

2011-05629

02/24/2011 12:20:48 PM

Clay J. Rouding

REGISTER OF DEEDS



COUNTER LM C.E. Q
VERIFY LM Q
PROOF _____
FEES \$ 15.50
CHECK# 1471
CHG _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

Memorandum of Agreement

This Memorandum of Agreement ("Memorandum") dated Feb. 18, 2011, evidences that a Site Agreement (the "Agreement") dated Feb 18, 2011 (the "Effective Date"), was made and entered into between Offutt AFB America First Communities, LLC ("Owner") and New Cingular Wireless PCS, LLC ("Tenant").

The Agreement provides in part that Tenant has the right to enter upon certain real property owned by Owner and located at approximately 2841 Southdale Plaza, City of Omaha, County of Sarpy, State of Nebraska, as further described in the Agreement (the "Site") for the purpose of performing investigations and tests and, upon finding the Site appropriate, to lease the Site for the purpose of installing, operating and maintaining a communications facility and other improvements. The Site is further described in Exhibit A attached hereto.

The term of Tenant's lease and tenancy under the Agreement is 5 years commencing on February 1, 2011 ("Term Commencement Date"), and is subject to 3 renewal terms of 5 years each that may be exercised by Tenant.

The parties have executed this Memorandum as of the day and year first above written.

OWNER

Offutt AFB America First Communities, LLC
a Nebraska limited liability company

By: *[Signature]*

Name: Dominic Vaccaro

Title: Vice President

Address: 1004 Farnam Street, Suite 400
Omaha, NE 68102

TENANT

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation, its Manager

By: *[Signature]*

Name: RONALD L. MITCHELL

Title: Real Estate & Construction Manager

Address: 4300 Market Pointe Dr
Bloomington, MN 55435

Attach Exhibit A - Site Description

Ward Development Services, LLC
15 Park Place Professional Centre
Swansea, IL, 62226
314.503.4444 Cell
618.222.2840 Office
866-655-2853 Fax

Recorder Note: Check metes & bounds 2-24-11 LM

A

Site Name: OFFUTT WATER TOWER

Site ID #: OM03XC0

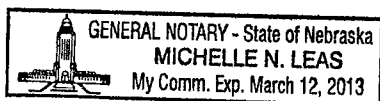
OWNER NOTARY BLOCK:

STATE OF NEBRASKA

COUNTY OF DOUGLAS

The foregoing instrument was (choose one) ☐ attested or ☒ acknowledged before me this 27th day of JANUARY, 2011, by (choose one) ☐ as an individual, ☒ Dominic Vaccaro, as Vice President of Offutt AFB Communities, LLC, a Nebraska limited liability company on behalf of said company.

(AFFIX NOTARIAL SEAL)



My commission expires: 3.12.13

Michelle N. Leas
(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC STATE OF NEBRASKA

MICHELLE N. LEAS
(PRINTED, TYPED OR STAMPED NAME OF NOTARY)
COMMISSION NUMBER:

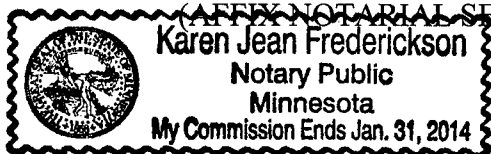
TENANT NOTARY BLOCK:

STATE OF MINNESOTA

COUNTY OF Hennepin

The foregoing instrument was (choose one) ☐ attested or ☒ acknowledged before me this 18th day of February, 2011, by Ronald L. Mitchell REAL ESTATE + Construction of AT&T Mobility Corporation, the Manager of New Cingular Wireless PCS, LLC, a Delaware limited liability company on behalf of said company.

(AFFIX NOTARIAL SEAL)



My commission expires: JAN. 31, 2014

Karen Jean Frederickson
(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC STATE OF

Karen Jean Frederickson
(PRINTED, TYPED OR STAMPED NAME OF NOTARY)

2011-05629 B

Site Name: OFFUTT WATER TOWER

Site ID #: [INSERT]

**EXHIBIT A
TO SITE AGREEMENT**

Legal Description of Owner's Property

The Owner's Property is located at approximately 2841 Southdale Plaza, situated in the City of Omaha, County of Sarpy, State of Nebraska commonly described as follows:

Insert Legal Description:

DESCRIPTION:

A tract of land situated in the Southeast Quarter of Section 4, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska with said tract of land being more particularly described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence North $70^{\circ}01'34''$ West for a distance of 2847.98 feet to a point on the West line of said Southeast Quarter; said point being the point of beginning of said tract to be described; thence South $89^{\circ}48'20''$ East for a distance of 150.00 feet; thence North $27^{\circ}17'16''$ East to the intersection with the centerline of the existing county road; thence North $59^{\circ}24'20''$ West along said centerline to the intersection with said West line; thence South $0^{\circ}11'40''$ West along said West line to the point of beginning. The tract of land herein described contains 0.77 acres, more or less.