

**2018-07409**

**RECORDER MARK BRANDENBURG**

**POTTAWATTAMIE COUNTY, IA**

**FILE TIME: 06/18/2018 09:46:24 AM**

<b>RECORDING FEE</b>	<b>15.00</b>
<b>RMA FEE</b>	<b>1.00</b>
<b>ECM FEE</b>	<b>1.00</b>

GPIN/Other#: \_\_\_\_

RECORDING REQUESTED BY AND

WHEN RECORDED MAIL TO:

Cox Communications

401 N 117<sup>th</sup> Street,

Omaha, NE 68154

Attn: MDU Dept.

THIS IS A CONVEYANCE OF AN EASEMENT

AND CONSIDERATION IS LESS THAN \$100.00

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(space above for recorder's use only)

#### MEMORANDUM OF AGREEMENT

**THIS MEMORANDUM OF AGREEMENT** is made this 1 day of June, 2018, by and between River Park Apartments, LLC ("Grantor") and Cox Communications Omaha, LLC. 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 Agreement, dated 6/1/2018, as such may be amended, extended, renewed or replaced (collectively, the "**Agreement**") pursuant to which Grantor has granted to Cox the right to (a) install construct, install, operate, maintain, repair, replace, and remove telecommunications and other facilities consisting of, without limitation, conduit, microduct, strands, wires, coaxial cables, fiber optic cables, hardware, wireless access points, backhaul modems, antennas, pedestals, junction boxes, and other wiring and equipment (collectively, the "**Facilities**") as Cox may from time-to-time require, and (b) offer, provide, and market (on an exclusive or non-exclusive basis) video, entertainment, high-speed data, voice, home security and home automation, and other services (collectively, the "**Services**") to the Property. 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. The Agreement and the rights and obligations of each party under the Agreement shall run with title to the Property and be binding on Grantor and subsequent owners of the Property and all others who may claim an interest in 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.

River Park Apartments, LLC:

By: Howard M. Kooper

Name: Howard M. Kooper

Title: Member

GRANTOR ACKNOWLEDGMENT

STATE OF Nebraska

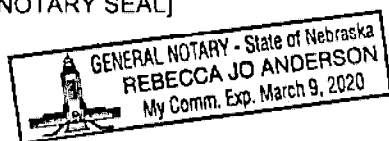
COUNTY OF Lincoln

On 6/13/18 (date) before me, Rebecca Jo Anderson (Name of Notary), personally appeared Howard M. Kooper as Member of River Park Apartments, LLC, 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 Nebraska that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[NOTARY SEAL]



Rebecca Jo Anderson  
Notary Public

Name: Rebecca Jo Anderson

My Commission Expires: March 9, 2020

**EXHIBIT A:**

**SECTION 33-75-44 PT G/L 1 COMM 291'N & 106.13'E SW COR NW NW TH ELY38.12'  
SLY215.35'**

**ELY700.15' NE298.37' NLY437.5WLY ALONG I-480 TO LEVEE SLY ALONG LEVEE TO POB**