



MISC 2003118667

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE



JUN 20 2003 10:16 P 6

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Recorder's Use Above This Line

STATE OF: Nebraska

COUNTY OF: Douglas

*misc*

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BKP	<i>10-16-11</i>	C/O	COMP
DEL		SCAN	<i>OK</i> FV

MEMORANDUM OF SITE AGREEMENT

Document Date: \_\_\_\_\_

Grantor/Lessor: American Tower Delaware Corporation, a Delaware corporation

Grantee/Lessee: AT&T Wireless PCS, LLC, a Delaware limited liability company, by its member, AT&T Wireless Services, Inc., d/b/a AT&T Wireless

Legal Description of Property is attached as Attachment "A" on page 4.

Prepared by:

Return To:

Memorandum of Site Agreement  
Page 1

ATC Site Name/Number: Warm, NE / 82221  
User Site Name/Number: Omaha/Bennington / OMAHNE1065

*Frax, et al 3400 City Center 33 South 16th Minneapolis MN 55402*

*251296*

## MEMORANDUM OF SITE AGREEMENT

This Memorandum of Site Agreement ("Memorandum") is entered into on this 31 day of March, 2003, by and American Tower Delaware Corporation, a Delaware corporation, having a mailing address of 10 Presidential Way, Woburn, MA 01801 (hereinafter referred to as "ATC") and AT&T Wireless PCS, LLC, a Delaware limited liability company, by its member, AT&T Wireless Services, Inc., d/b/a AT&T Wireless, with an office at 2729 Prospect Park Drive, Rancho Cordova, CA 95670 (hereinafter referred to as "User").

1. ATC is the sub lessee of a certain portion of real property described and/or depicted in **Attachment "B"** (Premises) attached hereto, which is a portion of a larger parcel of real property described in **Attachment "A"** (Land).
2. ATC and User entered into a Site Agreement ("Site Agreement") dated March 31, 2003 for the purpose of installing, operating, and maintaining telecommunications equipment and other improvements on a portion of the Premises. All of the foregoing are set forth in the Site Agreement.
3. The term of the Site Agreement is for five (5) years commencing on Jan 1, 2003 with the right to extend the Site Agreement for four (4) successive five (5) year periods.
4. The portion of the Tower being licensed to User is described and/or depicted in **Attachment "C"** (Tower Profile), and includes certain rights of access and utilities as provided in the Site Agreement.
5. The purpose of this Memorandum is to give record notice of the Site Agreement and of the rights created thereby, all of which are hereby confirmed. In the event of a conflict between the terms of this Memorandum and the terms of the Site Agreement, the terms of the Site Agreement shall prevail.

**-Remainder of Page Intentionally Left Blank-**

IN WITNESS WHEREOF, the parties hereto have entered into this Memorandum as of the date first written above

American Tower Delaware Corporation, a Delaware corporation, a wholly owned subsidiary of American Towers, Inc., a Delaware corporation, a wholly owned subsidiary of American Tower Corporation, a Delaware corporation

[Signature] (Seal)  
Print Name: Joellen Mitchell  
Title: Vice President  
Date: 03-31-03

"ATTEST"

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
(AFFIX CORPORATE SEAL)

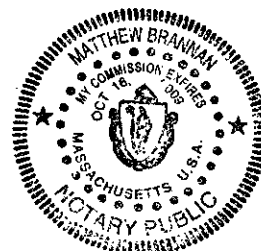
STATE OF Massachusetts  
COUNTY OF Middlesex

This instrument was acknowledged before me by Joellen Mitchell, who is the Vice President of **American Tower Delaware Corporation, a Delaware corporation** personally known to me (or provided to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal, this 31 day of March, 2003.

Signature: [Signature]  
My commission expires: 10/16/09

NOTARY SEAL  
Memorandum of Site Agreement  
Page 3



ATC Site Name/Number: Warm, NE / 82221  
User Site Name/Number: Omaha/Bennington / OMAHNE1065

"USER":

AT&T PCS WIRELESS , LLC, d/b/a AT&T Wireless

By: AT&T Wireless Services, Inc.,  
Its member

*L. R. Levy* (Seal)

Print Name: LOUIS R. LEVY

Title: SYSTEM DEVELOPMENT MANAGER

Date: 7/28/03

"ATTEST"

\_\_\_\_\_

Print Name: \_\_\_\_\_

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

Date: \_\_\_\_\_

(AFFIX CORPORATE SEAL)

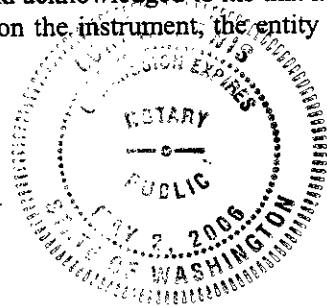
STATE OF WA  
COUNTY OF King

This instrument was acknowledged before me by LOUIS R. LEVY, who is the Implementation Manager of AT&T Wireless Services, Inc, personally known to me (or provided to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal, this 28 day of March, 2003.

Signature: *Louis R. Levy*

My commission expires: 5/2/06



NOTARY SEAL:

Memorandum of Site Agreement  
Page 4

ATC Site Name/Number: Warm, NE / 82221  
User Site Name/Number: Omaha/Bennington / OMAHNE1065

**ATTACHMENT "A"**  
**Land**

**Site No: 82221**

**Site Name: Warm, NE**  
**Address: NW Corner of 156<sup>th</sup> Street & Highway 36,**  
**Bennington, NE**

The Land is described and/or depicted as follows:

**SEE ATTACHED EXHIBIT A**

OMAWARM-1

EXHIBIT A

Property Description:

The Southeast Quarter of the Northeast Quarter of Section 10, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, except that part taken in Condemnation described in Miscellaneous Book 449 at Page 283.

Premises Description:

