

Recorded: 1/25/2019 at 2:54:15.0 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: 186

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: Keith F. Peyton and Patsy J. Peyton, 1802 Maple Way, Coggon, IA 52218

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

Grantors: Keith F. Peyton and Patsy J. Peyton

Grantees: FTC Tower Co., LLC

Legal Description: See Exhibit A

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

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 Keith F. Peyton and Patsy P. Peyton, husband and wife, (collectively, "**Lessor**"), whose address is 1802 Maple Way, Coggon, IA 52218, and FTC Tower Co., LLC, a South Carolina limited liability company, ("**Lessee**"), 1101 E. Main Street, Kingstree, South Carolina, 29556.

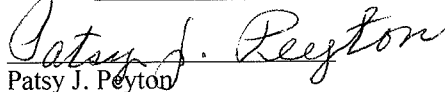
1. The Agreement. Lessor and Lessee entered into the Agreement on the 9 day of November, 2018.
2. Term of Agreement. The initial term of the Agreement is for twenty-five (25) years commencing on December 28, 2018, and ending on December 28, 2043 unless sooner terminated pursuant to the terms of the Agreement.
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 in Section 34, Township 87 North, Range 6, West of the 5th P.M., in Delaware County, Iowa, as more particularly described on Exhibit A annexed hereto.
6. Exhibit A. The parties understand and acknowledge that Exhibit A may be attached to this Memorandum of Lease in preliminary form. Accordingly, the parties agree that upon the preparation of final, more complete exhibit, Exhibit A may be replaced by Lessee with such final, more complete exhibit.
7. 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:


Keith F. Peyton

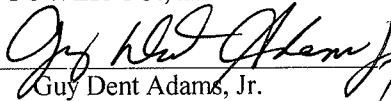
Date:


Patsy J. Peyton

Date:

Lessee:

FTC TOWER CO., LLC

By: 
Guy Dent Adams, Jr.
COO Subsidiaries

Date:

11/9/18

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA)

SS:

COUNTY OF WILLIAMSBURG)

On this 9th day of November, 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.

(SEAL)

Notary Public

My Commission Expires 5/13/2027

STATE OF IOWA

COUNTY OF ~~DELAWARE~~)

SS:

This instrument was acknowledged before me on this 16 day of October, 2018, by Keith F. Peyton and Patsy J. Peyton.

(SEAL)

Notary Public



Exhibit A

LEASE PARCEL

A part of Parcel 2018-31 of Plat filed in Book 2018 Page 1192 of Delaware County Records and located in the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Thirty-Four (34), Township Eighty-Seven (87) North, Range Six (6) West of the Fifth Principal Meridian, Delaware County, Iowa containing 250,000 square feet (5.739 acres) of land and being described by:

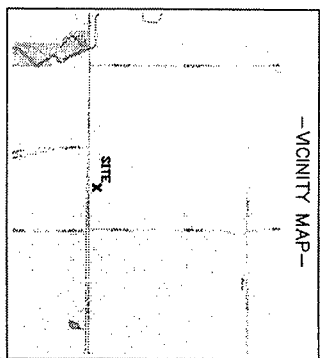
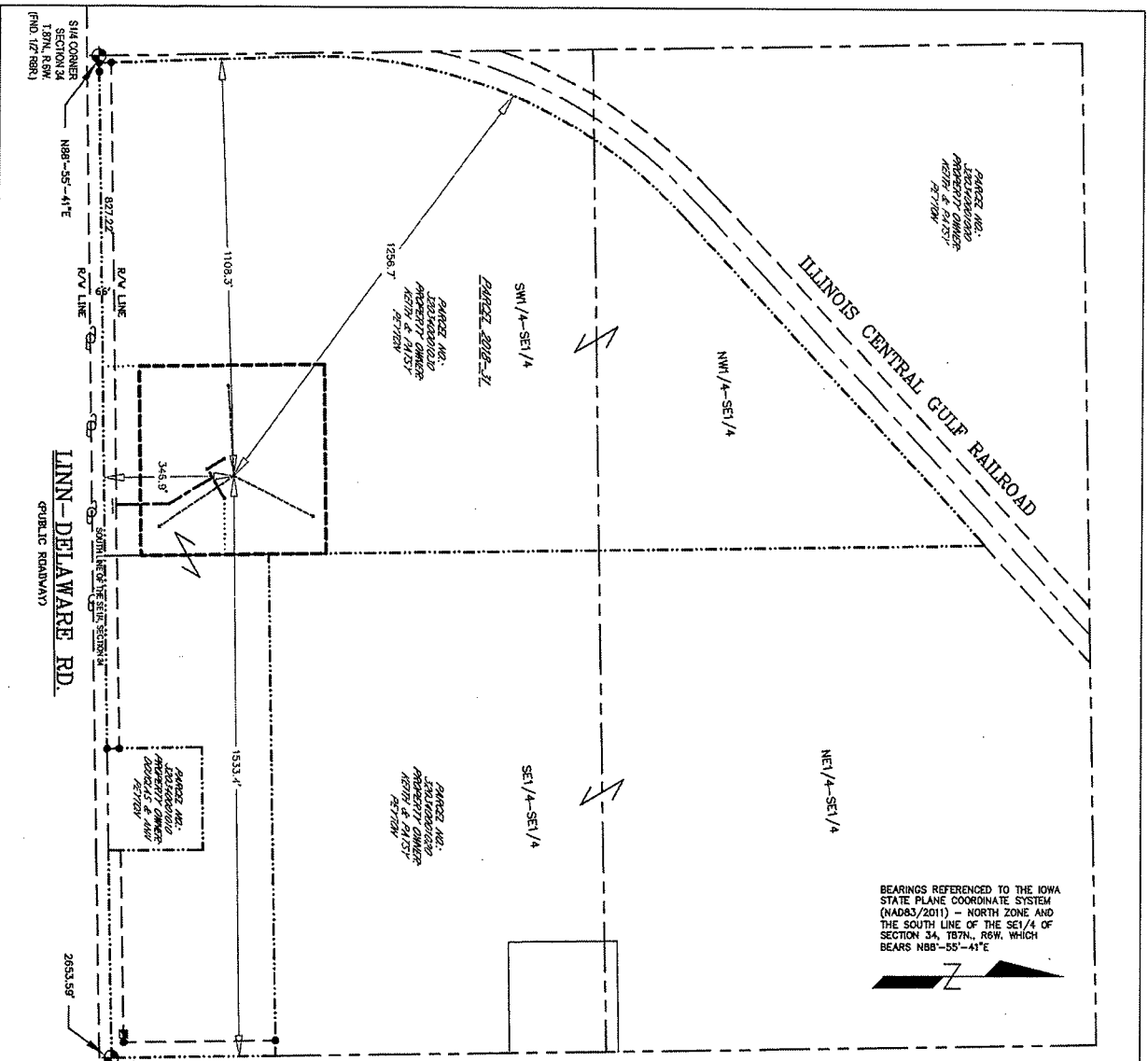
Commencing at the South Quarter Corner of said Section 34; thence S88°-55'-41"E 827.22 feet along the South line of the SE1/4 of said Section 34; thence N01°-04'-19"W 97.65 feet to the point of beginning; thence N00°-55'-50"W 500.00 feet; thence N89°-04'-10"E 500.00 feet to a point on the East line of the SW1/4 of the SE1/4 of said Section 34; thence S00°-55'-50"E 500.00 feet along said East line; thence S89°-04'-10"W 500.00 feet to the point of beginning, being subject to any and all easements and restrictions of record.

30' WIDE INGRESS/EGRESS & UTILITY EASEMENT

A part of Parcel 2018-31 of Plat filed in Book 2018 Page 1192 of Delaware County Records and located in the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Thirty-Four (34), Township Eighty-Seven (87) North, Range Six (6) West of the Fifth Principal Meridian, Delaware County, Iowa containing 11,672 square feet (0.268 acres) of land and being Fifteen (15) feet each side of and parallel with the following described line:

Commencing at the South Quarter Corner of said Section 34; thence S88°-55'-41"E 827.22 feet along the South line of the SE1/4 of said Section 34; thence N01°-04'-19"W 97.65 feet; thence N00°-55'-50"W 500.00 feet; thence N89°-04'-10"E 500.00 feet to a point on the East line of the SW1/4 of the SE1/4 of said Section 34; thence S00°-55'-50"E 276.72 feet along said East line; thence S89°-04'-10"W 147.09 feet to the point of beginning; thence S59°-04'-10"W 63.00 feet to a point herein after referred to as "Point A"; thence S30°-55'-50"E 134.56 feet thence S01°-15'-25"E 139.01 feet to a point on the North Right of Way line of Indian Bridge Road and the point of termination. Also, beginning at said "Point A", thence S59°-04'-10"W 27.00 feet; thence N30°-55'-50"W 52.50 feet to the point of termination. The side lot lines of said easement are to be shortened or lengthened to terminate on the North Right of Way line of Indian Bridge Road.

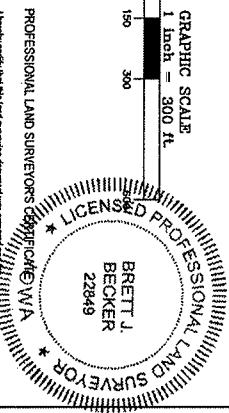
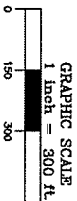
See attached.



PROPOSED TOWER BASE

LATITUDE: 42°-17'-49.90"
 LONGITUDE: 91°-31'-29.68"
 (Per North American Datum of 83/2011)
 Ground Elevation: 947.6'
 (Per North American Vertical Datum of 1988)

- LEGEND**
- = 1" x 18" IRON PIPE SET
 - = REBAR WITH CAP NO. 7060 FOUND
 - = 6" MALE SET
 - ⊕ = COUNTY MONUMENT FOUND
 - ⊙ = EXISTING POWER POLE
 - ⊞ = TELEPHONE PEDESTAL
 - = OVERHEAD ELECTRIC
 - = PROPERTY LINE



I hereby certify that this land surveying document was prepared and reduced survey work was performed by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Dated this 13th day of November, 2018.

Brett J. Becker
 BRETT J. BECKER
 IOWA PROFESSIONAL LAND SURVEYOR
 License No. 22849
 My license renewal date is December 31, 2018.

SUBMITTED FOR:

Edge
 Consulting Engineers, Inc.
 101 West Street
 Suite 2150S W 53578
 608.664.1460 voice
 608.664.1260 fax
 www.edgeconsult.com

SUBMITTED FOR:

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

MERIDIAN
 SURVEYING, LLC

18637 Friendship Drive Office: 920-932-0881
 Kaukauna, WI 54130 Fax: 920-273-6037

SITE NAME:
 COOGON

SITE NUMBER:
 XX

SITE ADDRESS:
 1700 LNN-DELAWARE ROAD
 RTAN, IOWA 52330

PROPERTY OWNER:
 KEITH & PATSY PETTON
 1802 MAPLE WAY
 COGSON, IOWA 52218

PARCEL NO.: 30340001030

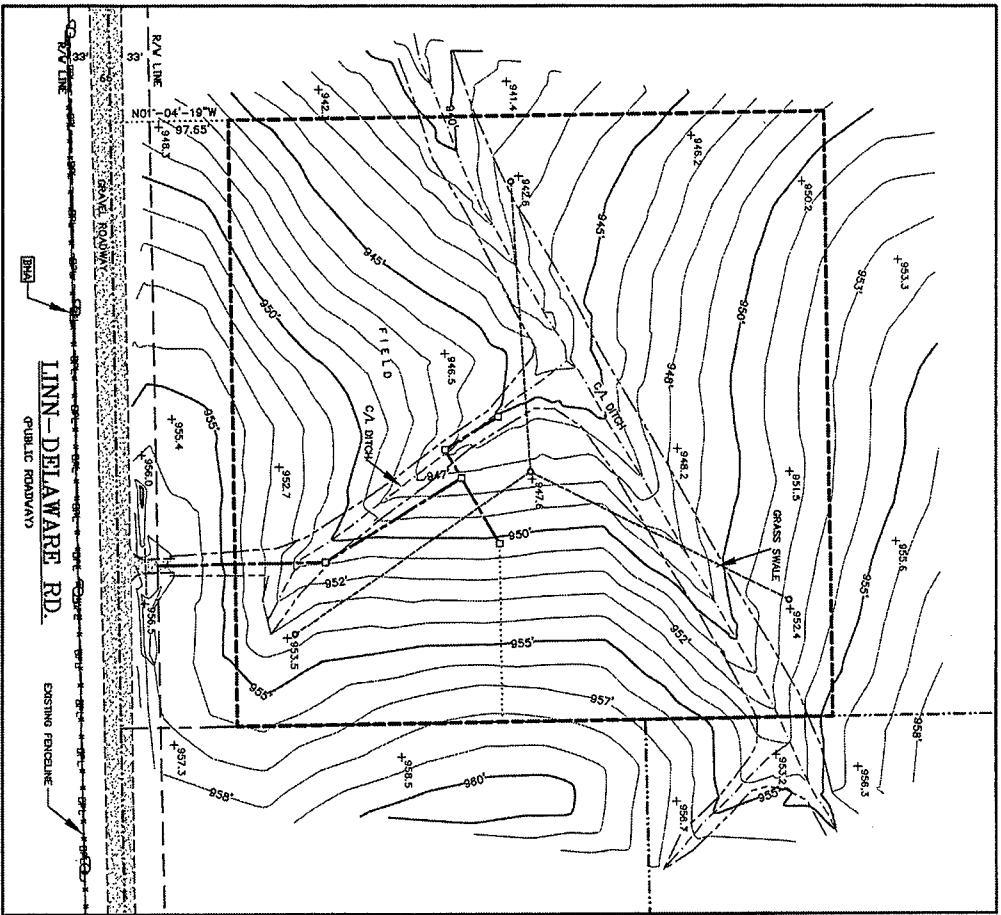
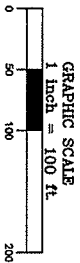
ZONED: AGRICULTURE

DEED REFERENCE: DOC. NO. 87-213
 BOOK 2003 PAGE 5619

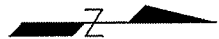
LEASE EXHIBIT
 FOR
 FTC TOWER CO.
 A PART OF THE SE 1/4
 SECTION 34, T.87N, R.6W, 5TH
 P.M., DELAWARE COUNTY, IOWA

NO.	DATE	DESCRIPTION	BY
3	11/13/18	Added Title Review	AB
2	1/23/18	Added Tower, License & Edge	AB
1	6/14/18	Preliminary Survey	WM
1	6/14/18	DESCRIPTION	BY
1	6/14/18	FIELD WORK	6-6-18
1	6/14/18	CHECKED BY: C.A.K.	FIELD BOOK: 4-42 PG. 45
1	6/14/18	10330	SHEET 1 OF 3

BENCHMARK INFORMATION
 SITE BENCHMARK: (BM A)
 SET RAILROAD SPK IN NORTHEAST FACE OF POWER
 POLE NO. 48, 21' ABOVE GROUND LEVEL
 ELEVATION: 957.22'



BEARINGS REFERENCED TO THE IOWA
 STATE PLANE COORDINATE SYSTEM
 (NAD83/2011) - NORTH ZONE AND
 THE SOUTH LINE OF THE SE1/4 OF
 SECTION 34, T87N, R6W, 5TH
 BEARS N88°55'55" E 141' 1"



- LEGEND—
- = 1" X 18" IRON PIPE SET
 - = REBAR WITH CAP NO. 7000 FOUND
 - = 6" NAIL SET
 - ⊕ = COUNTY MONUMENT FOUND
 - ⊙ = EXISTING POWER POLE
 - ⊞ = TELEPHONE PEDESTAL
 - OH— = OVERHEAD ELECTRIC
 - = PROPERTY LINE

SURVEY NOTES:

THE LOCATION OF THE EXISTING UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE ONLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ACTUAL LOCATION AND DEPTH OF ALL EXISTING UTILITIES. THE OWNER AND THE SURVEYOR SHALL NOT BE RESPONSIBLE FOR ANY OMISSION OR VARIATION FROM THE LOCATION SHOWN.

THIS SURVEY WAS MADE WITH THE AID OF AN ABSTRACT PREPARED BY THE IOWA DEPARTMENT OF REVENUE, DATED OCTOBER 18, 2018. ALL ENCUMBRANCES, IF ANY, ARE PLOTTED AND SHOWN.

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

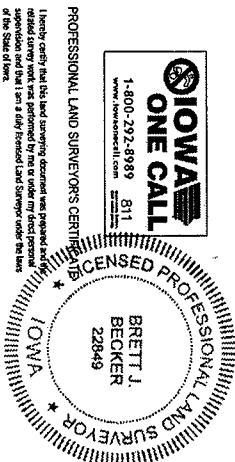
—IOWA ONE CALL REQUEST NO. 181511741.

FEMA NOTE:

—ACCORDING TO FEDERAL EMERGENCY AGENCY MAPS, THE PROPOSED TELECOMMUNICATIONS SITE IS LOCATED IN ZONE X, A COMMUNITY SPECIAL FLOOD HAZARD AREA. ZONE "X" IS DESIGNATED AS: "AREAS DETERMINED TO BE OUTSIDE OF 500-YEAR FLOOD PLAIN".

WETLAND NOTES:

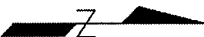
—THE PRESENCE AND LOCATION OF WETLANDS HAS NOT BEEN DETERMINED BY ACTUAL FIELD DELINEATION PERFORMED BY A QUALIFIED WETLAND SPECIALIST.



Order No. 1374
 13th NOVEMBER 2018
 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 West Street Profile du Soc. WI 53078 608.644.1549 voice 608.644.1549 fax www.edgeconsultants.com		SURVEYED FOR: FTC Tower Co. 1101 E. MAIN STREET KINOSTREE, SC 29558																	
MERIDIAN SURVEYING, LLC 18837 Friendship Drive FOND DU LAC, WI 54601 920-923-0884 920-272-6037 www.meridian-survey.com		SITE NAME: COOSON SITE NUMBER: XX SITE ADDRESS: 1700 LINN-DELAWARE ROAD RYAN, IOWA 52330 PROPERTY OWNER: KEITH & PAUL PETTON 1802 MAPLE WAY COOSON, IOWA 52218 PARCEL NO.: 320340001030 ZONED: AGRICULTURE DEED REFERENCE: DOC. NO. 87-213 BOOK 2003 PAGE 5619																	
LEASE EXHIBIT FOR FTC TOWER CO. A PART OF THE SE1/4, SECTION 34, T87N, R6W, 5TH P.M., DELAWARE COUNTY, IOWA																			
<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>11/13/18</td> <td>Added This Revision</td> <td>JB</td> </tr> <tr> <td>2</td> <td>7/21/18</td> <td>Added Tower Lease & Easement</td> <td>JB</td> </tr> <tr> <td>1</td> <td>6/14/18</td> <td>Preliminary Survey</td> <td>MA</td> </tr> </tbody> </table>				NO.	DATE	DESCRIPTION	BY	1	11/13/18	Added This Revision	JB	2	7/21/18	Added Tower Lease & Easement	JB	1	6/14/18	Preliminary Survey	MA
NO.	DATE	DESCRIPTION	BY																
1	11/13/18	Added This Revision	JB																
2	7/21/18	Added Tower Lease & Easement	JB																
1	6/14/18	Preliminary Survey	MA																
DRAWN BY: MAH DATE: 6-6-18 CHECKED BY: C.A.K. FIELD BOOK: 11-17, PG. 45 JOB NO.: 10380 SHEET 2 OF 3																			

BEARINGS REFERENCED TO THE IOWA
STATE PLANE COORDINATE SYSTEM
(NAD83/2011) - NORTH ZONE AND
THE SOUTH LINE OF THE SE1/4 OF
SECTION 34, T8N, R6W, WHICH
BEARS N88°-55'-41"E



LEASE PARCEL

A part of Parcel 2018-31 of Plat filed in Book 2018 Page 1192 of Delaware County Records and located in the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Thirty-Four (34), Township Eighty-Seven (87) North, Range Six (6) West of the Fifth Principal Meridian, Delaware County, Iowa containing 250,000 square feet (5.739 acres) of land and being described by:

Commencing at the South Quarter Corner of said Section 34; thence N88°-55'-41"E 827.22 feet along the South line of the SE1/4 of said Section 34; thence N01°-04'-19"W 97.65 feet to the point of beginning; thence N00°-55'-50"W 500.00 feet; thence N89°-04'-10"E 500.00 feet to a point on the East line of the SW1/4 of the SE1/4 of said Section 34; thence S00°-55'-50"E 500.00 feet along said East line; thence S89°-04'-10"W 500.00 feet to the point of beginning, being subject to any and all easements and restrictions of record.

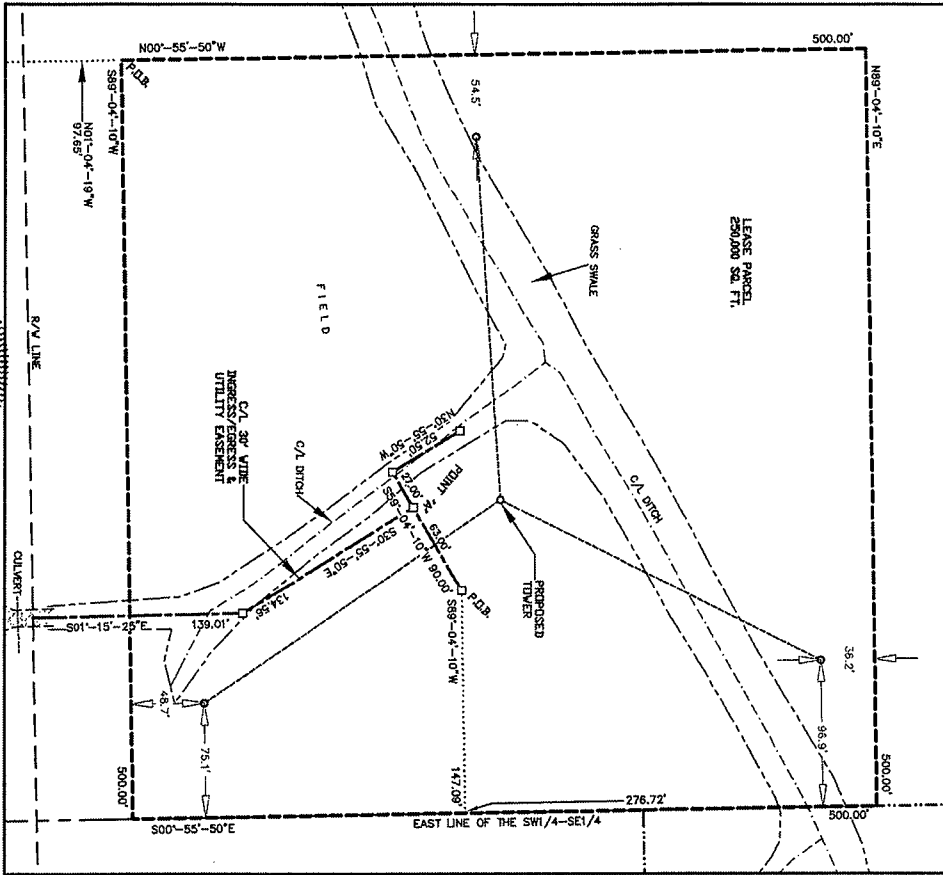
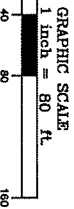
30' WIDE INGRESS/EGRESS & UTILITY EASEMENT

A part of Parcel 2018-31 of Plat filed in Book 2018 Page 1192 of Delaware County Records and located in the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Thirty-Four (34), Township Eighty-Seven (87) North, Range Six (6) West of the Fifth Principal Meridian, Delaware County, Iowa containing 11,672 square feet (0.268 acres) of land and being fifteen (15) feet each side of and parallel with the following described line:

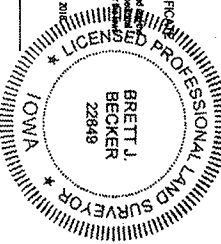
Commencing at the South Quarter Corner of said Section 34; thence N88°-55'-41"E 827.22 feet along the South line of the SE1/4 of said Section 34; thence N01°-04'-19"W 97.65 feet; thence N00°-55'-50"W 500.00 feet; thence N89°-04'-10"E 500.00 feet to a point on the East line of the SW1/4 of the SE1/4 of said Section 34; thence S00°-55'-50"E 276.72 feet along said East line; thence S89°-04'-10"W 147.09 feet to the point of beginning; thence S89°-04'-10"W 63.00 feet to a point herein after referred to as "Point A"; thence S39°-55'-50"E 134.56 feet; thence S01°-15'-25"E 139.01 feet to a point on the North Right of Way line of Linn-Delaware Road and the point of termination. Also, beginning at said "Point A"; thence S89°-04'-10"W 27.00 feet; thence N39°-55'-50"W 52.50 feet to the point of termination. The side lot lines of said easement are to be shortened or lengthened to terminate on the North Right of Way line of Linn-Delaware Road.

LEGEND

- = 1" x 18" IRON PIPE SET
- = REBAR WITH CAP NO. 7060 FOUND
- = 6" NAIL SET
- ⊙ = COUNTY MONUMENT FOUND
- ⊙ = EXISTING POWER POLE
- ⊙ = TELEPHONE PEDESTAL
- ⊙ = OVERHEAD ELECTRIC
- = PROPERTY LINE



PROFESSIONAL LAND SURVEYORS CERTIFICATION
I, **BRETT J. BECKER**, License No. 22848, do hereby certify that this land survey was prepared and executed by me or under my direct supervision and that I am duly licensed Land Surveyor under the laws of the State of Iowa.
Date: 11/13/18
Brett J. Becker
IOWA PROFESSIONAL LAND SURVEYOR
Brett J. Becker, License No. 22848
My license renewal date is December 31, 2018.



SURVEYED FOR: Edge Consulting Engineers, Inc. 623 White Street Pella, IA 50778 603.444.1497 voice 603.444.1549 fax www.edgeconsulting.com		SURVEYED FOR: FTC Tower Co. 1101 E. MAIN STREET KINOSTREE, SC 29556		MERIDIAN SURVEYING, LLC 98021 Fritchville Drive Kendallville, IN 47130 Office: 920-933-0281 Fax: 920-273-6037		SITE NAME: COOGON		SITE NUMBER: XX		SITE ADDRESS: 1700 LINN-DELAWARE ROAD RYAN, IOWA 52330		PROPERTY OWNER: KEITH & PAUL PETTON 1700 LINN-DELAWARE ROAD COOGON, IOWA 52218		PARCEL NO.: 320340001030 ZONED: AGRICULTURE DEED REFERENCE: DOC. NO. 87-213 BOOK 2003 PAGE 9619		LEASE EXHIBIT FOR FTC TOWER CO. A PART OF THE SE1/4, SECTION 34, T8N, R6W, 5TH P.M., DELAWARE COUNTY, IOWA		DRAWN BY: W.M. DATE: 6-6-18 CHECKED BY: C.A.K. FIELD BOOK: M-41 PG. 45 JOB NO.: 10390 SHEET 3 OF 3		NO. DATE DESCRIPTION BY 3 11/13/18 Added Title Review JB 2 7/23/18 Added Tower, Leases, & Easements MA 1 6/14/18 Preliminary Survey MA	
---	--	--	--	---	--	----------------------	--	--------------------	--	--	--	---	--	--	--	---	--	--	--	---	--