

2017-00898

RECORDER MARK BRANDENBURG
POTTAWATTAMIE COUNTY, IA
FILE TIME: 01/20/2017 10:48:08 AM
REC: 15.00AUD: T TAX:
RMA: 1.00ECM: 1.00

GPIN/Other#: _____

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Cox Communications
401 N 117th Street
Omaha, NE 68154
Attn: _____

THIS IS A CONVEYANCE OF A LICENSE
AND CONSIDERATION IS LESS THAN \$100.00

(space above for recorder's use only)

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT (this "Memorandum") is made this 1st Day of October 2016, by and between **405 West Broadway, LLC** ("Grantor") and **Cox Communications Omaha, L.L.C., d/b/a Cox Communications** ("Cox"). Grantor is the owner of certain real property located in Pottawattamie County, Iowa, which is more particularly described in Exhibit A, attached hereto and incorporated herein (the "Property").

PLEASE TAKE NOTICE that Grantor and Cox have entered into that certain Service and Access Agreement, dated October, 1st, 2016, as such may be amended, extended, renewed or replaced (collectively, the "Agreement") pursuant to which Grantor has granted to Cox the nonexclusive right to (a) install construct, install, operate, maintain, repair, replace, and remove telecommunications and other facilities consisting of, without limitation, conduits, strands, wires, coaxial cables, hardware, wireless access points, backhaul modems, antennas, pedestals, junction boxes, and other equipment (collectively, the "Facilities") as Cox may from time-to-time require, and (b) offer, provide, and market (on a non-exclusive basis) video, entertainment, high-speed data, voice and other services (collectively, the "Services") to the Property and other properties and persons that can be served by the Facilities. Cox owns and/or Grantor has granted to Cox the exclusive right to use all or a portion of the Facilities. Any Facilities owned by Cox shall not be deemed a fixture of the Property. A copy of relevant provisions of the Agreement will be provided to any properly interested person upon written request.

Grantor shall provide notice to Cox of any pending trustee or foreclosure sale or receivership, bankruptcy or other proceeding affecting the Property, sent to the address above.

405 West Broadway, LLC:

By: [Signature]
Name: Todd Heistand
Title: Manager

GRANTOR ACKNOWLEDGMENT

STATE OF Iowa

COUNTY OF Harrison

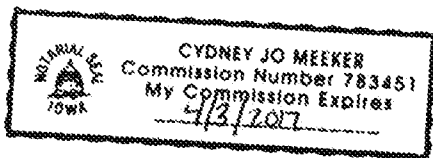
On 11/3/2016 (date) before me, Cydney Meeker (Notary), personally appeared _____ (name of signer), who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Iowa that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[NOTARY SEAL]

Cydney Jo Meeker
Notary Public
Name: Cydney Jo Meeker
My Commission Expires: 4/3/2017



Legal Description

Lots 1 and 2 in Keller and Bennett's Subdivision of Lot 176 in the Original Plat of Council bluffs, Iowa, and the Westerly 4 Inches of Fourth Street between the Southerly line of Broadway and the Northerly line of the alley in rear of Keller and Bennett's Subdivision, Being the same strip of ground as vacated by the City Council of the City of Council Bluffs, Iowa; An ordinance vacating the Westerly 4 Inches of Fourth Street from the Southerly line of Broadway to the Northerly line of first alley South of Keller and Bennett's Subdivision and granting the same to the owners of Lot 1, Keller and Bennett's Subdivision.