

2023-002554

Klamath County, Oregon

04/10/2023 08:27:02 AM

Fee: \$102.00

Prepared by and return to:
United States Cellular Operating Company of Medford
Attention: Real Estate Legal
8410 W. Bryn Mawr Ave.
Chicago, IL 60631
Drafted By: Gerry O'Brien (773) 399) 4293

Site Name: Malin II
Site Number: 349572
County: Klamath
State: Oregon
MAP #4112-01-016DC-01300

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made and entered into by and between City of Malin Oregon, a Municipal Corporation, whose address is 2432 4th Street, Malin, OR 97632, 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 1st of January, 2023 ("the Lease"), the Landlord granted Tenant the option to lease certain property and agreed to grant Tenant certain easements, all 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 set forth in the Lease; and

WHEREAS, the Landlord and the Tenant desire to execute this Memorandum of 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 Oregon.

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 grant Tenant the option to lease the Premises and obtain certain easements upon the terms and conditions of the Lease which is incorporated herein by specific reference, and do agree as follows:

1. The Lease gives Tenant the option to lease the Premises, exercisable at Tenant's sole discretion, for a period of eighteen (18) months commencing on the 1st day of

January, 2023. Tenant may, at its sole discretion, extend the option term for an additional six (6) months.

2. In the event Tenant exercises the option to lease the Premises, in its sole discretion, then the Landlord shall lease the Premises to the Tenant for an initial lease term of five (5) years. The Lease provides for renewal terms that may extend the term of the lease for up to twenty (20) additional five (5) year terms which may be exercised upon the terms and conditions more particularly as set forth in the Lease.

3. If Tenant exercises the option to lease the Premises, then Landlord also makes certain grants of easement for access and utilities, as more particularly described on the attached Exhibit A, 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.

4. Tenant (or its assignee or designee) shall have a right of first refusal to purchase one or more of the following interests, (a) fee ownership of all or any part of the Premises; (b) any easement rights in or over all or any part of the Premises; or (c) all or any part of Landlord's interest in or rights under the Lease (each, "Landlord's Interest") whenever Landlord receives a bona fide offer from an unrelated third party to purchase directly or indirectly, all or any part of Landlord's Interest that Landlord desires to accept in accordance with the terms and conditions more particularly set forth in the Lease.

5. This Memorandum of Lease 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 Lease will be resolved in favor of the Lease.

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

LANDLORD: City of Malin Oregon, a
Municipal corporation

By: [Signature]

Printed: Gary R. Zieg

Title: Mayor

Date: Nov 21, 2022

TENANT: United States Cellular Operating
Company of Medford, an Oregon corporation

By: [Signature]

Printed: Austin Summerford

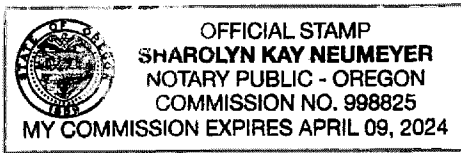
Title: Vice President

Date: 1-18-23

STATE OF OREGON)
)
COUNTY OF KLAMATH)

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that Gary Zeig Mayor of the City of Malin, OR, known to me to be the same person whose name is subscribed to the foregoing Memorandum of 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 The City of Malin OR, a Municipal corporation, for the uses and purposes therein stated.

Given under my hand and seal this 21st day of November, 2022.

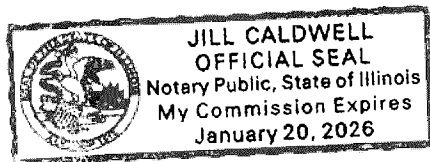


Sharolyn Kay Neumeier
Notary Public
My commission expires April 9, 2024

STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that Austin Summerford, 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 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 18 day of January, 2023.



Jill Caldwell
Notary Public
My commission expires 1-20-26

EXHIBIT A

PARENT PARCEL RECORD DESCRIPTION (Volume M82, Page 2025)

A parcel of land being a portion of that tract of land described in deed volume M73, page 7735, of the Klamath County deed records, situated in section 16, T41S, R12RWM, Klamath County, Oregon, more particularly described as follows:

Beginning at the northwest corner of Government Lot 15 of said section 16; thence S15dd50'E 339.9 feet to a point on the southerly right of way line of the County road known as Depot Road; thence N71dd22'E, along said right of way line, 212.66 feet; thence S00dd17'39"E 75.95 feet; thence N89dd34'E 419.86 feet to the northeast corner of that tract of land described in deed volume M69, page 586 of said deed records, said point being the TRUE POINT OF BEGINNING OF this description; thence continuing N89dd34'E 447.7 feet; thence southerly, parallel to the east line of that tract of land described in said deed volume M69, page 586, 971.22 feet; more or less, to the south line of said section 16; thence westerly, along said south line, 447.7 feet, more or less, to the southeast corner of that tract of land described in said deed volume M69, page 586; thence Northerly, along the east line of said tract of land, 971.22 feet, more or less to the TRUE POINT OF BEGINNING, containing 10 acres, more or less; being subject to all easements and rights of way of record or apparent on the face of the land.

Legal Description of Premises

LEASE PARCEL (AS SURVEYED)

Situated in the County of Klamath and State of Oregon. Known as being part of the Southwest 1/4 of the Southeast 1/4 of Section 16, Township 41 South, Range 12 East being a 10,000 square foot Lease Parcel over and upon a parcel of land now or formerly conveyed to City of Malin, Oregon as recorded in Volume M82, Page 2025 of Klamath County records (the Parent Parcel) and being more particularly described as follows:

Commencing at the northwest corner of said Parent Parcel as is shown on that Partition Map entitled "Validation Unit of Land as per ORS 92.176 Land Partition 53-08", as recorded in Document No. 2010-3329 of Klamath County records; thence along the north line of said Parent Parcel South 89°56'32" East for a distance of 449.43 feet to a point on the east line of said Parent Parcel; thence along said east line South 00°24'16" West for a distance of 969.07 feet to a point on the south line of said Parent Parcel; thence North 73°34'29" West for a distance of 65.16 feet to the Point of Beginning; thence North 88°46'24" West 100.00 feet to a point; thence North 01°13'36" East for a distance of 100.00 feet to a point; thence South 88°46'24" East for a distance of 100.00 feet to a point; thence South 01°13'36" West for a distance of 100.00 feet to the Point of Beginning. Containing 0.230 acres (10,000 square feet) of land, more or less.

20' UTILITY EASEMENT (AS SURVEYED)

Situated in the County of Klamath and State of Oregon. Known as being part of the Southwest 1/4 of the Southeast 1/4 of Section 16, Township 41 South, Range 12 East being a 7,835 square foot Utility Easement over and upon a parcel of land now or formerly conveyed to City of Malin, Oregon as recorded in Volume M82, Page 2025 of Klamath County records (the Parent Parcel) and being more particularly described as follows:

Commencing at the northwest corner of said Parent Parcel as is shown on that Partition Map entitled "Validation Unit of Land as per ORS 92.176 Land Partition 53-08", as recorded in Document No. 2010-3329 of Klamath County records; thence along the north line of said Parent Parcel South 89°56'32" East for a distance of 449.43 feet to a point on the east line of said Parent Parcel; thence along said east line South 00°24'16" West for a distance of 969.07

feet to a point on the south line of said Parent Parcel; thence North 73°34'29" West for a distance of 65.16 feet to the southeast corner of the Lease Parcel; thence along the south line of said lease parcel North 88°46'24" West for a distance of 100.00 feet to the southwest corner thereof and the Point of Beginning; thence South 81°59'38" West for a distance of 133.06 feet to a point; thence North 89°36'14" West for a distance of 258.67 feet to a point; thence North 00°32'04" East for a distance of 20.00 feet to a point; thence South 89°36'17" East for a distance of 257.41 feet to a point; thence North 81°58'52" East for a distance of 134.59 feet to a point on the west line of the Lease Parcel; thence along said west line South 01°13'36" West for a distance of 20.26 feet to the Point of Beginning. Containing 0.180 acres (7,835 square feet) of land, more or less.

30' ACCESS & UTILITY EASEMENT (AS SURVEYED)

Situated in the County of Klamath and State of Oregon. Known as being part of the Southwest 1/4 of the Southeast 1/4 of Section 16, Township 41 South, Range 12 East being a 50,007 square foot Access & Utility Easement over and upon a parcel of land now or formerly conveyed to City of Malin, Oregon as recorded in Volume M82, Page 2025 of Klamath County records (the Parent Parcel) and being more particularly described as follows:

Commencing at the northwest corner of said Parent Parcel as is shown on that Partition Map entitled "Validation Unit of Land as per ORS 92.176 Land Partition 53-08", as recorded in Document No. 2010-3329 of Klamath County records; thence along the north line of said Parent Parcel South 89°56'32" East for a distance of 449.43 feet to a point on the east line of said Parent Parcel; thence along said east line South 00°24'16" West for a distance of 969.07 feet to a point on the south line of said Parent Parcel; thence North 73°34'29" West for a distance of 65.16 feet to the southeast corner of the Lease Parcel; thence along the south line of said lease parcel North 88°46'24" West for a distance of 100.00 feet to a point on the west line of said Lease Parcel; thence along said west line North 01°13'36" East for a distance of 100.00 feet to the Point of Beginning; thence North 01°13'32" East for a distance of 47.33 feet to a point; thence North 88°48'52" West for a distance of 65.11 feet to a point; thence North 00°41'16" East for a distance of 13.25 feet to a point; thence North 00°22'16" East for a distance of 87.17 feet to a point; thence North 00°48'16" East for a distance of 139.96 feet to a point; thence North 00°39'20" East for a distance of 187.85 feet to a point; thence North 00°43'51" East for a distance of 142.29 feet to a point; thence North 01°13'57" East for a distance of 58.93 feet to a point; thence North 00°16'55" West for a distance of 58.28 feet to a point; thence North 04°38'35" West for a distance of 25.23 feet to a point; thence North 24°39'30" West for a distance of 24.65 feet to a point; thence North 52°48'30" West for a distance of 21.68 feet to a point; thence North 77°51'53" West for a distance of 34.17 feet to a point; thence South 89°59'42" West for a distance of 232.20 feet to a point; thence North 78°51'39" West for a distance of 30.45 feet to a point; thence South 89°13'32" West for a distance of 228.94 feet to a point; thence South 87°44'39" West for a distance of 82.53 feet to a point; thence North 85°16'30" West for a distance of 26.84 feet to a point; thence North 70°00'13" West for a distance of 76.06 feet to a point; thence North 61°39'17" West for a distance of 47.69 feet to a point; thence North 37°42'00" West for a distance of 26.03 feet to a point; thence North 14°39'02" West for a distance of 5.29 feet to a point on the southerly right-of-way line of Depot Road (width varies); thence along said right-of-way line North 71°55'47" East for a distance of 29.65 feet to a point; thence South 37°41'54" East for a distance of 14.57 feet to a point; thence South 61°39'13" East for a distance of 39.13 feet to a point; thence South 70°00'11" East for a distance of 69.85 feet to a point; thence South 85°16'30" East for a distance of 20.99 feet to a point; thence North 87°44'39" East for a distance of 81.09 feet to a point; thence North 89°13'32" East for a distance of 232.46 feet to a point; thence South 78°51'37" East for a distance of 30.66 feet to a point; thence North 89°59'42" East for a distance of 232.46 feet to a point; thence South 77°51'51" East for a distance of 44.03 feet to a point; thence South 52°48'26" East for a distance of 35.86 feet to a point; thence South 24°39'22" East for a distance of 37.47 feet to a point; thence South 04°38'27" East for a distance of 31.66 feet to a point; thence South 00°16'47" East for a distance of 59.82 feet to a point; thence South 01°14'05" West for a distance of 59.20 feet to a point; thence South 00°43'59" West for a distance of 142.14 feet to a point; thence South 00°39'28" West for a distance of 187.87 feet to a point; thence South 00°48'24" West for a distance of 139.89 feet to a point; thence South 00°22'24" West for a distance of 70.73 feet to a point; thence South 88°48'52" East for a distance of 65.52 feet to a point; thence South 01°13'40" West for a distance of 77.35 feet to a point on the north line of the Lease Parcel; thence along said north line North 88°46'24" West for a distance of 30.00 feet to the Point of Beginning. Containing 1.148 acres (50,007 square feet) of land, more or less.