

2009-016250

Klamath County, Oregon



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12/30/2009 09:56:02 AM

Fee: \$57.00

Prepared by:

Return to:

Richard Busch
Busch Law Firm PLLC
5400 Carillon Point
Kirkland, WA 98033

MEMORANDUM OF LEASE

Grantor: Klamath County School District No. 600, a political subdivision of the State of Oregon

Grantee: New Cingular Wireless PCS, LLC, a Delaware limited liability company

True Consideration Paid: Does not apply.

Address for Tax Mailings: Does not apply.

Site Number: KF43

Site Name: Klamath Falls
Airport

State: Oregon

County: Klamath

Return to: M. Cater
Fidelity National Title
7130 Glen Forest Dr. #300
Richmond, VA 23226

11801046

EXHIBIT C
MEMORANDUM OF OPTION AND LAND LEASE

Site Name: Klamath Falls Airport
Site No.: KF43

STATE OF OREGON

COUNTY OF KLAMATH

MEMORANDUM OF OPTION AND LAND LEASE

This memorandum evidences that a lease was made and entered into by written Option and Land Lease dated March 24, 2009, between KLAMATH COUNTY SCHOOL DISTRICT NO. 600, a political subdivisions of the State of Oregon, "Owner" and NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability company, "Tenant", the terms and conditions of which are incorporated herein by reference.


Such Lease provides in part that Owner leases to Tenant a ground space area which is described in Exhibit A attached hereto consisting of approximately Two thousand five hundred 2,500 (50' x 50') square feet at that certain site "Site" located at 5338 Summer Lane, City of Klamath Falls, County of Klamath, State of Oregon, within the property of or under the control of Owner, with grant of easement for unrestricted rights of access thereto and to electric and telephone facilities for a term of five (5) years commencing on September 9, 2009, which term is subject to ten (10) additional five (5) year extension periods by Tenant.

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the day and year first above written.

TENANT:

New Cingular Wireless PCS, LLC, a Delaware limited liability company,

By: AT&T Mobility Corporation
Its: Manager

By: 
Name: E. Don MacLeod
Title: Executive Director
Address: 12555 Cingular Way, Alpharetta, GA 30004

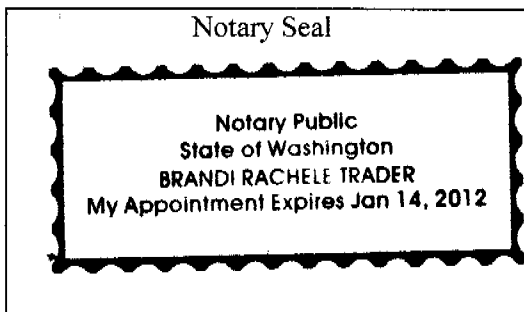
Date: _____

TENANT NOTARY BLOCK:

STATE OF WASHINGTON)
) SS.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that E. Don MacLeod is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Executive Director of AT&T Mobility Corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 3/24/09



Brandi Rachele Trader
(Signature of Notary)

(Legibly Print or Stamp Name of Notary)
Notary Public in and for the State of Washington
My appointment expires: 1/14/2012

OWNER: KLAMATH COUNTY SCHOOL DISTRICT NO. 600, a political subdivision of the State of Oregon,

By: Ken Hadlock
Print Name: Ken Hadlock
Title: Business Manager
Tax No: 93-6000543
Address: 10501 Washburn Way, Klamath Falls, Oregon 97603

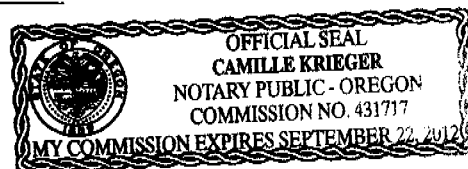
Date: _____

OWNER NOTARY BLOCK:

STATE OF OREGON, COUNTY OF KLAMATH

The foregoing instrument was acknowledged before me this 12th day of March, 2009, by
(name) Ken Hadlock (title) Business Manager
(company) Klamath County School District
who is personally known to me.

NOTARIAL SEAL
(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC—STATE OF OREGON



My commission expires: 9/22/2012
(NAME OF NOTARY) Camille Krieger COMMISSION NUMBER: 431717

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land situated in Klamath County, Oregon described as follows:

PARCEL 1:

COMMENCING AT THE ONE-QUARTER CORNER COMMON TO SECTIONS 14 AND 15, TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M. KLAMATH COUNTY, OREGON; THENCE SOUTH $0^{\circ} 06'$ WEST ALONG THE EAST BOUNDARY OF SECTION 15 A DISTANCE OF 370.60 FEET; THENCE NORTH $89^{\circ} 54'$ WEST, 30.00 FEET TO A POINT ON THE WEST BOUNDARY OF SUMMERS LANE FOR THE TRUE POINT OF BEGINNING; THENCE NORTH $89^{\circ} 31'$ WEST, 414.44 FEET TO A $\frac{5}{8}$ " IRON PIN; THENCE NORTH 623.79 FEET TO A $\frac{5}{8}$ " IRON PIN; THENCE SOUTH $89^{\circ} 59'$ EAST, 225.16 FEET TO A $\frac{5}{8}$ " IRON PIN; THENCE NORTH $01^{\circ} 30' 50''$ EAST, 97.67 FEET TO AN $\frac{5}{8}$ " IRON PIN; THENCE NORTH $30^{\circ} 30' 10''$ EAST, 371.98 FEET TO A $\frac{5}{8}$ " IRON PIN ON THE WEST BOUNDARY OF SUMMERS LANE; THENCE ALONG SAID BOUNDARY SOUTH $0^{\circ} 06'$ WEST, 370.61 FEET TO THE TRUE POINT OF BEGINNING;

PARCEL 2:

BEGINNING 349 FEET SOUTH AND 30 FEET WEST OF THE QUARTER SECTION CORNER BETWEEN SECTIONS 14 AND 15 TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M. THENCE WEST 165 FEET; THENCE SOUTH 528 FEET; THENCE EAST 165 FEET; THENCE NORTH 528 FEET TO PLACE OF BEGINNING.

AND BEGINNING AT A POINT 349 FEET SOUTH AND 195 FEET WEST OF THE QUARTER SECTION CORNER BETWEEN SECTIONS 14 AND 15, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF WILLAMETTE MERIDIAN; THENCE WEST 165 FEET; THENCE SOUTH 528 FEET; THENCE EAST 165 FEET; THENCE NORTH 528 FEET TO THE PLACE OF BEGINNING.

LESS AND EXCEPT THEREFROM:

COMMENCING AT THE ONE-QUARTER CORNER COMMON TO SECTIONS 14 AND 15, TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.; KLAMATH COUNTY, OREGON, THENCE SOUTH $0^{\circ} 06'$ WEST ALONG THE EAST BOUNDARY OF SECTION 15, A DISTANCE OF 898.60 FEET; THENCE NORTH $89^{\circ} 54'$ WEST, 30.00 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN VOLUME 223, PAGE 319, OF TITLE DEED RECORDS OF KLAMATH COUNTY, OREGON, FOR THE TRUE POINT OF BEGINNING; THENCE NORTH $89^{\circ} 31'$ WEST ALONG THE NORTH BOUNDARY OF SAID TRACT, 330.00 FEET; THENCE NORTH $0^{\circ} 06'$ EAST, PARALLEL TO THE EAST BOUNDARY OF SECTION 15, A DISTANCE OF 528.00 FEET; SAID POINT BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN VOLUME 148, PAGE 493 OF THE DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE SOUTH $89^{\circ} 31'$ EAST, 70.00 FEET; THENCE SOUTH $0^{\circ} 06'$ WEST 468.00 FEET; THENCE SOUTH $89^{\circ} 31'$ EAST, 260.00 FEET TO THE WEST BOUNDARY OF SUMMERS LANE; THENCE SOUTH $0^{\circ} 06'$ WEST ALONG SAID BOUNDARY, 60.00 FEET TO THE TRUE POINT OF BEGINNING. THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE SUBDIVISION PLAT OF ELMWOOD PARK.