

2009-008948

Klamath County, Oregon



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06/30/2009 10:35:41 AM

Fee: \$36.00

Prepared By:  
Gerry O'Brien  
United States Cellular Operating Company of Medford  
Attention: Real Estate Legal  
8410 W. Bryn Mawr Ave.  
Chicago, IL. 60631  
Phone Number: 773-399-4283

Return To:  
John Blackhurst  
Kellington, Krack, Richmond,  
Blackhurst & Glatte, LLP  
P.O. Box 1583  
Medford, OR 97501

Site Name: Merrill  
Site Number: 349399  
County: Klamath  
State: Oregon

### **MEMORANDUM OF GROUND LEASE**

**THIS MEMORANDUM OF GROUND LEASE** is made and entered into by and between City of Merrill, whose address is 301 E. Second Street, Merrill, OR 97663, hereinafter referred to as "Landlord", and United States Cellular Operating Company of Medford, an Oregon corporation, whose address is Attention: Real Estate, 8410 West Bryn Mawr Avenue, Suite 700, Chicago, Illinois, 60631, hereinafter referred to as "Tenant."

### **WITNESSETH:**

**WHEREAS**, by the terms of a certain Ground Lease entered into on the 17th of May, 2005, ("the Lease"), the Landlord leased to Tenant certain property being more particularly bounded and described as set forth in Exhibit "A" attached hereto and made a part hereof (the "Premises") upon the terms and conditions as set forth in the Lease; and

**WHEREAS**, the Landlord and the Tenant desire to execute this Memorandum of Ground Lease to evidence said Lease and certain of the terms therein for the purpose of placing the same of record in the Clerk's Office for Klamath County, State of OR.

**NOW THEREFORE**, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Landlord does hereby lease the Premises to the Tenant upon the terms and conditions of the Lease which is incorporated herein by specific reference, and do agree as follows:

1. The Landlord leased the Premises to Tenant for an initial five (5) years which commenced on the 15<sup>th</sup> day of July 2005.
2. Lease provides for renewal terms that may extend the term of the lease for up to four additional five (5) year terms which may be exercised upon the terms and conditions more particularly as set forth in the Lease.
3. The amounts of rental due and the terms, conditions and rights and remedies of the parties hereto are specifically set forth in the Lease.
4. Landlord also makes certain grants of easement for access and utilities, as more particularly described on the Lease, which easements are in effect throughout the term of the Lease as renewed or extended, subject to terms and conditions as set forth in the Lease.
5. This Memorandum of Ground Leases is subject to all the terms and provisions of the Lease which is incorporated herein and made part hereof by reference as if all the provisions thereof were copied in full herein. Any conflict between the provisions of the Memorandum of Ground Lease, and the Lease, will be resolved in favor of the Lease.

**IN WITNESS WHEREOF**, the Landlord and Tenant hereto have caused this Memorandum of Ground Lease to be executed by their duly authorized officers as of the date of full execution.

LANDLORD: City of Merrill

By: *[Signature]*

Printed: *[Signature]*

Title: *[Signature]*

Date: 5-26-09

TENANT: United States Cellular Operating Company of Medford

By: *[Signature]*

Printed: GEORGE ARVING

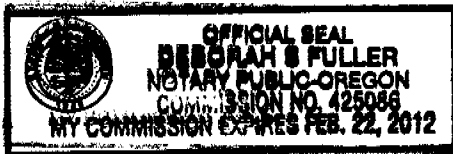
Title: Vice President

Date: 6/23/09

STATE OF OREGON )  
COUNTY OF Klamath )

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that Ronda Lyon, known to me to be the same person whose name is subscribed to the foregoing Memorandum of Ground Lease, appeared before me this day in person and acknowledged that, pursuant to their authority, signed the said Memorandum as their free and voluntary act on behalf of City of Merrill, for the uses and purposes therein stated.

Given under my hand and seal this 26th day of May, 2009.

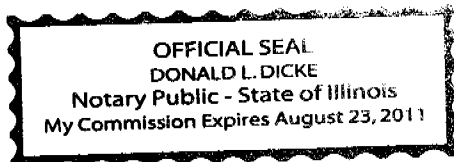


Deborah S. Fuller  
Notary Public  
My commission expires Feb. 22, 2012

STATE OF ILLINOIS )  
COUNTY OF COOK )

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that GEORGE IRVING, Vice President for United States Cellular Operating Company of Medford, known to me to be the same person whose name is subscribed to the foregoing Memorandum of Ground Lease, appeared before me this day in person and acknowledged that, pursuant to his authority, he signed the said Memorandum as his free and voluntary act on behalf of the named Tenant corporation, for the uses and purposes therein stated.

Given under my hand and seal this 23<sup>rd</sup> day of June, 2009.



Donald L. Dicke  
Notary Public  
My commission expires 8/23/11

## EXHIBIT A

### Legal Description of Leasehold Parcel

Located in Section 12, Township 41 South, Range 10 West of the Willamette Meridian, in Klamath County, Oregon, described as follows:

Commencing at the northwest corner of Parcel 3, as shown on the Map of Survey filed as survey no. 3204; thence along the boundaries of said Parcel 3 S 42°38'33" E, 176.01' and East 147.33' to a corner thereof for the true point of beginning;

thence North 100.00 feet;

thence West 100.00 feet;

thence South 100.00 feet to the boundary of said Parcel 3;

thence East 100.00 feet to the true point of beginning.

Containing 10,000 square feet of land, more or less.