

20180820000297230
08/20/2018 02:38:04 PM
GRLEASE 1/7

~~Return to:~~ Prepared by
Eco-Site, Inc.
240 Leigh Farm Road
Suite 230
Durham, NC 27707
23560350
Site Name: Cumberland
Site Number: AL-0025

AFTER RECORDING, RETURN TO:
Fidelity National Title Group
7130 Glen Forest Dr., Ste. 300
Richmond, VA 23226

Attn: DC

MEMORANDUM OF LEASE

This Memorandum of Lease evidences a Lease ("Lease") between IHM Properties, LLC ("Landlord"), whose address is 44 Vann Drive, Birmingham, AL 35242 and Eco-Site, Inc. a Delaware corporation, whose mailing address is 240 Leigh Farm Rd, Suite 230, Durham, North Carolina 27707 ("Tenant"), commencing on date Tenant begins construction at the site (the "Commencement Date"), which shall be confirmed in writing from Tenant to Landlord, for certain real property (the "Premises"), as described in Exhibit 1 attached hereto.

Landlord ratifies, restates and confirms the Lease and hereby Leases to Tenant the Premises, subject to the terms and conditions of the Lease. The Lease provides for the Lease by the Landlord to Tenant of the Premises for [a/an initial] term of ten (10) years with four (4) renewal option(s) of an additional five (5) years each, and further provides:

1. Landlord will attorn to any lender of Tenant and will subordinate any Landlord's lien to the liens of Tenant's lender;
2. The Lease restricts Landlord's ability to utilize, or allow the utilization of its adjacent property for the construction, operation and/or maintenance of communications towers and related facilities;
3. The Premises may be used exclusively by Tenant for all legal purposes, including without limitation, erecting, installing, operating and maintaining radio and communications towers, buildings, and equipment;
4. Tenant is entitled to sublease and/or sublicense the Premises, including any communications tower located thereon; and,
5. Under certain circumstances, Tenant has a right of first refusal to acquire the Premises from Landlord.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK,
SIGNATURES BEGIN ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this MEMORANDUM OF LEASE as of the date last signed by a party hereto.

LANDLORD:

IHM Properties, LLC
an Alabama limited liability company

WITNESS:

Debra K. Jackson
Print Name: DEBRA K. JACKSON
Date: 10/28/16

By: *Jackie Harless*
Name: Jackie Harless
Title: Manager
Date: 10/28/16

STATE OF Alabama

COUNTY OF Shelby

I, Vincent J. Schilleci III, a Notary Public for Shelby County, State of Alabama, do hereby certify that Jackie Harless personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28 day of October, 2016.

[Signature]
(Signature of Notary)
Notary Public

My commission expires: 9/2/18

TENANT:

Eco-Site, Inc.,
a Delaware corporation

WITNESS:

Stephanie Cabrera
Print Name: Stephanie Cabrera
Date: 11/23/16

By: [Signature]
Name: Robert Glosson
Title: President & COO
Date: 11/23/16

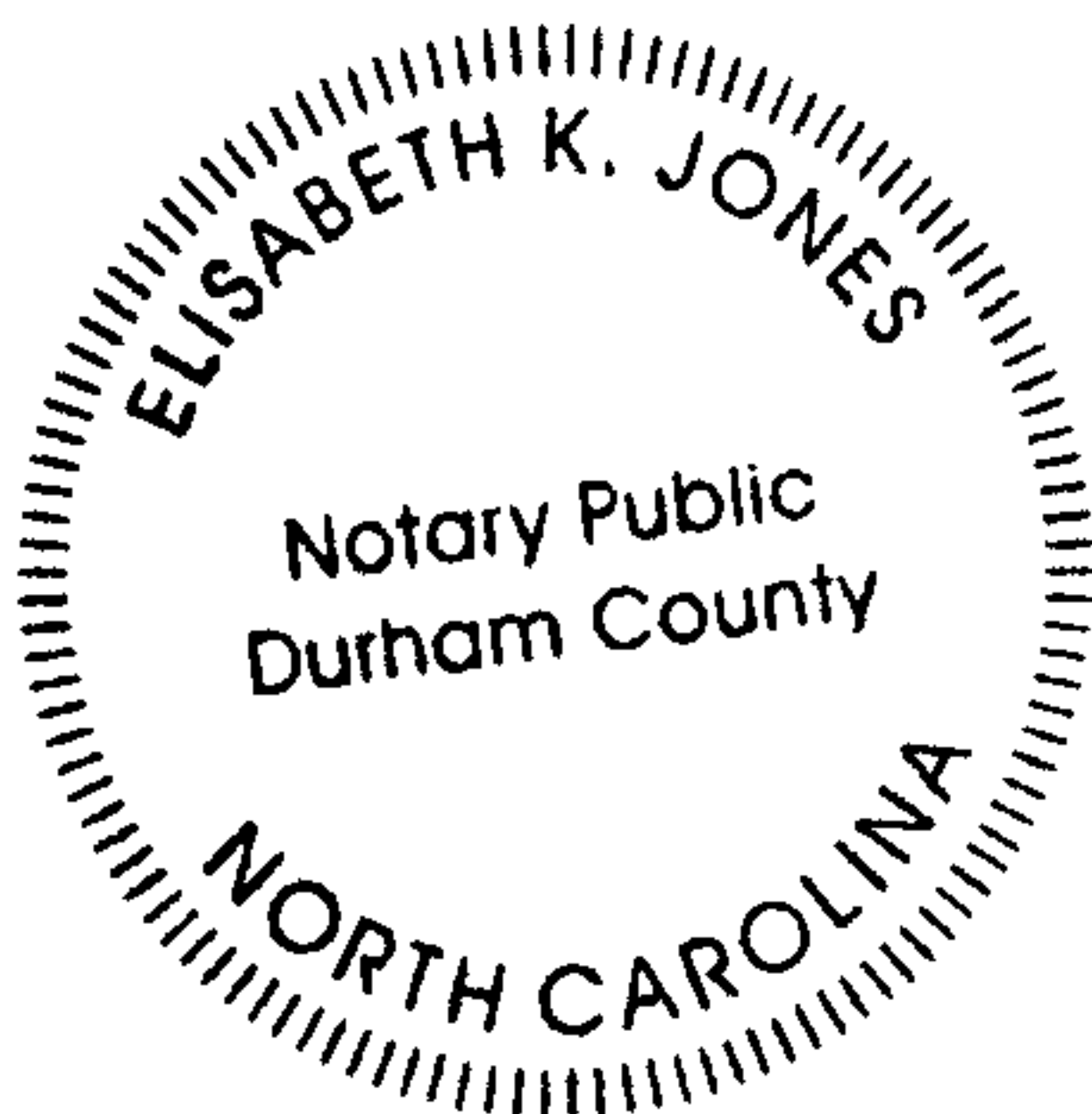
STATE OF NORTH CAROLINA

COUNTY OF Durham

I, Elisabeth K. Jones, a Notary Public for Durham County, North Carolina, do hereby certify that Robert Glosson personally appeared before me this day and acknowledged he (or she), as President & COO of Eco-Site, Inc., a Delaware corporation, and that he (or she) as President & COO, being authorized to do so, executed the foregoing instrument on behalf of the corporation.

Witness my hand and official seal, this the 23rd day of November, 2016

Elisabeth K Jones
(Signature of Notary)



My commission expires: 11.24.2018 Notary Public

EXHIBIT 1

LEGAL DESCRIPTION

Physical Address: 52 Vann Drive, Birmingham, AL 35242;

Parcel #: 09 3 06 0 001 002.000

That certain property more particularly described as follows:

INGRESS-EGRESS & UTILITY EASEMENT:

Together with a proposed ingress-egress and utility easement lying and being in the Southeast ¼ of the Northeast ¼ of Section 6, Township 19 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

To find the true point of beginning, COMMENCE at a ½-inch rebar found at the Northwest corner of the Southeast ¼ of the Northeast ¼ of Section 6; thence running along said ¼-¼ Section line, North 89°06'07" East, 926.36 feet to a ½-inch rebar set; Thence leaving said ¼-¼ Section line and running, South 00°46'09" West, 285.19 feet to a ½-inch rebar set and the true POINT OF BEGINNING; Thence running, South 00°46'09" West, 43.06 feet to a 5/8-inch rebar found; Thence, North 48°15'40" West, 67.84 feet to a ½-inch rebar set; Thence, North 66°48'14" West, 69.57 feet to a ½-inch rebar set; Thence, North 44°51'55" West, 100.00 feet to a ½-inch rebar set; Thence, South 89°05'23" West, 186.86 feet to a ½-inch rebar set; Thence, South 89°05'23" West, 35.00 feet to a point; Thence, South 00°54'37" East, 30.00 feet to a point; Thence, South 89°05'23" West, 30.00 feet to a point; Thence, North 00°54'37" West, 30.00 feet to a point; Thence, South 89°05'23" West, 45.00 feet to a point on the east line of the proposed lease area; Thence along said proposed lease area, North 00°54'37" West, 30.00 feet to point; thence leaving said proposed lease area and running, North 89°05'23" East, 110.00 feet to a ½-inch rebar set; Thence, North 89°05'23" East, 199.61 feet to a ½-inch rebar set; Thence, South 44°51'55" East, 106.93 feet to a ½-inch rebar set; Thence, South 66°48'14" East, 67.70 feet to a ½-inch rebar set; Thence, South 51°48'33" East, 45.49 feet to a ½-inch rebar set and the true POINT OF BEGINNING.

Said tract contains 0.3890 acres (16,945 square feet), more or less, as shown in a survey prepared for ECO-SITE by POINT TO POINT LAND SURVEYORS, INC. dated September 6, 2016 and last revised December 29, 2017.

Together with ingress, egress, regress and utility, if any, rights pursuant to Instrument No. 19770725000075980 (Book 306, at Page 822) filed of record in the Registry of Shelby County, Alabama.

LEASE AREA:

All that tract or parcel of land lying and being in the Southeast ¼ of the Northeast ¼ of Section 6, Township 19 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

To find the true point of beginning, COMMENCE at a ½-inch rebar found at the Northwest corner of the Southeast ¼ of the Northeast ¼ of Section 6; thence running along said ¼-¼ Section line, North 89°06'07" East, 926.36 feet to a ½-inch rebar set; Thence leaving said ¼-¼ Section line and running, South 00°46'09" West, 285.19 feet to a ½-inch rebar; thence, South 00°46'09" West, 43.06 feet to a 5/8-inch rebar found; thence, North 48°15'40" West, 67.84 feet to a ½-inch rebar set; thence, North 66°48'14" West, 69.57 feet to a ½-inch rebar set; thence, North 44°51'55" West, 100.00 feet to a ½-inch rebar set; thence, South 89°05'23" West, 186.86 feet to a ½-inch rebar set; thence, South 89°05'23" West, 35.00 feet to a point; thence, South 00°54'37" East, 30.00 feet to a point; thence, South 89°05'23" West, 30.00 feet to a point; thence, North 00°54'37" West, 30.00 feet to a point; thence, South 89°05'23" West, 45.00 feet to a point on the east line of the proposed lease area; thence along said proposed lease area, South 00°54'37" East, 35.00 feet to a point and the true POINT OF

BEGINNING; Thence running, South 89°05'23" West, 100.00 feet to a point; Thence, North 00°54'37" West, 100.00 feet to a point; Thence, North 89°05'23" East, 100.00 feet to a point; Thence, South 00°54'37" East, 100.00 feet to a point and the POINT OF BEGINNING.

Said tract contains 0.2296 acres (10,000 square feet), more or less, as shown in a survey prepared for ECO-SITE by POINT TO POINT LAND SURVEYORS, INC. dated September 6, 2016 and last revised December 29, 2017.

LEGAL DESCRIPTION

Physical Address: 52 Vann Drive, Birmingham, AL 35242;

Parcel #: 09 3 06 0 001 002.000

That certain property more particularly described as follows:

OVERALL SUBJECT PROPERTY:

All that tract or parcel of land lying and being in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6, Township 19 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

BEGINNING at a $\frac{1}{2}$ -inch rebar found at the Northwest corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6; Thence running along said $\frac{1}{4}$ - $\frac{1}{4}$ Section line, North $89^{\circ}06'07''$ East, 926.36 feet to a $\frac{1}{2}$ -inch rebar set; Thence leaving said $\frac{1}{4}$ - $\frac{1}{4}$ Section line and running, South $00^{\circ}46'09''$ West, 328.25 feet to a $\frac{5}{8}$ -inch rebar found; Thence, South $89^{\circ}06'59''$ West, 917.71 feet to a $\frac{5}{8}$ -inch rebar found; Thence, North $00^{\circ}44'27''$ West, 327.88 feet to a $\frac{1}{2}$ -inch rebar found and the true POINT OF BEGINNING.

Said tract contains 6.94 acres (302,428 square feet), more or less, as shown in a survey prepared for ECO-SITE by POINT TO POINT LAND SURVEYORS, INC. dated September 6, 2016 and last revised December 29, 2017.

LOT 2 (TOWER PARCEL):

All that tract or parcel of land lying and being in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6, Township 19 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

To find the true point of beginning, COMMENCE at a $\frac{1}{2}$ -inch rebar found at the Northwest corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6; thence running along said $\frac{1}{4}$ - $\frac{1}{4}$ Section line, North $89^{\circ}06'07''$ East, 926.36 feet to a $\frac{1}{2}$ -inch rebar set; Thence leaving said $\frac{1}{4}$ - $\frac{1}{4}$ Section line and running, South $00^{\circ}46'09''$ West, 285.19 feet to a $\frac{1}{2}$ -inch rebar set and the true POINT OF BEGINNING; Thence running, South $00^{\circ}46'09''$ West, 43.06 feet to a $\frac{5}{8}$ -inch rebar found; Thence, North $48^{\circ}15'40''$ West, 67.84 feet to a $\frac{1}{2}$ -inch rebar set; Thence, North $66^{\circ}48'14''$ West, 69.57 feet to a $\frac{1}{2}$ -inch rebar set; Thence, North $44^{\circ}51'55''$ West, 100.00 feet to a $\frac{1}{2}$ -inch rebar set; Thence, South $89^{\circ}05'23''$ West, 186.86 feet to a $\frac{1}{2}$ -inch rebar set; Thence, South $00^{\circ}54'37''$ East, 145.00 feet to a $\frac{1}{2}$ -inch rebar set; Thence, South $89^{\circ}05'23''$ West, 320.00 feet to a $\frac{1}{2}$ -inch rebar set; Thence, North $00^{\circ}54'37''$ West, 320.00 feet to a $\frac{1}{2}$ -inch rebar set; Thence, North $89^{\circ}05'23''$ East, 320.00 feet to a $\frac{1}{2}$ -inch rebar set; Thence, South $00^{\circ}54'37''$ East, 145.00 feet to a $\frac{1}{2}$ -inch rebar set; Thence, North $89^{\circ}05'23''$ East, 199.61 feet to a $\frac{1}{2}$ -inch rebar set; Thence, South $44^{\circ}51'55''$ East, 106.93 feet to a $\frac{1}{2}$ -inch rebar set; Thence, South $66^{\circ}48'14''$ East, 67.70 feet to a $\frac{1}{2}$ -inch rebar set; Thence, South $51^{\circ}48'33''$ East, 45.49 feet to a $\frac{1}{2}$ -inch rebar set and the true POINT OF BEGINNING.

Said tract contains 2.64 acres (115,145 square feet), more or less, as shown in a survey prepared for ECO-SITE by POINT TO POINT LAND SURVEYORS, INC. dated September 6, 2016 and last revised December 29, 2017.

LOT 1:

All that tract or parcel of land lying and being in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6, Township 19 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

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BEGINNING at a ½-inch rebar found at the Northwest corner of the Southeast ¼ of the Northeast ¼ of Section 6; thence running along said ¼-¼ Section line, North 89°06'07" East, 926.36 feet to a ½-inch rebar set; Thence leaving said ¼-¼ Section line and running, South 00°46'09" West, 285.19 feet to a ½-inch rebar set; Thence, North 51°48'33" West, 45.49 feet to a ½-inch rebar set; Thence, North 66°48'14" West, 67.70 feet to a ½-inch rebar set; Thence, North 44°51'55" West, 106.93 feet to a ½-inch rebar set; Thence, South 89°05'23" West, 199.61 feet to a ½-inch rebar set; Thence, North 00°54'37" West, 145.00 feet to a ½-inch rebar set; Thence, South 89°05'23" West, 320.00 feet to a ½-inch rebar set; Thence, South 00°54'37" East, 320.00 feet to a ½-inch rebar set; Thence, North 89°05'23" East, 320.00 feet to a ½-inch rebar set; Thence, North 00°54'37" West, 145.00 feet to a ½-inch rebar set; Thence, North 89°05'23" East, 186.86 feet to a ½-inch rebar set; Thence, South 44°51'55" East, 100.00 feet to a ½-inch rebar set; Thence, South 66°48'14" East, 69.57 feet to a ½-inch rebar set; Thence, South 48°15'40" East, 67.84 feet to a ½-inch rebar set; Thence, South 89°06'59" West, 917.71 feet to a 5/8-inch rebar found; Thence, North 00°44'27" West, 327.88 feet to a ½-inch rebar found and the true POINT OF BEGINNING.

Said tract contains 4.30 acres (187,283 square feet), more or less, as shown in a survey prepared for ECO-SITE by POINT TO POINT LAND SURVEYORS, INC. dated September 6, 2016 and last revised December 29, 2017.



Filed and Recorded
Official Public Records
Judge James W. Fuhrmeister, Probate Judge,
County Clerk
Shelby County, AL
08/20/2018 02:38:04 PM
\$240.00 CHERRY
20180820000297230

A handwritten signature in black ink, appearing to be "James W. Fuhrmeister", is written over the official text.

RECEIVED
JAN - 2018

BY: