

20171113000410400 1/8 \$214.00
Shelby Cnty Judge of Probate, AL
11/13/2017 02:56:48 PM FILED/CERT

Shelby County, AL 11/13/2017
State of Alabama
Deed Tax: \$178.00

Prepared by and return to:

Rosenberg & Clark, LLC
400 Poydras Street, Suite 1680
New Orleans, LA 70130
Attn: Staci A. Rosenberg
(504) 620-5400

SOURCE OF TITLE:

Instrument No. 20170721000267510
Probate Office of Shelby County, Alabama

Re: Cell Site #: ALBHU3635;
Cell Site Name: Colonial Promenade
Fixed Asset #: 12588724
State: Alabama
County: Shelby

**MEMORANDUM
OF
LEASE**

This Memorandum of Lease is entered into on this 25th day of October, 2017, by and between KB Investments, LLC, an Alabama limited liability company, having a mailing address of 12585 Old Hwy 280, Suite 104, Chelsea, AL 35043 (hereinafter referred to as "**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 575 Morosgo Drive, Atlanta, GA 30324 (hereinafter referred to as "**Tenant**").

1. Landlord and Tenant entered into a certain Option and Lease Agreement ("**Agreement**") on the 25th day of October, 2017, for the purpose of installing, operating and maintaining a communications facility and other improvements. All of the foregoing is set forth in the Agreement.
2. The initial lease term will be five (5) years commencing on the effective date of written notification by Tenant to Landlord of Tenant's exercise of its option, with four (4) successive five (5) year options to renew.
3. The portion of the land being leased to Tenant and associated easements are described in **Exhibit 1** annexed hereto.
4. This Memorandum of Lease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Lease and the provisions of the Agreement, the provisions of the Agreement shall control. The Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Agreement.

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

"LANDLORD"

KB Investments, LLC
an Alabama limited liability company

By: Kristina B Knowles
Print Name: Kristina B Knowles
Its: Partner
Date: 10-19-17

"TENANT"

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

By: AT&T Mobility Corporation

Its: Manager

By: [Signature]
Print Name: Bryan Coleman
Its: Area Manager, Network Eng. & Site Acq.
Date: 10/25/2017

[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]



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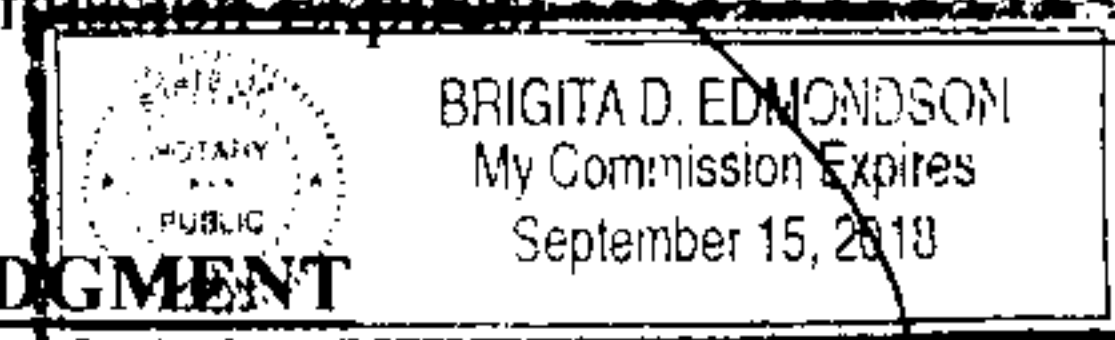
TENANT ACKNOWLEDGMENT

STATE OF Alabama

COUNTY OF Jefferson

On the 15th day of October, 2017, before me personally appeared Bryan Coleman, and acknowledged under oath that he is the Area Manager, Network Engineering & Site Acquisition of AT&T Mobility Corporation, the Manager of New Cingular Wireless PCS, LLC, the Tenant named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Tenant.

Notary Public: Brigita D. Edmondson
My Commission Expires: September 15, 2018



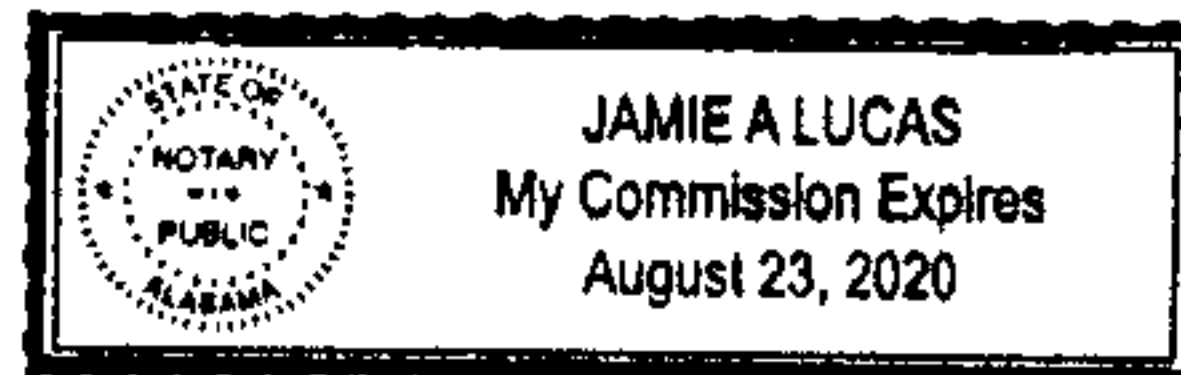
LANDLORD ACKNOWLEDGMENT

STATE OF Alabama

COUNTY OF Shelby

On the 19th day of October, 2017, before me, personally appeared Kristina B. Howler, who acknowledged under oath, that he/she is the Landlord of KB Investments, LLC, the Landlord named in the attached instrument, and that he/she executed the same in his/her stated capacity as the voluntary act and deed of the Landlord for the purposes therein contained.

Notary Public: Jamie A. Lucas
My Commission Expires: 8/23/2020

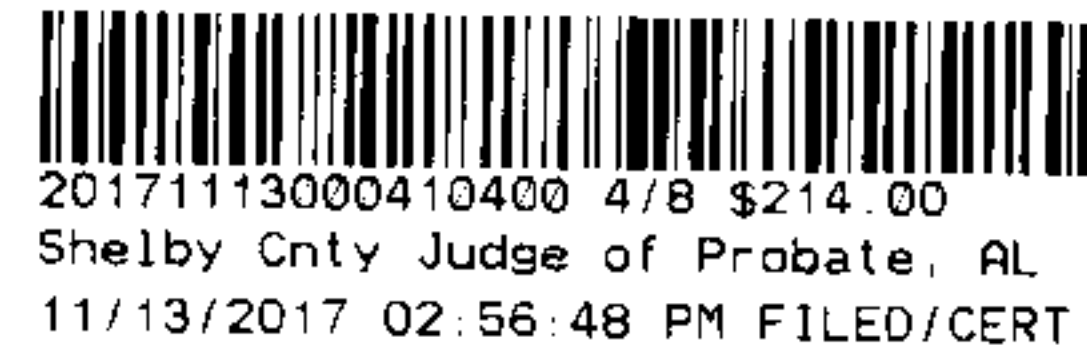


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EXHIBIT 1

DESCRIPTION OF PREMISES

Page 1 of 4



to the Memorandum of Lease dated October 25, 2017, by and between KB Investments, LLC, an Alabama limited liability company, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as Tenant.

The Property is legally described as follows:

PARENT TRACT (INSTRUMENT NO. 20170721000267510)

Lots 12 and 13, in Block 2, A.J. Grefenkamp's Survey of Buck Creek Cotton Mills Subdivision of East half of Northeast 1/4 of Section 2, Township 21 South, Range 3 West, as recorded in Map Book 3, Page 9, in the Probate Office of Shelby County, Alabama.

ALSO, South, 30 feet facing Birmingham-Montgomery Highway of Lot 11, Block 2, A.J. Grefenkamp's Survey of Buck Creek Cotton Mills Subdivision of East half of Northeast 1/4 of Section 2, Township 21 South, Range 3 West, as recorded in Map Book 3, Page 9, in the Probate Office of Shelby County, Alabama and lying parallel to Lot 12 and extending to the East line of Lot 12; Thence North 30 feet from Northeast corner of Lot 12; Thence West to beginning.

All being situated in Shelby County, Alabama.

The Premises are described and/or depicted as follows:

LEASE AREA (AS SURVEYED)

A portion of Lots 11, 12, and 13 of the A.J. Grefenkamp's Survey of Buck Creek Cotton Mills Subdivision as recorded July 15, 2016 in Map No. 58-23-1-02-1, in the Probate Office of Shelby County, Alabama, lying in Northeast 1/4 of Section 2, Township 21 South, Range 3 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at a Capped Rebar found at the Southwest corner of said Lot 13 of Parcel 15 and being along the easterly Right-of-Way of Highway 31; thence S 83°25'17" E a distance of 382.90 feet along the southern line of said Lot 13 to a Capped Rebar marking the Southeast corner of said Lot 13; thence N 43°14'39" W a distance of 18.72 feet to a 5/8" rebar set and the POINT OF BEGINNING; thence N 83°25'17" W a distance of 100.00 feet to a 5/8" rebar set; thence N 06°34'43" E a distance of 100.00 feet to a 5/8" rebar set; thence S 83°25'17" E a distance of 100.00 feet to a 5/8" rebar set; thence S 06°34'43" W a distance of 100.00 feet to the POINT OF BEGINNING. Said described parcel contains 0.23 acres, more or less.

30' INGRESS/EGRESS & UTILITY/FIBER EASEMENT (AS SURVEYED)

A portion of Lots 11, 12, and 13 of the A.J. Grefenkamp's Survey of Buck Creek Cotton Mills Subdivision as recorded July 15, 2016 in Map No. 58-23-1-02-1, in the Probate Office of

DESCRIPTION OF PREMISES

Page 2 of 4

Shelby County, Alabama, lying in Northeast 1/4 of Section 2, Township 21 South, Range 3 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at a Capped Rebar found at the Southwest corner of said Lot 13 of Parcel 15 and being along the easterly Right-of-Way of Highway 31; thence S 83°25'17" E a distance of 382.90 feet along the southern line of said Lot 13 to a Capped Rebar marking the Southeast corner of said Lot 13; thence N 43°14'39" W a distance of 18.72 feet to a 5/8" rebar set; thence N 83°25'17" W a distance of 100.00 feet to a 5/8" rebar set; thence N 06°34'43" E a distance of 50.00 feet to the Point of Beginning of an Ingress/Egress & Utility Easement being 30 feet wide and lying 15 feet each side of the following described centerline; thence N 83°25'21" W a distance of 109.21 feet to a point; thence N 38°34'31" W a distance of 52.61 feet to a point; thence N 83°25'21" W a distance of 161.33 feet, more or less to the Point of Ending. Said easement contains (9690.9 Sq. Ft.) 0.222 acres, more or less.



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SCALE: 1" = 50'



PLOTTABLE EXCEPTIONS

Chicago Title Insurance Company
Commitment for Title Insurance Commitment No. 2705M-17
Date February 24, 2017, 08:00 am
Items of Record

Exception No.	Instrument	Comment
1-9		Standard exceptions. Contain no survey matters.
(10)	Instrument 1999-07935	Document not provided, can't be addressed by surveyor.
(11)	Deed Book 171, Page 3	Document not provided, can't be addressed by surveyor.
(12)	Instrument 2003113000752390	Document not provided, can't be addressed by surveyor.
(13)	Vol 42, Page 966	Document not provided, can't be addressed by surveyor.
	Deed Book 342, Page 939	Document not provided, can't be addressed by surveyor.
14		Standard exceptions. Contain no survey matters.

SURVEYOR'S NOTES

- This is an Raw Land Tower Survey, made on the ground under the supervision of a Alabama Registered Land Surveyor.
- Data of field survey is March 10, 2017
- The following surveying instruments were used at time of field visit: Nikon NPL-352, Total Station, Reflectorless and Tripod; Legacy E RTK, GN 1142.
- Boundaries are based on Alabama West State Plane Coordinates NAD 83 by GPS observation.
- 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.
- Benchmark used in a GPS Continuously Operating Reference Station, PID Q12226. Onsite benchmark is as shown herein.
- Elevations shown are in feet and refer to NAVD 83.
- This survey was conducted for the purpose of an Raw Land Tower 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.
- 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.
- This Survey was conducted with the benefit of an Abstract Title search.
- Surveyor hereby states the Geodetic Coordinates and the elevation shown for the proposed centerline of the tower are accurate to within +/- 20 feet horizontally and to within +/- 3 feet vertically (FAA Accuracy Code 14).
- Survey shown herein conforms to the Minimum Requirements as set forth by the State Board for a Class "A" Survey.
- 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.
- This survey is not valid without the original signature and the original seal of a state licensed surveyor and mapper.
- This survey does not constitute a boundary survey of the Parent Tract. Any parent tract property lines shown hereon are from supplied information and may not be field verified.

ZONING:

Zoning Classification: City of Alabaster
Zoning District: B-3
Surrounding Zoning:
North: B-3
South: B-3
East: B-3
West: B-3
Max Height: 200' permitted

Setbacks:
Front - 50'
Side - 50'
Rear - 50'

SURVEYOR'S CERTIFICATION

I certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

PRELIMINARY UNTIL FINALIZED WITH SIGNATURE AND SEAL

Andrew A. Kramer
Alabama License No. 29990

COLONIAL PROMENADE
12588724
NE 1/4, SEC. 2, T-21-S, R-3-W
SHELBY COUNTY, ALABAMA

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SMW Engineering Group, Inc.
158 Business Center Drive
Birmingham, Alabama 35244
Ph 205-252-6985
www.smweng.com

FOR: RAWLAND TOWER SURVEY
FORESITE
MAYAM HILLS, AL 35243

PROJECT NO. 17-0428
SHEET 2 OF 2
CHECKED BY: AK
FIELD CREW: 98/AL
APPROVED BY: AK
DATE: 03/27/17
SCALE: N/A

**CERTIFICATE OF AUTHORITY
OF THE MEMBERS OF KB INVESTMENTS, LLC**

The undersigned, being the sole members of KB Investments, LLC (the "Company"), hereby certify:

That Kristina B Knowles be and she is hereby authorized, empowered and directed, for and on behalf of this Company, to enter into and execute a Option and Lease Agreement between KB INVESTMENTS, LLC and NEW CINGULAR WIRELESS PCS, LLC for the Company's real property located on Highway 31, in Section 2, Township 21 South, Range 3 West, in the County of Shelby, State of Alabama (the "Property") and further to execute all leases, agreements, options and any other such documents on such terms and conditions which he deems necessary and appropriate, in his sole discretion, and to execute any and all other documents and acts, including but not limited to acts of correction, deposit and ratification, in order to carry out the intent and purpose of this resolution.

Executed by the sole members on the dates stated herein below.

Date: 10-19-2017

Brenda T. Knowles
Brenda T. Knowles, Member

Date: 10-19-17

Kristina B Knowles
Kristina B. Knowles, Member



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