Development  
Date: 10-25-04

\*\*\*ALL SIGNATURES MUST BE ACKNOWLEDGED\*\*\*

STATE OF OREGON

COUNTY OF WASHINGTON

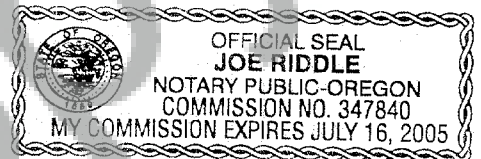
On 10/14/04, before me, Joe Riddle, Notary Public, personally appeared Quentin Breen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

My commission expires: 7/16/04

(SEAL)



\*\*\*ACKNOWLEDGEMENTS CONTINUED ON FOLLOWING PAGE\*\*\*

STATE OF Washington

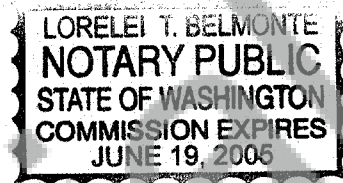
COUNTY OF KING

On 10-25-04, before me, LORELEI T. BELMONTE, Notary Public, personally appeared Mary Murdoch, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her 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.

WITNESS my hand and official seal.

Lorelei T. Belmonte (SEAL)  
Notary Public

My commission expires: 6-19-05



*[Handwritten mark]*

## EXHIBIT A

### DESCRIPTION OF LAND

to the Memorandum of Agreement dated \_\_\_\_\_, 2004, by and between Quentin L. Breen, trustee of Train Mountain Foundation, as Landlord, and Nextel West Corp., a Delaware corporation, d/b/a Nextel Communications, as Tenant.

The Land is described and/or depicted as follows (metes and bounds description):

Real Property in the County of Klamath, State of Oregon, described as follows:

S  $\frac{1}{2}$  N  $\frac{1}{2}$  SE  $\frac{1}{4}$  and the S  $\frac{1}{2}$  SE  $\frac{1}{4}$  of Section 29, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, EXCEPTING THEREFROM the following: Being a portion of the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 29, Township 34 South, Range 7 East of the Willamette Meridian,  
Describe as follows:

Commencing at the section of corner common Sections 28, 29, 32 and 33, all in said Township and Range; thence North  $80^{\circ}54'10''$  West, 614.85 feet to the true point of beginning of the parcel of land to be described; thence South  $52^{\circ}29'30''$  West 150.00 feet; thence North  $37^{\circ}30'30''$  West, 150.00 feet; thence North  $52^{\circ}29'30''$  East, 150.00 feet; thence South  $37^{\circ}30'30''$  East, 150.00 feet to the true point of Beginning.

Access easement as follows:

Width: 20 Feet; Approximate length: 1.10 Miles between the Leasehold Parcel and the public road known as Highway 422 North over existing traveled ways where practical, and establishing a new route as necessary.

Utilities easement as follows:

Width: 5 Feet; Approximate length: 500 Feet between the Leasehold Parcel and suitable utility company service connection points. Lessor agrees to make such direct grants of easement as the utility companies may require.

Tax Parcel Numbers: 3407-02900-01100  
3407-02800-00301

*mm*  
