

2017-006277

Klamath County, Oregon



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06/08/2017 02:24:40 PM

Fee: \$72.00

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

Sherman & Howard L.L.C.  
633 17<sup>th</sup> Street, Suite 3000  
Denver, Colorado 80202  
Attn: Eileen Lynch  
Re: O'Keeffe Matter [O'Keeffe]

(Space above this line for recorder's use)

**MEMORANDUM OF LAND LEASE AGREEMENT (CORRECTED AND UPDATED)**

This MEMORANDUM OF LAND LEASE AGREEMENT (CORRECTED AND UPDATED) is made this 8 day of JUNE, 2017 between Henry O'Keeffe and Patricia D. O'Keeffe, Trustees, O'Keeffe Family Trust, hereinafter referred to as "LESSOR," and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless, with offices located at 180 Washington Valley Road, Bedminster, New Jersey 07921, hereinafter referred to as "LESSEE." LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as a "Party."

1. LESSOR and LESSEE are Parties to that certain Land Lease Agreement entered into on September 16, 2005 and recorded on October 4, 2005, at M05-65476, Klamath County, in the State of Oregon, (the "Original Lease") amended by that First Amendment to Lease Agreement dated November 10, 2015 and recorded on December 23, 2015 at 2015-013755 in Klamath County, in the State of Oregon (collectively, the "Agreement") pursuant to which Lessor leased to Lessee certain real property along with the right of access and to install and maintain utilities for an initial term of five (5) years commencing as provided for in the Agreement, which term is subject to Lessee's rights to extend the term of the Agreement for four (4) terms of five (5) years each.

2. The Parties hereby agree that the description of the Property as provided in the Original Lease shall be corrected. Exhibit "A" attached hereto is the correct and true description of the Property and hereby replaces Exhibit "A" in the Original Lease.

3. The terms, covenants and provisions of the Agreement, the terms of which are hereby incorporated by reference into this Memorandum, shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of LESSOR and LESSEE.

*Signatures on following page*

IN WITNESS WHEREOF, LESSOR and LESSEE have caused this Memorandum of Land Lease Agreement (Corrected and Updated) to be duly executed on the date first written hereinabove.

**LESSOR:**

**Henry O'Keeffe and Patricia D. O'Keeffe,  
Trustees O'Keeffe Family Trust**

By:   
Henry O'Keeffe

Date: 06-08-17

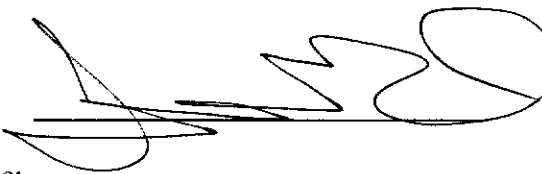
AND

By:   
Patricia D. O'Keeffe

Date: 06-08-17

**LESSEE:**

**Verizon Wireless (VAW) LLC  
d/b/a Verizon Wireless**

By:   
Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Jim R. Creel, Jr.**  
Date **Director - Network Field Engineering**

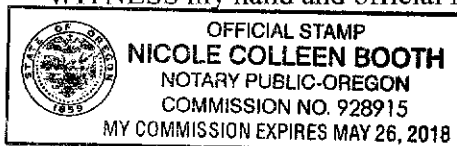
5/23/2017

STATE OF OREGON )  
 )  
COUNTY OF KLAMATH )

**ACKNOWLEDGEMENT**

I, NICOLE BOOTH, a Notary Public for said County and State, do hereby certify that PATRICIA D. O'KEEFE personally came before me this day and acknowledged that s/he is the TRUSTEE of., and s/he, being authorized to do so, executed the foregoing **instrument** as his/her own act and deed on behalf of Henry O'Keeffe and Patricia D. O'Keeffe, Trustees, O'Keeffe Family Trust.

WITNESS my hand and official Notarial Seal, this 8<sup>th</sup> day of JUNE, 2017.



Nicole Colleen Booth  
Notary Public

My Commission Expires:

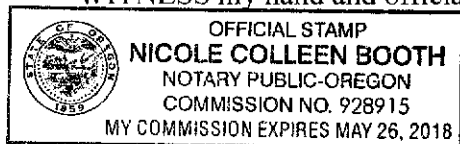
5/26/2018

STATE OF OREGON )  
 )  
COUNTY OF KLAMATH )

**ACKNOWLEDGEMENT**

I, NICOLE BOOTH, a Notary Public for said County and State, do hereby certify that HENRY O'KEEFE personally came before me this day and acknowledged that s/he is the TRUSTEE of., and s/he, being authorized to do so, executed the foregoing **instrument** as his/her own act and deed on behalf of Henry O'Keeffe and Patricia D. O'Keeffe, Trustees, O'Keeffe Family Trust.

WITNESS my hand and official Notarial Seal, this 8<sup>th</sup> day of JUNE, 2017.



Nicole Colleen Booth  
Notary Public

My Commission Expires:

5/26/2018

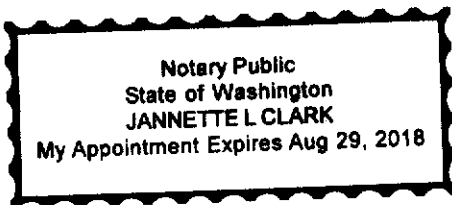
STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

On this 23<sup>rd</sup> day of May, 2017, before me, a Notary Public in and for the State of Washington, personally appeared Jim R. Creel Jr., personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the Director - Network of Verizon Wireless (VAW) LLC d/b/a Verizon Wireless, to be the free and voluntary act and deed of said party for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Jannette L. Clark

NOTARY PUBLIC in and for the State of WA,  
residing at Kirkland

My appointment expires 8/29/2018

Print Name Jannette L. Clark

## **EXHIBIT "A"**

### **(Leal Description of Property)**

#### **PARENT PARCEL**

The Parent Parcel consists of the entire legal taxable lot owned by Henry O'Keeffe and Patricia D. O'Keeffe, Trustees, O'Keeffe Family Trust ("Landlord") as described in a deed (or deeds) to Landlord of which the Leased Premises is a part thereof with such Parent Parcel being described below.

A 1.73 acre tract of land being depicted as "Parcel 1" in Land Partition 35-14, Located in Government Lots 2 and 4 (NW ¼ NE ¼) & the N ½ NW ¼ of Section 22, and Government Lots 3 & 6 (SW ¼ SE ¼) of Section 15, Township 41 South, Range 12 East, Willamette Meridian, Klamath County, Oregon dated June 22, 2015, recorded in 2015-5877, Klamath County, Oregon.

Also being described as:

A parcel of land located in the Northwest ¼ of the Northwest ¼ of Section 22, Township 41 South, Range 12 East, Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a railroad spike at the Northwest corner of Section 22, Thence South 59°09'25" East along the North line of Section 22 a distance of 30.00 feet to a 5/8" iron rod with a yellow plastic cap stamped "AES Inc" on the East right-of-way line of South Malin Road; thence South 69°09'25" East along the North line of Section 22 a distance of 320.00 feet to a 5/8" iron rod with a yellow plastic cap stamped "AES Inc"; thence South 0°31'43" West a distance of 235.00 feet to a 5/8" iron rod with a yellow plastic camp stamped "AES Inc"; thence north 69°09'25" West a distance of 320.00 feet to a 5/8" iron rod with a yellow plastic cap stamped "AES Inc" in the East right-of-way line of South Malin Road; thence North 89°09'25" West a distance of 30.00 feet to a point on the West line of Section 22 and the centerline of South Malin Road; thence North 0°31'43" East along the West line of Section 22 a distance of 235.00 feet to the point of beginning

Contains 82251 Square feet, or 1.89 acres, more or less

With 0.16 acres (7050 square feet) of said 1.89 acres being the right-of-way, leaving 1.73 acres.

Being a portion of the following described tract of land:

The N ½ NW ¼ of Section 22, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon

Being Klamath County, Oregon Map Tax Lot R-4112-02200-00500-000 (Property ID No. R111587).

**EXHIBIT "A" (Continued)**

**THE LEASED PREMISES**

The Leased Premises consists of that portion of the Parent Parcel as defined above which shall include access and utility easements. The square footage of the Leased Premises shall be the greater of: (i) 3,600 square feet (ii) Tenant's existing improvements on the Parent Parcel; or (iii) the legal description or depiction below (if any).

THAT PORTION OF THE N ½ NW ¼ OF SECTION 22, TOWNSHIP 41 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, COMMENCING AT THE SOUTHEAST CORNER OF PARCEL 1 OF LAND PARTITION 35-14 AS RECORDED IN SID COUNTY, DOCUMENT NO. 2015-5877;  
THENCE ALONG THE SOUTH LINE OF SAID PARCEL 1, NORTH 89°09'25" WEST A DISTANCE OF 120.23 FEET;  
THENCE LEAVING SAID SOUTH LINE, NORTH 00°50'35" EAST A DISTANCE OF 51.31 FEET TO THE POINT OF BEGINNING;  
THENCE NORTH 04°25'29" EAST A DISTANCE OF 60.00 FEET;  
THENCE SOUTH 85°34'31" EAST A DISTANCE OF 60.00 FEET;  
THENCE SOUTH 04°25'29" WEST A DISTANCE OF 60.00 FEET;  
THENCE NORTH 85°34'31" WEST A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

## **EXHIBIT "A" (Continued)**

### **ACCESS AND UTILITIES**

The access and utility easements include all easements of record as well as that portion of the Parent Parcel currently utilized by Tenant for ingress, egress and utility purposes from the Leased Premises to and from a public right of way:

THAT PORTION OF N ½ NW ¼ OF SECTION 22, TOWNSHIP 41 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING a 30.00 FOOT STRIP OF LAND LYING 15.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF PARCEL 1 OF LAND PARTITION 35-14 AS RECORDED IN SID COUNTY, DOCUMENT NO. 2015-5877;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL 1, NORTH 89°09'25" WEST A DISTANCE OF 120.23 FEET;

THENCE LEAVING SAID SOUTH LINE, NORTH 00°50'35" EAST A DISTANCE OF 51.31 FEET;

THENCE NORTH 04°25'29" EAST A DISTANCE OF 35.49 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 85°34'31" WEST A DISTANCE OF 67.10 FEET;

THENCE NORTH 80°30'13" WEST A DISTANCE OF 137.19 FEET TO THE WEST LINE OF SAID PARCEL 1 AND POINT OF TERMINUS OF SAID DESCRIBED CENTERLINE.