

20050331000147990 1/8 \$212.00
Shelby Cnty Judge of Probate, AL
03/31/2005 12:08:00PM FILED/CERT

Prepared by:

Kevin Harris
Crafton Communications, Inc.
240 Cahaba Valley Parkway
Birmingham, AL 35124

After Recording Return to:

Edwards, Cohen, Sanders & Dawson, P.A.
200 N. Laura Street
Jacksonville, FL 32202
Attn: David Edwards

Cingular Site: County Road 47

**MEMORANDUM OF OPTION
AND LEASE AGREEMENT**

JW

This Memorandum of Option and Lease Agreement (the "Memorandum") is made this 10th day of February 2005, ~~2004~~, between John M. Weaver, whose address is 7618 Chelsea Road, Columbiana, AL 35051, (the "Landlord") and **NEW CINGULAR WIRELESS PCS, LLC**, a Delaware limited liability company, d/b/a Cingular Wireless, with an office at: Cingular Wireless, 6100 Atlantic Boulevard, Norcross, Georgia 30071 (the "Tenant").

WITNESSETH:

Landlord and Tenant entered into an Option and Lease Agreement on February 10, 2005, ~~2004~~, (the "Agreement") regarding that certain portion of Landlord's property (the "Property") as set forth on Exhibit "A" attached hereto (the "Leased Premises") for the purpose of installing, operating and maintaining a wireless communications facility, which shall include other improvements including but not limited to, antennas, microwaves, coaxial cables and other equipment related thereto. All of the foregoing is set forth in the Agreement. In consideration of the rent and covenants therein provided in the Agreement, Landlord does hereby grant to Tenant an option (the "Option") to lease the Leased Premises and Tenant hereby accepts the Option.

1. The Option may be exercised by Tenant at any time on or prior to Feb 10, 2006, ~~2005~~. All of the foregoing is set forth in the Agreement. In the event of such conflict between the terms and conditions set forth in this Memorandum and the terms and conditions set forth in the Agreement, the Agreement shall control.

2. In the event Tenant fails to exercise the Option prior to the expiration thereof under the time period set forth above, then the Agreement shall be null and void and neither party shall have any further rights hereunder or under the Agreement.

Shelby County, AL 03/31/2005
State of Alabama

Deed Tax: \$180.00

3. In the event that Tenant exercises the Option, Landlord hereby leases to Tenant, and Tenant hereby accepts the Leased Premises for an Initial Term of Five (5) years commencing on the date of the exercise of the Option, upon the terms and conditions set forth in the Agreement.

4. Tenant further has the option to extend the Initial Term for Four (4) consecutive Five (5) year periods upon the terms and conditions set forth in the Agreement (the "Extension Options"). For purposes of providing notice to third parties hereunder, it shall be presumed that the Extension Options have been exercised in the future unless Tenant executes and records in the public records an instrument which indicates that an Extension Option has not been exercised or this Memorandum has been terminated.

5. Landlord covenants that upon exercise of the Option, Tenant, on paying the rent and performing the covenants set forth in the Agreement, shall peaceably and quietly have, hold and enjoy the Leased Premises.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the day and year first above written.



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LANDLORD:
John M. Weaver

By: *John M. Weaver*
Name: John M. Weaver
Title: Landlord

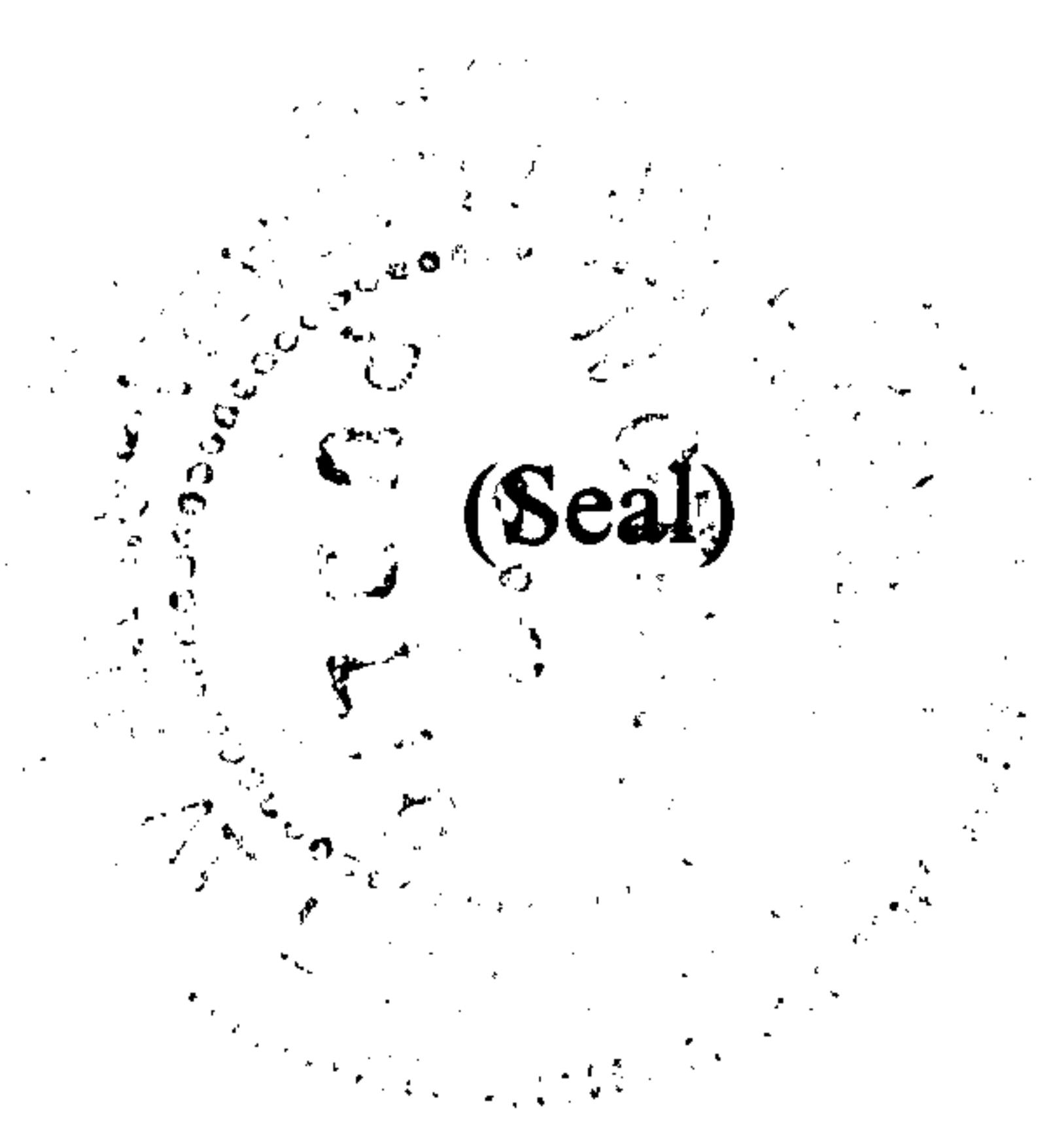
STATE OF ALABAMA :
:SS
COUNTY OF SHELBY :

PERSONALLY APPEARED BEFORE ME, the undersigned authority and for said County and State, the within named John M. Weaver, who acknowledged that he signed, executed and delivered the above and foregoing instrument on the day and year therein mentioned and for the purposes therein stated.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this, the 1 day of December, 2004.

John Kevin Harris
(Signature of Notary Public)
JOHN KEVIN HARRIS
(Type Name of Notary Public)
State of Alabama
My Commission Expires Dec 17, 2007

NOTARY PUBLIC STATE OF ALABAMA
MY COMMISSION EXPIRES: Dec 17, 2007
~~BONDED THRU NOTARY PUBLIC UNDERWRITERS~~



TMU

TENANT:

NEW CINGULAR WIRELESS PCS, LLC

a Delaware limited liability company, d/b/a
Cingular Wireless

By: *[Signature]*

Name:	Robert J. Leger
Title:	Executive Director



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STATE OF ALABAMA

:

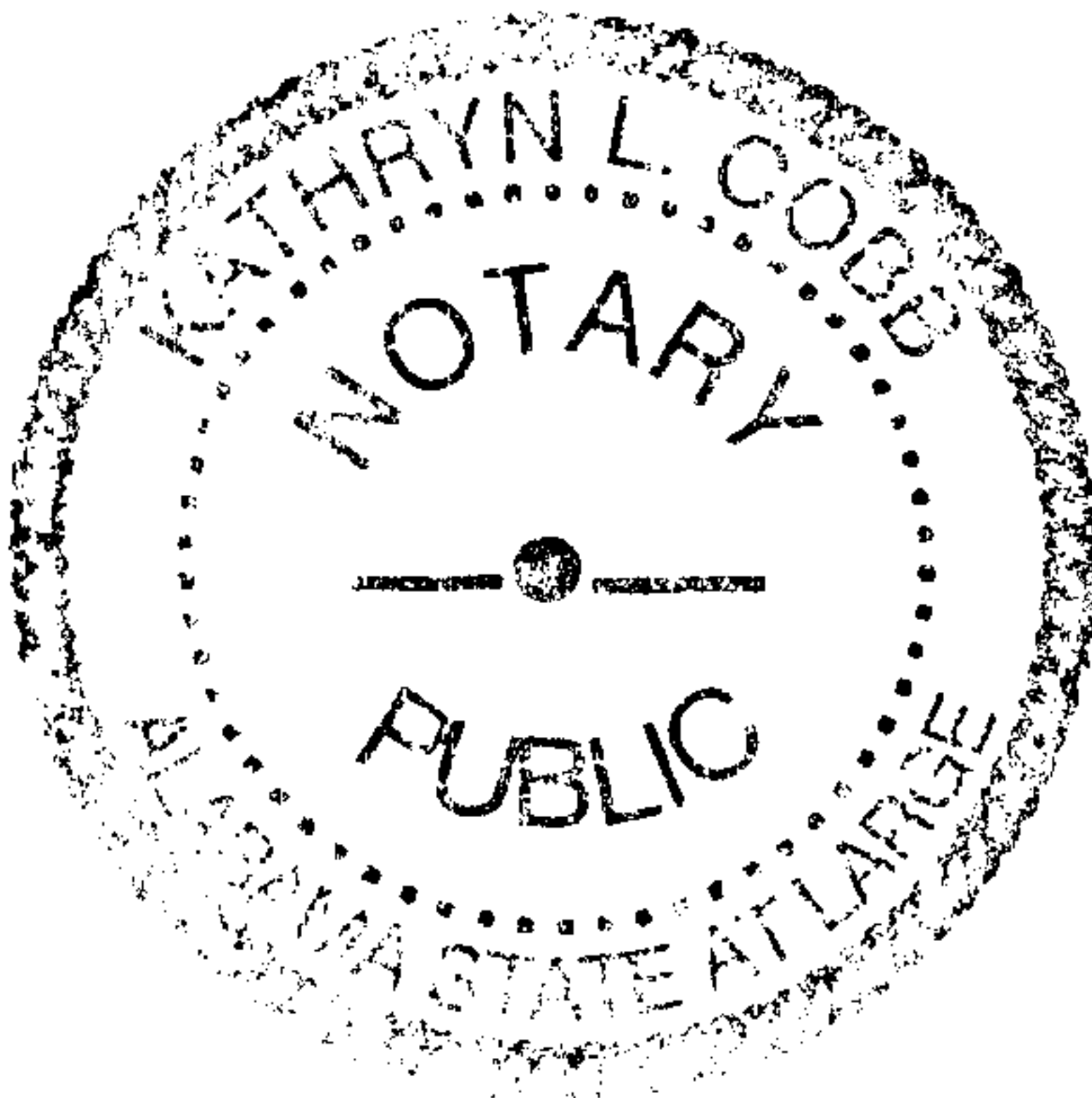
:SS

COUNTY OF SHELBY

:

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify this 10 day of February, 2005 that Robert J. Leger, as Executive Director, of NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability company, d/b/a Cingular Wireless, has signed the foregoing instrument and, acknowledged before me on this date that, being informed of the contents of the foregoing instrument, she, with full authority, executed the same voluntarily for and as the act of said entity. He/She is (☒) personally known to me OR (☐) has produced _____ as identification.

(Seal)



Kathryn L Cobb

(Signature of Notary Public)

Kathryn L. Cobb

(Type Name of Notary Public)

State of Alabama

My Commission Expires 4-8-08



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EXHIBIT "A"

LEASED PREMISES

RALPH W. MCEWEN
INSTRUMENT#2003/762170

MATCH LINE

BARBED WIRE FENCE (TYPICAL)
S 89°58'32" W 525.01' (R)

S 00°45'51" W (R)
209.43' (R)

LINE	BEARING	DISTANCE
L1	N 46°49'48" W	24.54'
L2	S 88°33'06" W	16.00'
L3	N 01°26'54" W	24.00'
L4	N 88°33'06" E	16.00'
L5	S 01°26'54" E	24.00'

JOHN WEAVER
INSTRUMENT#2002/241390

MOBILE HOME

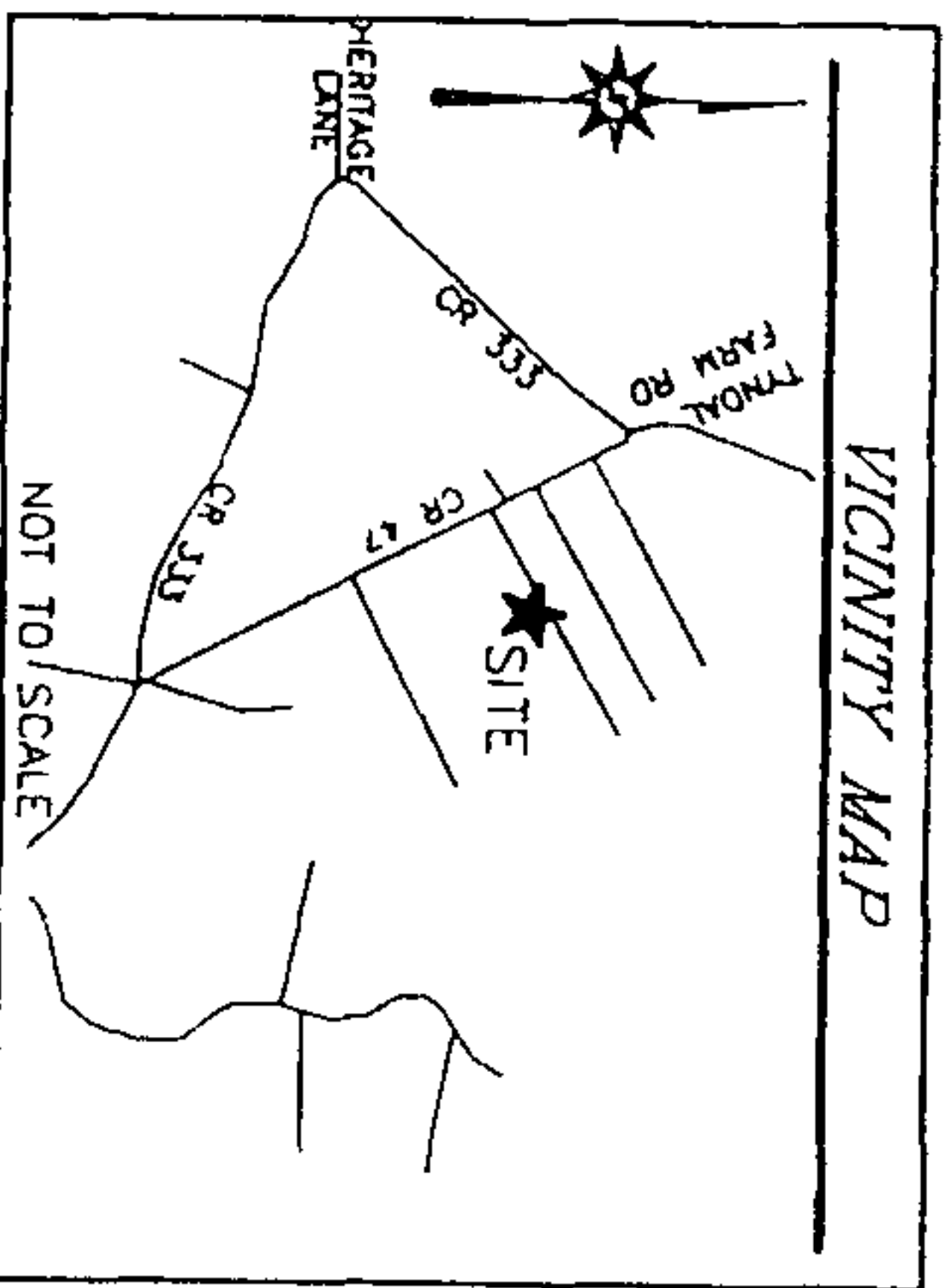
POB
PROPOSED 30'
INGRESS/EGRESS &
UTILITY EASEMENT (A)

MATCH LINE

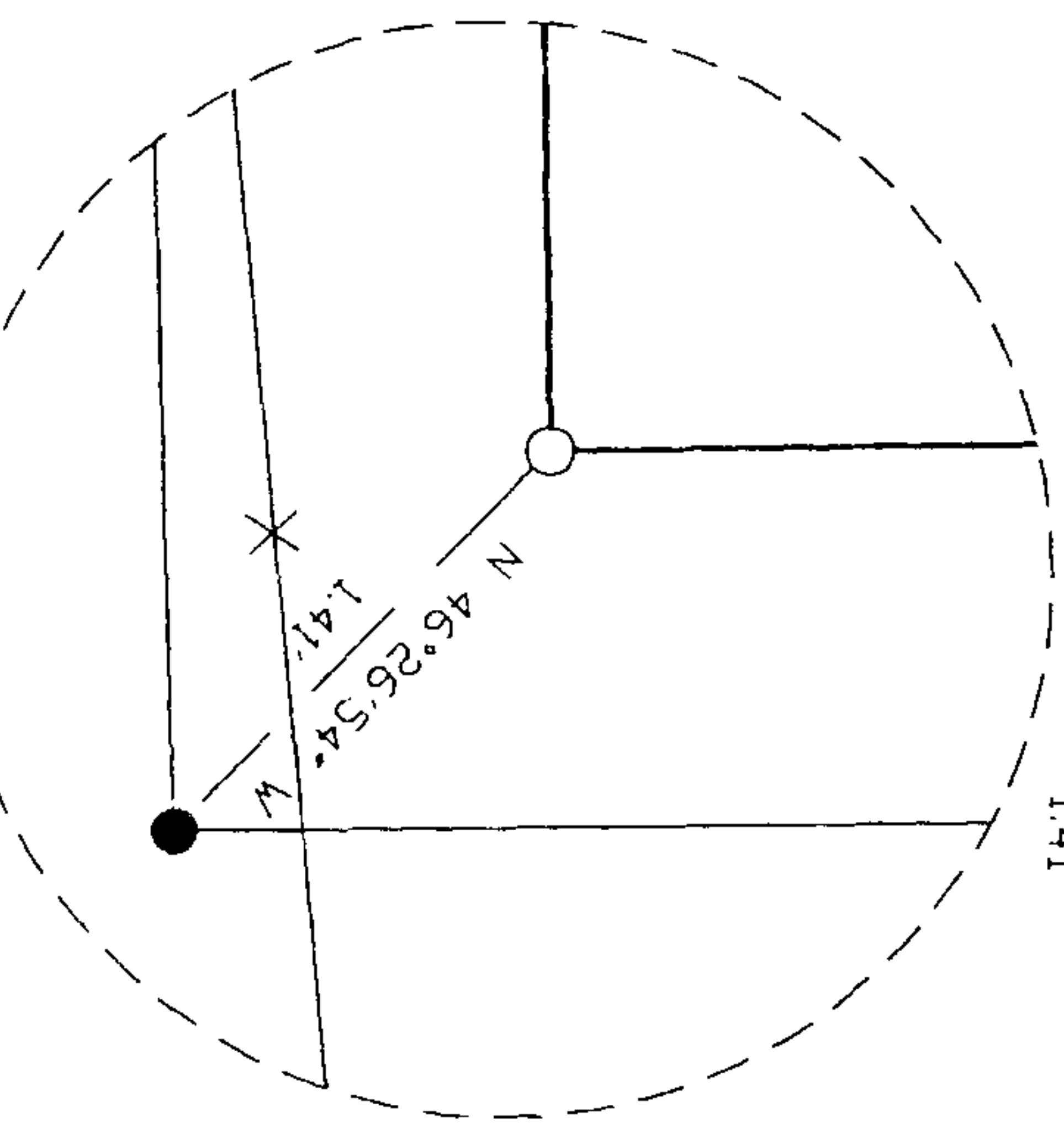
LEGEND

- POWER BOX
- WATER METER
- TELEPHONE PEDISTAL
- GAS VALVE
- WATER VALVE
- GAS METER
- FIRE HYDRANT
- LIGHT POLE
- POWER POLE
- GUY ANCHOR
- 5/8" CAPPED REBAR SET (LS#19753)
- FOUND AXLE
- SET PK NAIL
- TEMPORARY BENCH MARK
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- POINT OF ENDING
- CALCULATED POINT
- RECORDED INFORMATION
- RIGHT-OF-WAY
- SETBACK
- UNDERGROUND WATER
- SANITARY SEWER
- STORM SEWER
- OVERHEAD POWER

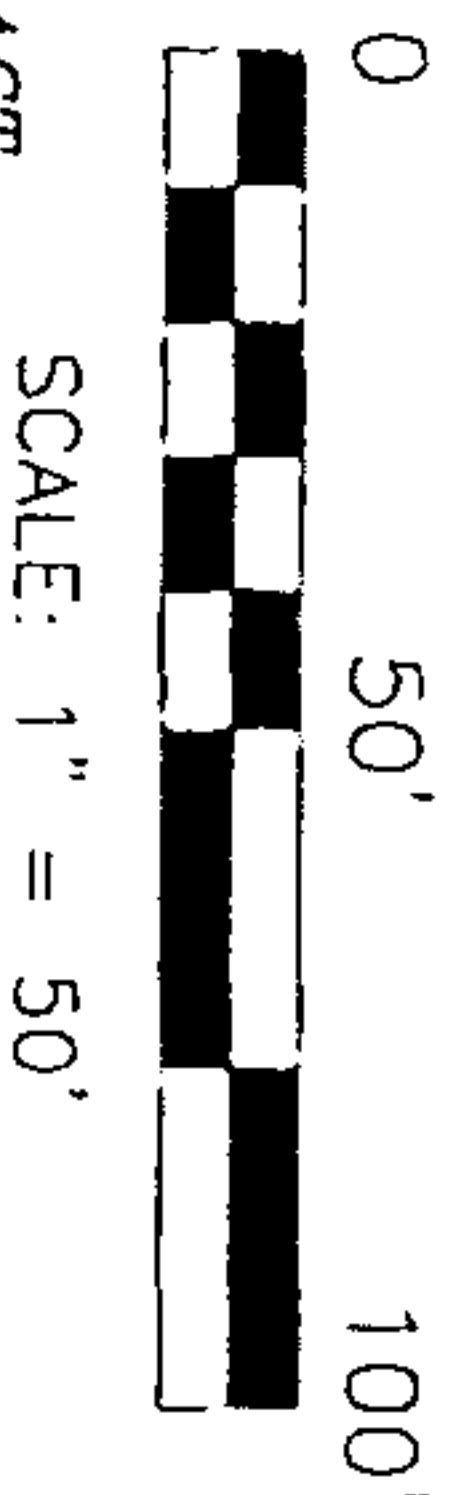
ELISIE GAMEL
REAL BOOK 296, PAGE 940



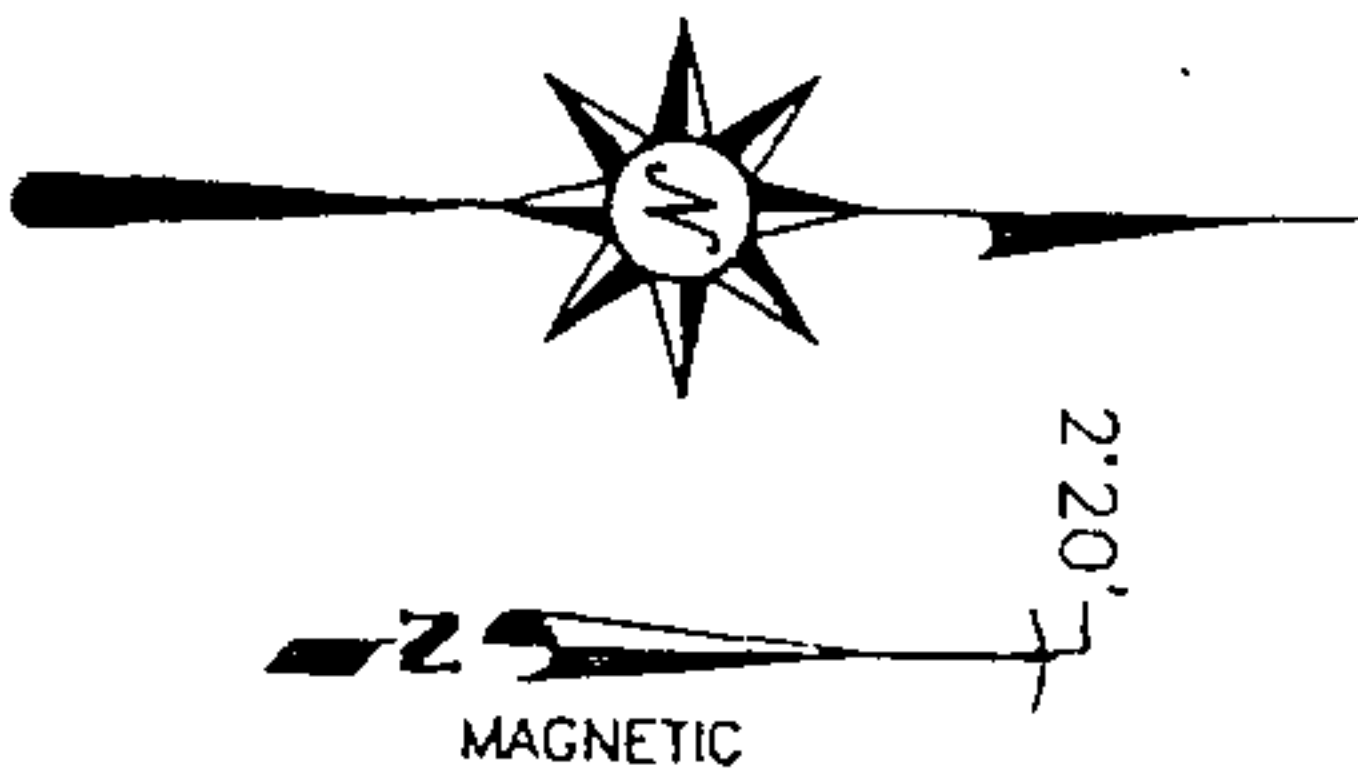
DETAIL OF PARENT TRACT
SCALE: 1" = 1'



COUNTY ROAD 47-JOHN WEAVER
SEC. 14, T-20-S, R-1-W
SHELBY COUNTY, ALABAMA



ALABAMA - WEST
GRID - NORTH



POB
PROPOSED 30'
INGRESS/EGRESS &
UTILITY EASEMENT (A)
0.37 ACRES±

TEMPORARY BENCHMARK
NAIL IN TREE
ELEVATION = 545.58'

CENTER OF PROPOSED TOWER
LAT: 33°17'33.912" NORTH
LON: 86°37'05.159" WEST
GROUND ELEVATION: 547.0'

POB
PROPOSED 100' X 100'
LEASE AREA
0.23 ACRES±
DETAIL OF PARENT TRACT

POB
PROPOSED 100' X 100'
LEASE AREA
0.23 ACRES±
DETAIL OF PARENT TRACT

TYPE OF SURVEY		BOUNDARY & TOPOGRAPHIC	
CLIENT CRAFTON COMMUNICATIONS			
240 CAHABA VALLEY PARKWAY BIRMINGHAM, AL 35124			
APPROVED WHS	DESIGNED N/A	DRAWN JAK	CHECKED WMC
DATE 10/25/04	SCALE AS SHOWN	PROJECT NO. 04-705	SHEET 1 OF 3

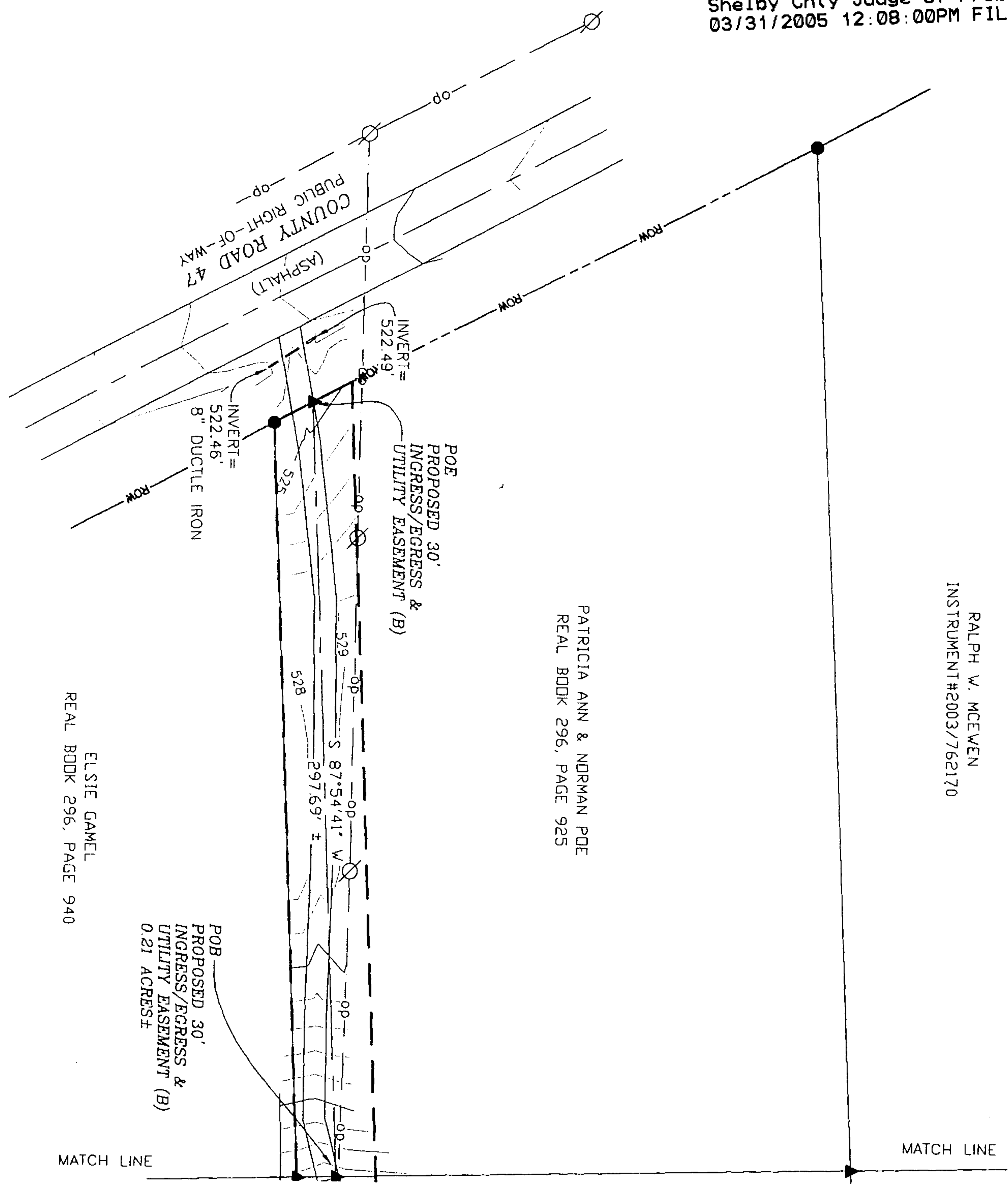
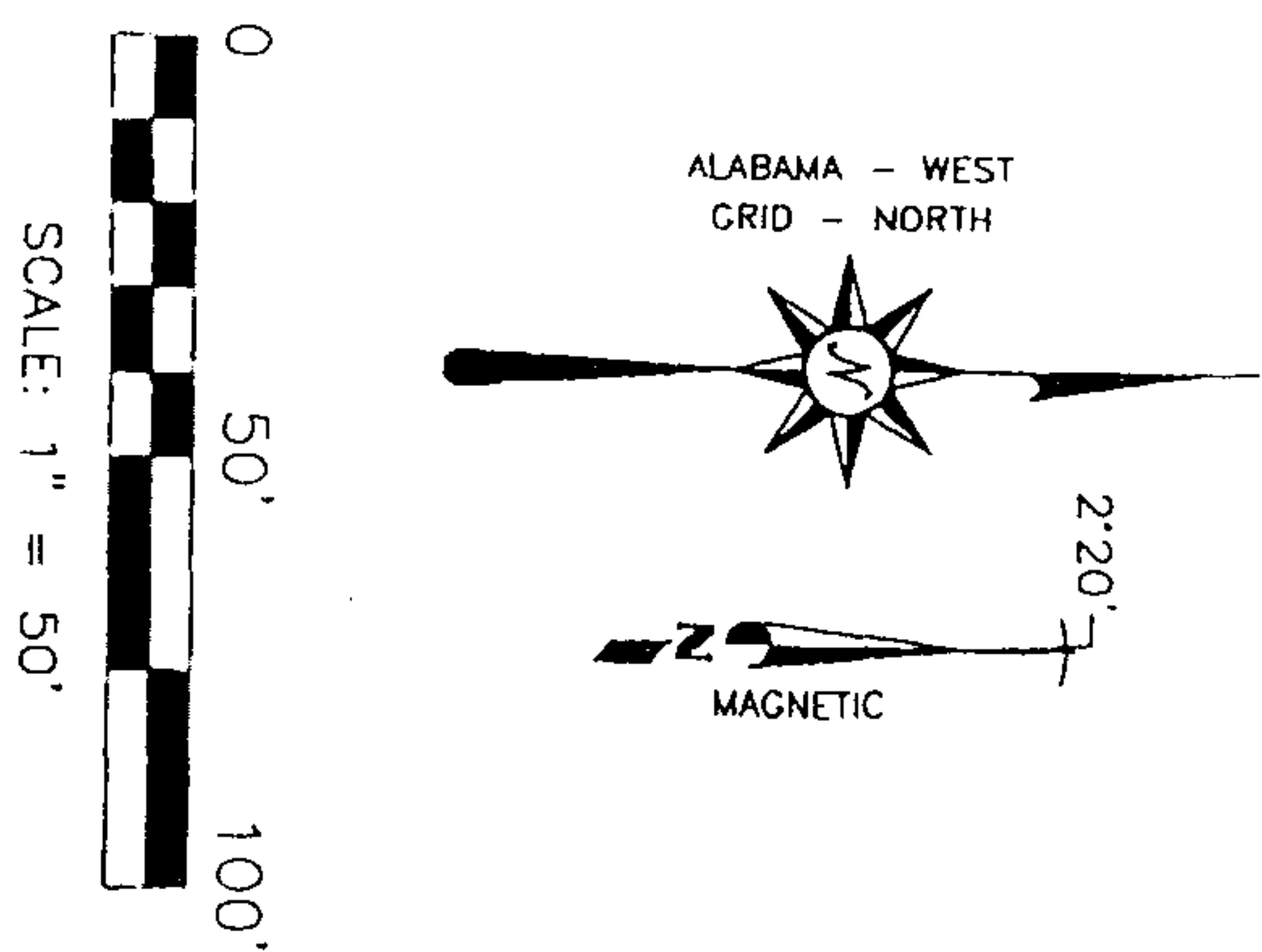
REVISIONS			
NO.	DESCRIPTION	DATE	REV BY
1	UPDATED TO TITLE COMMENTS	11/02/04	FWK
2	REVISED LEASE AREA & LEGAL DESCRIPTION	11/19/04	WMC



SMW Engineering Group, Inc.
208 Oak Mountain Circle
Pelham, Alabama 35124
(205) 252-6985
Fax: (205) 320-1504

LEGEND	
□	= POWER BOX
⊠	= WATER METER
⊞	= TELEPHONE PEDestal (15#19753)
⊞	= GAS VALVE
⊞	= WATER VALVE
⊞	= GAS METER
⊞	= FIRE HYDRANT
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⊞	= GUY ANCHOR
○	= 5/8" CAPPED REBAR SET
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⊞	= SET PK NAIL
⊞	= TEMPORARY BENCH MARK
⊞	= POINT OF BEGINNING
⊞	= POINT OF COMMENCEMENT
⊞	= POINT OF ENDING
⊞	= CALCULATED POINT
(R)	= RECORDED INFORMATION
—	= RIGHT-OF-WAY
—	= SETBACK
—	= UNDERGROUND WATER
—	= SANITARY SEWER
—	= STORM SEWER
—	= OVERHEAD POWER

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RALPH W. MCEWEN
INSTRUMENT #2003/762170

PATRICIA ANN & NORMAN POE
REAL BDK 296, PAGE 925

ELSTIE GABEL
REAL BDK 296, PAGE 940

COUNTY ROAD 47-JOHN WEAVER
SEC. 14, T-20-S, R-1-W
SHELBY COUNTY, ALABAMA



SMW Engineering Group, Inc.
208 Oak Mountain Circle
Pelham, Alabama 35124
(205) 252-6985
Fax: (205) 320-1504

TYPE OF SURVEY **BOUNDARY & TOPOGRAPHIC**

CLIENT **CRAFTON COMMUNICATIONS**

240 CAHABA VALLEY PARKWAY
BIRMINGHAM, AL 35124

APPROVED WHS DESIGNED N/A DRAWN JAK CHECKED WMC PROJECT NO. 04-705
DATE 10/25/04 SCALE AS SHOWN SHEET 2 OF 3

REVISIONS			
NO.	DESCRIPTION	DATE	REV BY
1	UPDATED TO TITLE COMMENTS	11/02/04	PMK
2	REVISED LEASE AREA & LEGAL DESCRIPTION	11/19/04	WMC

PARENT TRACT (INSTRUMENT #2002/241390)

A parcel of land in the SW ¼ of the NW ¼ of Section 14, Township 20 South, Range 1 West, Shelby County, Alabama, described as follows: Commence at a concrete monument in place accepted as the Southeast corner of the SW ¼ of the NW ¼ of Section 14, Township 20 South, Range 1 West, Shelby County, Alabama; thence proceed North 00 degrees 56 minutes 54 seconds East along the East boundary of said 1/4-1/4 section for a distance of 209.81 feet to a 1 inch drill bit in place, said point being the point of beginning. From this beginning point continue North 00 degrees 45 minutes 39 seconds East along a line of possession for a distance of 210.70 feet to a 1 inch drill bit in place; thence proceed South 89 degrees 58 minutes 32 seconds West for a distance of 525.01 feet; thence proceed South 00 degrees 45 minutes 51 seconds West for a distance of 209.43 feet; thence proceed South 89 degrees 53 minutes 08 seconds East for a distance of 525.01 feet to the Point of Beginning. The above described land is located in the SW ¼ of the NW ¼ of Section 14, Township 20 South, Range 1 West, Shelby County, Alabama.

PROPOSED 100' X 100' LEASE AREA

A parcel of land lying in Section 14, Township 20 South, Range 1 West, Shelby County, Alabama being more particularly described as follows:

Commence at an axle found at the Southeast corner of the parcel of land described in Instrument #2002/241390 in the Judge of Probate Office, Shelby County, Alabama; thence run N 46°26'54" W for a distance of 1.41 feet to a 5/8" rebar set (LS#19753); and the Point of Beginning; thence S 88°33'06" W for a distance of 100.00 feet to a 5/8" rebar set (LS#19753); thence N 01°26'54" W for a distance of 100.00 feet to a 5/8" rebar set (LS#19753); thence N 88°33'06" E for a distance of 100.00 feet to a 5/8" rebar set (LS#19753); thence S 01°26'54" E for a distance of 100.00 feet to the Point of Beginning. Said above described parcel contains 0.23 acres more or less.

PROPOSED 30' INGRESS/EGRESS AND UTILITY EASEMENT (A)

An easement lying in Section 14, Township 20 South, Range 1 West, Shelby County, Alabama being more particularly described as follows:

Commence at an axle found at the Southeast corner of a parcel of land described in Instrument #2002/241390 in the Judge of Probate Office, Shelby County, Alabama; thence run N 46°26'54" W for a distance of 1.41 feet to a 5/8" rebar set (LS#19753); thence S 88°33'06" W for a distance of 100.00 feet to a 5/8" rebar set (LS#19753); thence N 01°26'54" W for a distance of 100.00 feet to a 5/8" rebar set (LS#19753); thence N 88°33'06" E for a distance of 50.00 feet to the Point of Beginning of an Ingress/Egress and Utility Easement being 30 feet in width and lying 15 feet on each side of the following described centerline; thence N 01°26'54" W for a distance of 25.45 feet to a point; thence N 86°21'53" W for a distance of 52.76 feet to a point; thence S 73°55'31" W for a distance of 55.88 feet to a point; thence N 84°38'50" W for a distance of 63.77 feet to a point; thence N 88°54'24" W for a distance of 82.87 feet to a point; thence S 82°45'50" W for a distance of 36.82 feet to a point; thence S 59°50'10" W for a distance of 92.69 feet to a point; thence S 48°55'05" W for a distance of 86.68 feet to a point; thence S 87°54'41" W for a distance of 7.75 feet to the West property line of the above mentioned parcel of land and the Point of Ending. Said above described easement contains 0.37 acres more or less.

PROPOSED 30' INGRESS/EGRESS AND UTILITY EASEMENT (B)

An easement lying in Section 14, Township 20 South, Range 1 West, Shelby County, Alabama being more particularly described as follows:

Commence at an axle found at the Southeast corner of a parcel of land described in Instrument #2002/241390 in the Judge of Probate Office, Shelby County, Alabama; thence run N 46°26'54" W for a distance of 1.41 feet to a 5/8" rebar set (LS#19753); thence S 88°33'06" W for a distance of 100.00 feet to a 5/8" rebar set (LS#19753); thence N 01°26'54" W for a distance of 100.00 feet to a 5/8" rebar set (LS#19753); thence N 88°33'06" E for a distance of 50.00 feet to a point; thence N 01°26'54" W for a distance of 25.45 feet to a point; thence N 86°21'53" W for a distance of 52.76 feet to a point; thence S 73°55'31" W for a distance of 55.88 feet to a point; thence N 84°38'50" W for a distance of 63.77 feet to a point; thence N 88°54'24" W for a distance of 82.87 feet to a point; thence S 82°45'50" W for a distance of 36.82 feet to a point; thence S 59°50'10" W for a distance of 92.69 feet to a point; thence S 48°55'05" W for a distance of 86.68 feet to a point; thence S 87°54'41" W for a distance of 7.75 feet to the West property line of the above mentioned parcel of land and the Point of Beginning of an Ingress/Egress and Utility Easement being 30 feet in width and lying 15 feet on each side of the following described centerline; thence S 87°54'41" W for a distance of 297.69 feet, more or less to the Easterly right-of-way line of Highway 47 and the Point of Ending. Said above described easement contains 0.21 acres, more or less.

PROPOSED 16' X 24' LEASE AREA

A parcel of land lying in Section 14, Township 20 South, Range 1 West, Shelby County, Alabama being more particularly described as follows:

Commence at an axle found at the Southeast corner of the parcel of land described in Instrument #2002/241390 in the Judge of Probate Office, Shelby County, Alabama; thence run N 46°26'54" W for a distance of 1.41 feet to a 5/8" rebar set (LS#19753); thence N 46°49'48" W for a distance of 24.54 feet to the Point of Beginning; thence S 88°33'06" W for a distance of 16.00 feet to a point; thence N 01°26'54" W for a distance of 24.00 feet to a point; thence N 88°33'06" E for a distance of 16.00 feet to a point; thence S 01°26'54" E for a distance of 24.00 feet to the Point of Beginning. Said above described parcel contains 384 square feet, more or less.

SURVEYOR'S NOTES

1. Boundary & Topographic Survey, made on the ground under the supervision of an Alabama Registered Land Surveyor. Date of field survey is October 20, 2004.
2. Bearings are based on Alabama West State Plane Coordinates NAD 83.
3. No underground utilities, underground encroachments or building foundations were measured or located as a part of this survey, unless otherwise shown. Trees and shrubs not located, unless otherwise shown.
4. Benchmark used is a concrete monument and brass disc. NAVD 88 Datum with an established elevation of 547.0 feet. (166.6 meters). PID AA2067. Onsite benchmark is as shown hereon. Elevations shown are in feet and refer to NAVD 88.
5. This survey was conducted for the purpose of a Boundary & Topographic Survey only, and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other similar entity.
6. Attention is directed to the fact that this survey may have been reduced or enlarged in size due to reproduction. This should be taken into consideration when obtaining scaled data.
7. This Survey was conducted without the benefit of an Abstract Title search.
8. Surveyor hereby states the Geodetic Coordinates and the elevation shown for the proposed centerline of the tower are accurate to within +/- 15 feet horizontally and to within +/- 3 feet vertically (FAA Accuracy Code 1A).
9. Survey shown hereon conforms to the Minimum Requirements as set forth by the State Board for a Class "A" Survey.
10. Field data upon which this map or plat is based has a closure precision of not less than one-foot in 15,000 feet (1":15,000') and an angular error that does not exceed 10 seconds times the square root of the number of angles turned. Field traverse was not adjusted.

FLOOD NOTE

The subject property appears to lie in Zone "C" of the Flood Insurance Rate Map Community Panel No. 010191 0080 B, which bears an effective date of Sept. 16, 1982 and IS NOT in a special flood hazard area. No field measurements were used in this determination and an elevation certificate may be needed for verification.

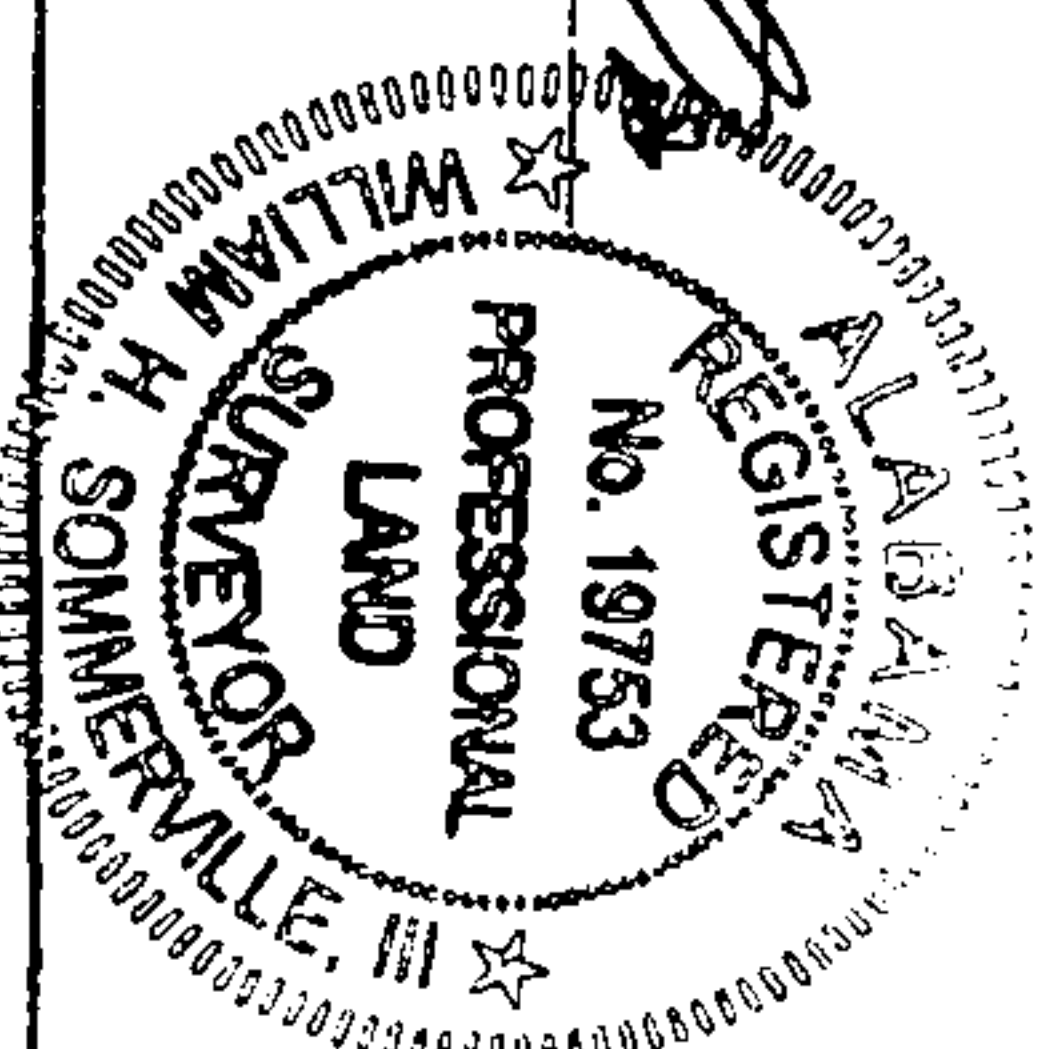
SURVEYOR'S CERTIFICATION

To Cingular Wireless:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes Items 1-6, 10-12 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that:

- * the survey measurements were made in accordance with the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

William H. Sommerville, III
William H. Sommerville, III
Alabama Registered No. 19753



COUNTY ROAD 47-JOHN WEAVER
SEC. 14, T-20-S, R-1-W
SHELBY COUNTY, ALABAMA

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CLIENT CRAFTON COMMUNICATIONS

240 CAHABA VALLEY PARKWAY
BIRMINGHAM, AL. 35124

APPROVED WHS DESIGNED N/A DRAWN JAK CHECKED WMC PROJECT NO. 04-705
DATE 10/25/04 SCALE 1" = 40' SHEET 3 OF 3

REVISIONS

NO.	DESCRIPTION	DATE	REV BY
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