

Recorded: 1/25/2019 at 2:54:14.0 PM
County Recording Fee: \$37.00
Iowa E-Filing Fee: \$3.69
Combined Fee: \$40.69
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2019 PG: 185

MEMORANDUM OF LEASE
Recorder's Cover Sheet

Preparer Information: Jennifer Hodge Burkett, 505 E Grand Avenue, Ste 200,
Des Moines, IA 50309, Phone: (515) 242-8900

Taxpayer Information: Steven A. Lueken and Jill J. Lueken, 3075 State Hwy 3,
Colesburg, IA 52035

Return Document To: Jennifer Hodge Burkett, 505 E Grand Avenue, Ste 200,
Des Moines, IA 50309

Grantors: Steven A. Lueken and Jill J. Lueken

Grantees: FTC Tower Co., LLC

Legal Description: See Exhibit A

Document or instrument number of previously recorded documents: N/A

43 Colesburg

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE ("*Memorandum of Lease*") is being recorded for the purpose of giving public notice of the existence of that certain Lease Agreement (the "**Agreement**"), by and between Steven A. Lueken and Jill J. Lueken, husband and wife, (collectively, "**Lessor**"), whose address is 3075 State Hwy 3, Colesburg, IA 52035, and FTC Tower Co., LLC, a South Carolina limited liability company, ("**Lessee**"), whose address is 1101 E. Main Street, Kingstree, South Carolina, 29556.

1. The Agreement. Lessor and Lessee entered into the Lease effective as of the 2 day of October, 2018 (the "**Lease Effective Date**"). The Agreement also grants certain easement rights.

2. Term of Agreement. The initial term of the Agreement commences on the Lease Effective Date and continues for twenty-five (25) years from December 19, 2018, and ending on December 19, 2043 unless sooner terminated pursuant to the terms of the Agreement.

3. Renewal Terms. Lessee shall have a renewal option for three (3) additional five (5) year terms.

4. Right of First Refusal. The Agreement grants Lessee a right of first refusal upon the terms and conditions set forth in the Agreement.

5. Property. The property which is the subject of the Agreement is located in all that tract of land lying East of the Dubuque-Colesburg Highway in the West Half (W ½) of the Northeast Quarter (NE ¼) in Section Nine (9), Township Ninety (90) North, Range Three (3), West of the 5th P.M., in Delaware County, Iowa, as more particularly described on Exhibit A annexed hereto.

6. Agreement Terms. This Memorandum of Lease is not a complete summary of the Agreement. Provisions of this Memorandum of Lease shall not be used in interpreting the Agreement. If there is a conflict between the Memorandum of Lease and the unrecorded Agreement, the unrecorded Agreement shall control.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Lease as of the dates set forth below.

Lessor:

Steven A. Lueken

Steven A. Lueken

Date: 9-18-18

Jill J. Lueken

Jill J. Lueken

Date: 9-18-18

Lessee:

FTC TOWER CO., LLC

By: Guy Dent Adams, Jr.

COO Subsidiaries

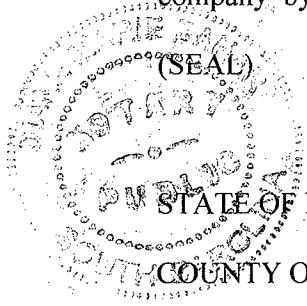
Date: 10/2/18

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

ss:

On this 2ND day of October, 2018, before me, the undersigned, a notary public in and for the State of South Carolina, personally appeared Guy Dent Adams, Jr., to me personally known, who being by me duly sworn, did say that he is the duly authorized agent with full authority to act on behalf of FTC Tower Co., LLC, a South Carolina limited liability company, that the foregoing instrument was signed on behalf of said company, and thereby binds said company to the terms set forth herein, and that he acknowledged the execution of the instrument to be the voluntary act and deed of the company by it and by him/her voluntarily executed.



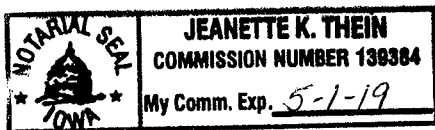
Diane Marie Dancy
Notary Public
My Commission Expires
March 30, 2028

STATE OF IOWA)
)
COUNTY OF DELAWARE)

ss:

This instrument was acknowledged before me on this 18th day of September, 2018 by Steven A. Lueken and Jill J. Lueken.

(SEAL)



Jeanette K. Thein
Notary Public

EXHIBIT A

Legal Description of Property and Site Plan

LEASE PARCEL

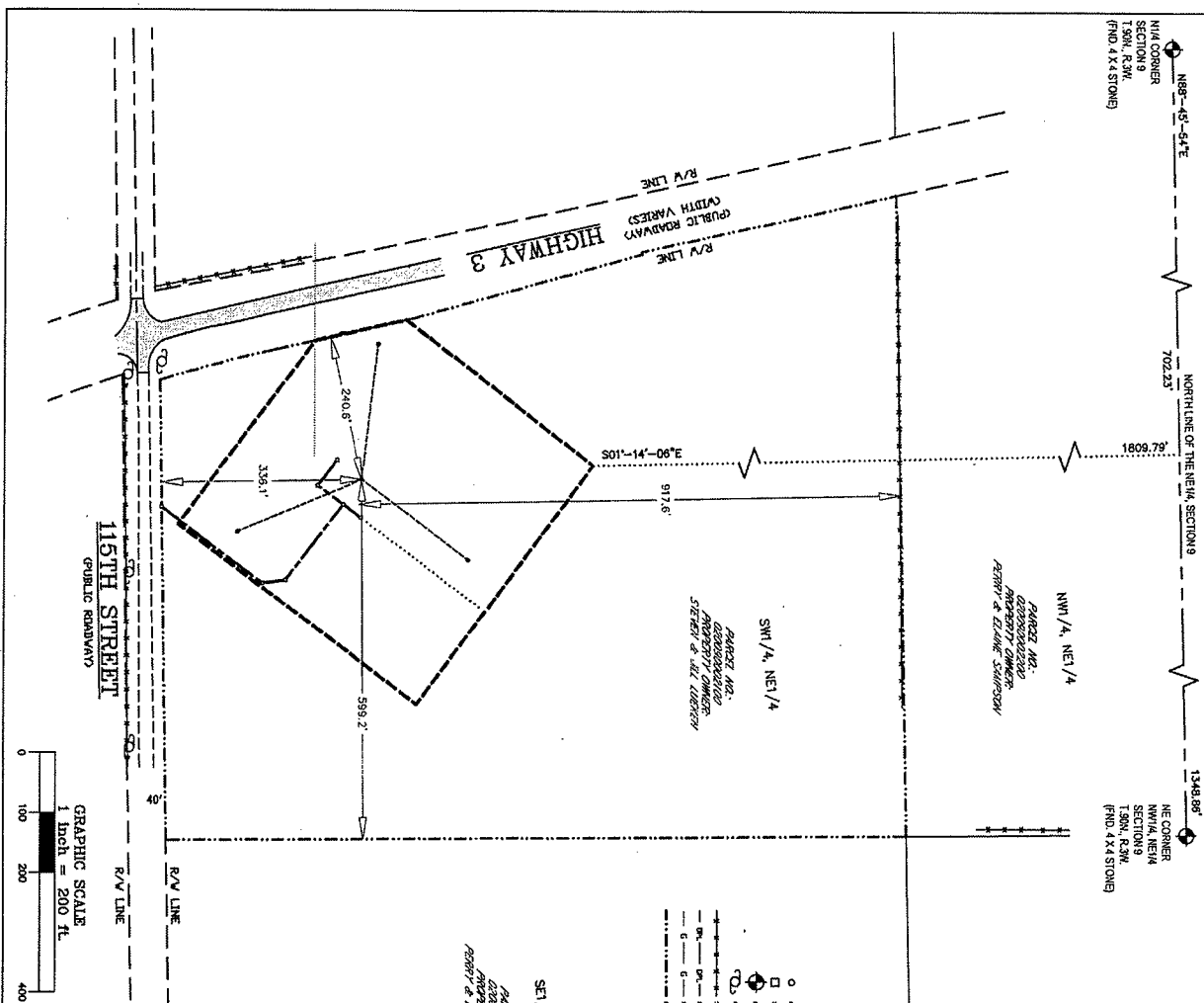
A part of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Nine (9), Township Ninety (90) North, Range Three (3) West of the Fifth Principal Meridian, Delaware County, Iowa containing 247,204 square feet (5.675 acres) of land and being described by:

Commencing at the North Quarter Corner of said Section 9; thence N88°-45'-54"E 702.39 feet along the North line of the NE1/4 of said Section 9; thence S01°-14'-06"E 1809.79 feet to the point of beginning; thence S53°-03'-38"E 500.00 feet; thence S36°-56'-22"W 500.00 feet; thence N53°-03'-38"W 418.87 feet to point on the Easterly Right of Way line of Highway 3; thence N12°-42'-52"W 106.45 feet along said Easterly Right of Way line; thence N36°-56'-22"E 431.08 feet to the point of beginning, being subject to any and all easements and restrictions of record.

30' WIDE UTILITY & INGRESS/EGRESS EASEMENT

A part of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Nine (9), Township Ninety (90) North, Range Three (3) West of the Fifth Principal Meridian, Delaware County, Iowa containing 16,588 square feet (0.381 acres) of land and being Fifteen (15) feet each side of and parallel with the following described line:

Commencing at the North Quarter Corner of said Section 9; thence N88°-45'-54"E 702.39 feet along the North line of the NE1/4 of said Section 9; thence S01°-14'-06"E 1809.79 feet; thence S53°-03'-38"E 302.50 feet; thence S36°-56'-22"W 262.50 feet to the point of beginning; thence continue S36°-56'-22"W 37.50 feet to a point herein after referred to as "Point A"; thence continue S36°-56'-22"W 52.50 feet thence N53°-03'-38"W 52.50 feet to the point of termination. Also, beginning at said "Point A", thence S53°-03'-38"E 159.24 feet; thence S08°-03'-38"E 38.56 feet; thence S36°-56'-22"W 212.62 to a point on the North Right of Way line of 115th Street and the point of termination. The side lot lines of said easement are to be shortened or lengthened to terminate on said north line of 115th Street.



LEGEND

- 1" x 18" IRON PIPE SET
- 6" NAL SET
- COUNTY MONUMENT FOUND
- EXISTING POWER POLE
- EXISTING FENCE LINE
- OVERHEAD ELECTRIC
- BURIED GAS LINE
- PROPERTY LINE

PROPOSED TOWER BASE

LATITUDE: 42°-37'-32.04"
LONGITUDE: 91°-11'-58.89"
(Per North American Datum of 83/2011)
Ground Elevation: 1153.3'
(Per North American Vertical Datum of 1988)

STREET NOTES:

THE LOCATION OF THE EXISTING UTILITIES, AS SHOWN ON THE MAP, IS APPROXIMATE. THE SURVEYOR SHALL NOT BE RESPONSIBLE FOR THE LOCATION OR DEPTH OF ALL EXISTING UTILITIES. THE OWNER AND THE SURVEYOR SHALL NOT BE RESPONSIBLE FOR ANY OMISSION OR VARIATION FROM THE LOCATION SHOWN.

JOHN ONE CALL TICKET NO. 18781857.

THIS SURVEY WAS MADE WITH THE AID OF AN ABSTRACT PREPARED BY DELAWARE COUNTY ABSTRACT COMPANY AS ASSIGNED NO. 7821 WITH AN EFFECTIVE DATE AND TIME OF 11/18/16. ALL ENCUMBRANCES, IF ANY, ARE PLATED AND SHOWN.

THIS IS NOT A BOUNDARY SURVEY OF THE PARCEL AND THE SURVEY REPRESENTS THE LEASE AREA AND EASEMENTS ONLY.

REMARKS:

ACCORDING TO FEDERAL EMERGENCY AGENCY MAPS, THE PROPOSED TELECOMMUNICATIONS SITE IS LOCATED IN ZONE "X", COMMUNITY PANEL NO. 18055C0200E, DATED AUGUST 3, 2008, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. THE SITE IS LOCATED AS SHOWN ON THE MAP AND IS OUTSIDE OF 500-YEAR FLOOD PLAIN.

WETLAND NOTE:

THE PRESENCE AND LOCATION OF WETLANDS HAS NOT BEEN DETERMINED ON THIS PROPERTY. WETLANDS SHOULD ONLY BE DETERMINED BY ACTUAL FIELD DETERMINATION PERFORMED BY A QUALIFIED WETLAND SPECIALIST.

PROFESSIONAL LAND SURVEYORS CERTIFICATE

BRETT J. BECKER
22849

IOWA PROFESSIONAL LAND SURVEYOR

ONE CALL

1-800-292-8989 811

www.iowacall.com

DEED REFERENCE: BOOK 136 PAGE 372

PARCEL NO.: 02080002100

ZONED: AG

PROPERTY OWNER:
STEVEN & JILL LUENEN
3076 S.H. "J"
COLESBURG, IA 52035

SITE NAME:
COLESBURG

SITE NUMBER:
43

SITE ADDRESS:
115TH STREET
COLESBURG, IA 52035

LEASE EXHIBIT

FOR

FTC TOWER CO.

A PART OF THE SW 1/4 OF THE

NE 1/4, SECTION 9, T.90N, R.3W,

5TH P.M., DELAWARE COUNTY, IOWA

REMARKS:

12/12/18 Final

12/12/18 Revised Guy Anchor Rods

11/27/18 Added Title Review

7/20/18 Added Tower, Leases, & Easements

7/8/18 Preliminary Survey

DATE **DESCRIPTION** **BY**

PREPARED BY: JLB **FIELD WORK:** 7-4-18

CHECKED BY: B.J.B. **FIELD BOOK:** H-48, P.10

JOB NO.: 10432 **SHEET:** 1 OF 3

Edge

Consulting Engineers, Inc.

624 West Street
P.O. Box 140
628.644.1407 voice
628.644.1407 fax
www.edgeconsult.com

FTC

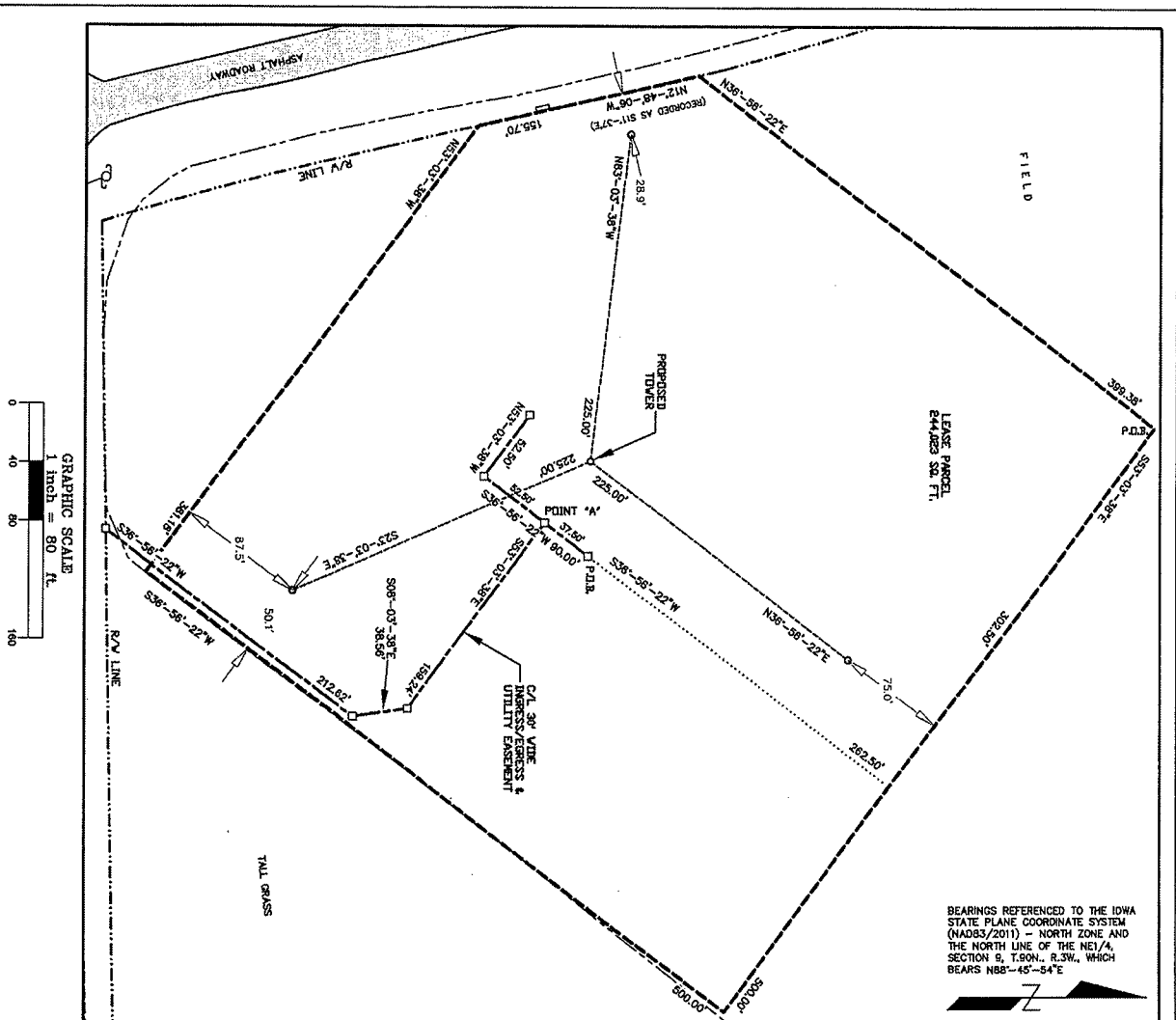
Tower Co.

1101 E. MAIN STREET
KINGSTREE, SC 29556

MERIDIAN

SURVEYING, LLC

10837 Fishhawk Drive Office 820-833-0881
Kokomo, IN 46901 Fax 820-873-8037



BEARINGS REFERENCED TO THE IOWA STATE PLANE COORDINATE SYSTEM (NAD83 2011) - NORTH 30° 00' 00" E AND THE NORTH LINE OF THE NE1/4 SECTION 9, T.30N., R.3W., WHICH BEARS N88° 15' 54" E

LEASE PARCEL

A part of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Nine (9), Township Ninety (90) North, Range Three (3) West of the Fifth Principal Meridian, Delaware County, Iowa containing 246.023 square feet (5.602 acres) of land and being described by:

Commencing at the North Quarter Corner of said Section 9, thence N88° 45' 54" E 702.23 feet along the North line of the NE1/4 of said Section 9, thence S01° 14' 06" E 1809.79 feet to the point of beginning, thence S53° 03' 38" E 500.00 feet, thence S36° 56' 22" W 500.00 feet, thence N53° 03' 38" W 381.18 feet to point on the Easement Right of Way line of Highway 3, thence N12° 48' 06" W (recorded as S11° 37' E) 155.70 feet along said Easement Right of Way line, thence N56° 56' 22" E 399.38 feet to the point of beginning, being subject to any and all easements and restrictions of record.

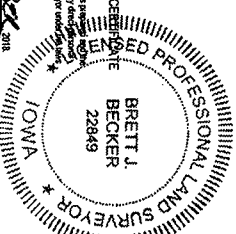
30' WIDE UTILITY & INGRESS/EGRESS EASEMENT

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LEGEND

- 1" x 12" IRON PIPE SET
- 6" NAIL SET
- COUNTY MONUMENT FOUND
- EXISTING POWER POLE
- EXISTING FENCE LINE
- OVERHEAD ELECTRIC
- BURIED GAS LINE
- PROPERTY LINE



1 hereby certify that this land surveying document was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor and that I am duly Licensed in the State of Iowa.

Dated this 13th day of December 2016

Brett J. Becker
Iowa Professional Land Surveyor
Brett J. Becker, License No. 22849
My license renewal date is December 31, 2018.

SURVEYED FOR:

Edge
Consulting Engineers, Inc.
624 Weber Street
Pocahontas, IA 50450
608.644.1467 voice
608.644.1569 fax
www.edgeconsulting.com

FTC
Tower Co.
1101 E. MAIN STREET
KINGSBEE, SC 29556

MERIDIAN
SURVEYING, LLC
1101 E. MAIN STREET
KINGSBEE, SC 29556
909-893-0881
820-273-6037

SITE NAME:
COLESBURG

SITE NUMBER:
43

SITE ADDRESS:
115TH STREET
COLESBURG, IA 52035

PROPERTY OWNER:
STEVEN & JILL LUKEN
3075 S.T.H. "3"
COLESBURG, IA 52035

PARCEL NO.: 020090002100

ZONED: AG

DEED REFERENCE: BOOK 136 PAGE 372

LEASE EXHIBIT
FOR
FTC TOWER CO.
A PART OF THE SW1/4 OF THE
NE1/4 SECTION 9, T.30N., R.3W.,
5TH P.M., DELAWARE COUNTY, IOWA

NO.	DATE	DESCRIPTION	BY
5	11/23/16	Final	B.B.
4	11/23/16	Revised Site Anchor Rods	J.B.
3	11/23/16	Added Title Review	J.B.
2	11/20/16	Added Tower Location & Easement	J.B.
1	11/20/16	Preliminary Survey	J.B.
NO.	DATE	DESCRIPTION	BY
DRAWN BY:	J.B.	FIELD WORK	7-4-16
CHECKED BY:	B.B.	FIELD BOOK	4-4-16
JOB NO.:	10432	SHEET	3 OF 3