

2008-008390

Klamath County, Oregon



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06/10/2008 08:15:55 AM

Fee: \$46.00

This Instrument was Created by:

Rural Cellular Corporation
3905 Dakota Street SW
Alexandria, Minnesota 56308

Tel: 320-762-2000

STATE OF OREGON

COUNTY OF KLAMATH

MEMORANDUM OF LICENSE AGREEMENT

This Memorandum of License Agreement (hereinafter the "Memorandum") is made and entered into this 22 day of May, 2008 (the "Effective Date"), by and between, American Tower, L.P., a Delaware limited partnership, with its principal offices at 10 Presidential Way, Woburn, Massachusetts 01801, hereinafter referred to as "**Licensor**", and RCC Atlantic, Inc., a Minnesota corporation, with its principal office at 3905 Dakota Street, Alexandria, MN 56308 as "**Licensee**."

WITNESSETH:

WHEREAS, Licensor and Licensee entered into a License Agreement (the "License"), dated May 22, 2008, for the lease of a portion of the premises described in Exhibit A attached hereto and incorporated herein by reference, to which License reference is hereby made as if the same were herein set forth at length;

WHEREAS, Licensor and Licensee desire to acknowledge, confirm and make record of the above.

NOW, THEREFORE, Licensor and Licensee hereby ratify, confirm and adopt the License and acknowledge and agree that the following accurately represents the license agreement between them:

Licensor:

American Tower, L.P., a Delaware limited partnership, with its principal offices at 10 Presidential Way, Woburn, Massachusetts 01801.

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Licensor Site Name / Number: Mazama, OR / 43263

Licensee Site Name/Number: Diamond Lake Junction / OR3697

Licensee: RCC Atlantic, Inc. a Minnesota corporation, with its principal offices at Attn: Property Manager, 3905 Dakota Street, Alexandria, MN 56308.

Licensed Premises: The real property licensed by Licensor to Licensee is a portion of the property described in Exhibit A attached to this Memorandum incorporated herein by this reference, together with a right-of-way and easement extending to Licensee's communications equipment for ingress and egress, seven days per week, twenty-four hours per day, on foot or motor vehicle, including trucks, including the right to install, replace and maintain utility wires, poles, cables, conduits, pipes and gates, all as further described in the License.

Initial License Term: For a term of five (5) years, beginning on June 10, 2008.

Expiration Date: If not otherwise extended or renewed, the License shall expire on June 9, 2013.

Rights to Extend or Renew: Licensee has the right to extend/renew the License as follows: four (4) options to extend the Initial Term for periods of five (5) years each on the terms and conditions set forth in the License. Each Renewal Term will automatically be exercised unless either party notifies in writing the other its election to terminate one hundred and eighty (180) days before the expiration of the Initial Term or any Renewal Term in effect. If Licensee exercises all options to renew, the final expiration of the License will occur on June 9, 2023.

Option to Purchase: No

Right of First Refusal: No

This Memorandum will be recorded in the applicable land records and is intended to provide notice to third parties of the License and any and all amendments thereto. The License and any and all amendments thereto contain terms and conditions in addition to those set forth in this Memorandum. This Memorandum is not intended to amend or modify the terms and conditions of the License or of any amendments thereto. To the extent that the terms and conditions of this Memorandum differ from the terms and conditions of the License and/or any amendments thereto, the terms and conditions of the License and/or any amendments thereto

shall govern and prevail. Capitalized terms not otherwise defined herein shall have the meaning defined in the License and/or any amendments thereto. A copy of the License and any amendments thereto is kept at Licensee's place of business, at the address noted above.

[Remainder of page intentionally left blank]

Licensee:

RCC Atlantic, Inc.,
a Minnesota corporation,

By: 

Print Name: Richard Ekstrand

Print Title: Pres + CEO

ACKNOWLEDGMENT

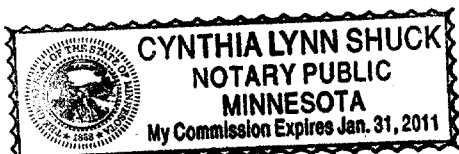
STATE OF MINNESOTA

COUNTY OF DOUGLAS

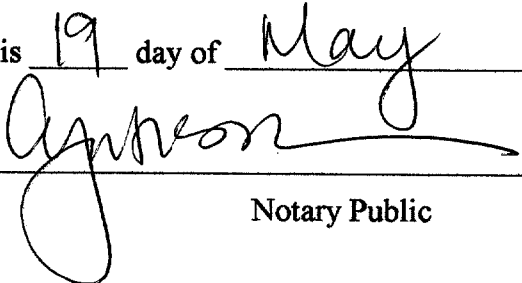
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I, the undersigned, a notary public in and for said county in said state, hereby certify that Richard Ekstrand whose name as Pres / CEO of RCC Atlantic, Inc., a Minnesota corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 19 day of May, 2008.



[NOTARIAL SEAL]



Notary Public

My commission expires: _____

EXHIBIT "A"

Premises

W1/2 W1/2 W1/2 of Lot 1, Section 7, Township 29 South, Range 8, East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM that parcel of land enclosed by a line starting at point 174.98 feet East from the Northwest corner of Section 7, Township 29 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, thence Easterly along the North boundary of said Section 7 for a distance of 382.6 feet, thence Southerly parallel to the West boundary of said Section 7 for a distance of 382.6 feet; thence Westerly along a line parallel to the Northern boundary of said Section 7 for a distance of 382.6 feet; thence Northerly parallel to the West boundary of said Section 7 for a distance of 382.6 feet to the Point of Beginning.

LEASE PREMISES

BEING A LEASE FOR A CELLULAR TOWER LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 7, TOWNSHIP 29 SOUTH, RANGE 8 EAST, WILLAMETTE MERIDIAN, AND BEING ON THE PROPERTY NOW OR FORMALLY OF JAMES R. AND JANICE M. LANCASTER, BEING WITHIN PARCEL 1 OF THAT PROPERTY DESCRIBED IN BOOK M89, PAGE 3507, KLAMATH COUNTY, OREGON DEED RECORDS AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE POINT OF BEGINNING OF THE HEREIN DESCRIBED 20 FOOT WIDE ACCESS AND UTILITY EASEMENT, SAID POINT DESCRIBED AS BEING 994.0 FEET SOUTH AND 75.5 FEET EAST OF THE NORTHWEST CORNER OF SECTION 7, T29S, R8E, W.M.:

THENCE N 02°02'17" W, 50.00 FEET TO A POINT;
THENCE N 87°57'43" E, 100.00 FEET TO A POINT;
THENCE S 02°02'17" E, 100.00 FEET TO A POINT;
THENCE S 87°57'43" W, 100.00 FEET TO A POINT;
THENCE N 02°02'17" W, 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10,000 SQUARE FEET, ALL BEING IN KLAMATH COUNTY, OREGON.

BASIS OF BEARINGS AND DESCRIPTION PER KLAMATH COUNTY SURVEYORS OFFICE SURVEY FILE NO. 757.

NOTE:

AN ADDITIONAL TELEPHONE EASEMENT MAY ENCUMBER THE PROPERTY PER KLAMATH COUNTY DEED RECORDS BOOK M71, PAGE 6259. NO VISIBLE EVIDENCE WAS NOTED IN THE FIELD.

ACCESS AND UTILITY EASEMENT DESCRIPTION

A STRIP OF LAND 20 FEET IN WIDTH FOR AN ACCESS AND UTILITY EASEMENT, 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, BEING ALONG AN EXISTING ROAD:

BEGINNING AT A POINT IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 7, TOWNSHIP 29 SOUTH, RANGE 8 EAST, WILLAMETTE MERIDIAN, AND BEING ON THE PROPERTY NOW OR FORMALLY OF JAMES R. AND JANICE M. LANCASTER, BEING WITHIN PARCEL 1 OF THAT PROPERTY DESCRIBED IN BOOK M89, PAGE 3507, KLAMATH COUNTY, OREGON DEED RECORDS AND FURTHER DESCRIBED AS BEGINNING AT A POINT 994.0 FEET SOUTH, AND 75.5 FEET EAST OF THE NORTHWEST CORNER OF SECTION 7, T29S, R8E, W.M.:

THENCE S 87°57'43" W, 10.00 FEET TO A POINT;
THENCE N 02°02'17" W, 140.66 FEET TO A POINT;
THENCE ALONG A 50.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS N 46°35'55" W, 84.20 FEET), AN ARC DISTANCE OF 93.33 FEET TO A POINT;
THENCE S 88°50'28" W, 20.69 FEET, PLUS OR MINUS, TO A POINT BEING AT OR NEAR THE CENTERLINE OF OREGON STATE HIGHWAY NUMBER 97. THE BOUNDARIES OF SAID EASEMENT BEING EXTENDED OR SHORTENED TO MEET AT ANGLE POINTS AND TO TERMINATE ON THE BOUNDARIES OF THE GRANTOR.

BASIS OF BEARINGS AND DESCRIPTION PER KLAMATH COUNTY SURVEYORS OFFICE SURVEY FILE NO. 757.

Licensor Site Name / Number: Mazama, OR / 43263

Licensee Site Name/Number: Diamond Lake Junction / OR3697