



20190702000238310 1/7 \$173.50
Shelby Cnty Judge of Probate, AL
07/02/2019 04:03:27 PM FILED/CERT

Prepared by and return to:

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

Shelby County, AL 07/02/2019
State of Alabama
Deed Tax: \$140.50

Re: Cell Site #: USID 227250
Cell Site Name: Willow Rock
Fixed Asset #: 12919702
State: Alabama
County: Shelby

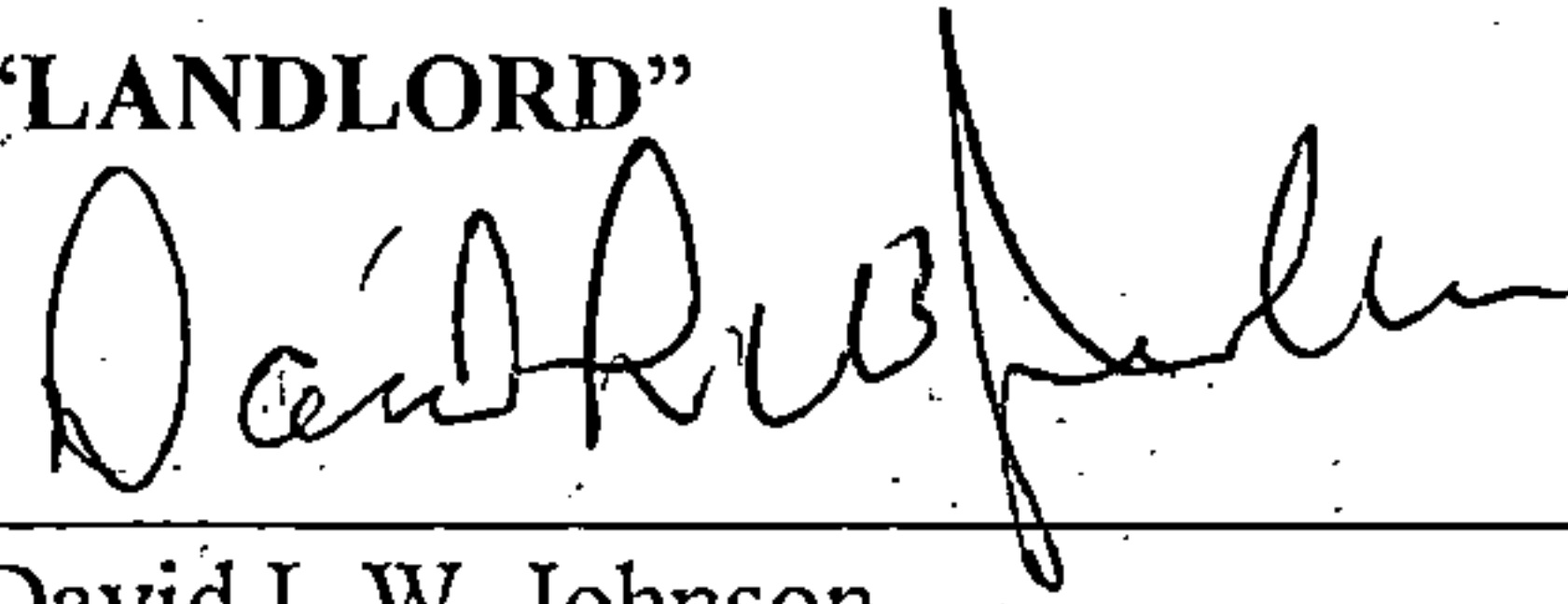
**MEMORANDUM
OF
LEASE**

This Memorandum of Lease is entered into on this 21st day of June, 2019, by and between David L. W. Johnson, residing at 7025 Co. Rd. 55, Wilsonville, AL 35186 and Jess Johnson, residing at 7021 Co. Rd. 55, Wilsonville, AL 35186, joint tenants with the right of survivorship (hereinafter called "**Landlord**"), and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 1025 Lenox Park Blvd NE, 3rd Floor, Atlanta, GA 30319 ("**Tenant**").

1. Landlord and Tenant entered into a certain Option and Land Lease Agreement ("**Agreement**") on the 21st day of June, 2019, for the purpose of installing, operating and maintaining a communication 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 automatic 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. The Agreement gives Tenant a right of first refusal in the event Landlord receives a bona fide written offer from a third party seeking any sale, conveyance, assignment or transfer, whether in whole or in part, of any property interest in or related to the Premises, including without limitation any offer seeking an assignment or transfer of the Rent payments associated with the Agreement or an offer to purchase an easement with respect to the Premises.
5. 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"



David L.W. Johnson

Date: 6-17-19



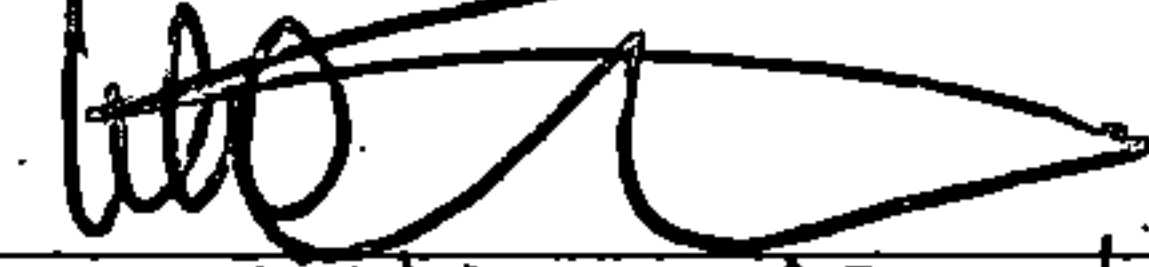
Jess Johnson

Date: 6-17-19

"TENANT"

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

By: AT&T Mobility Corporation
Its: Manager

By: 

Print Name: William E. Hoyer

Its: Area Manager

Date: 6/21/19

[ACKNOWLEDGMENTS APPEAR ON NEXT PAGE]



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TENANT ACKNOWLEDGMENT

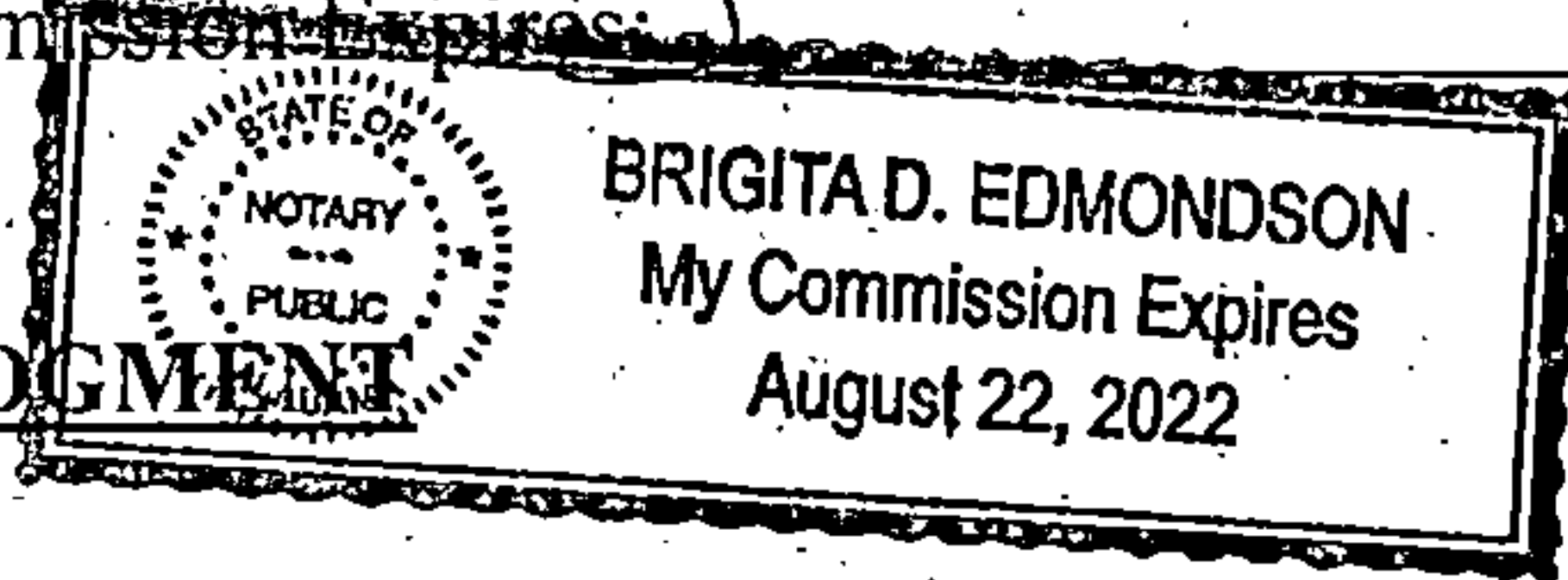
STATE OF Alabama

COUNTY OF Jefferson

On the 21st day of June, 2019, before me personally appeared William E. Hilger, and acknowledged under oath that he/she is the Area Manager 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: Brigida D. Edmondson

My Commission Expires: August 22, 2022



LANDLORD ACKNOWLEDGMENT

STATE OF Alabama

COUNTY OF St. Clair

On the 17th day of June, 2019, before me, personally appeared David L.W. Johnson, who acknowledged under oath, that he is the person named in the within instrument, and that he executed the same as his voluntary act and deed for the purposes therein contained.

Notary Public: Edmondson

My Commission Expires: 12-7-2019

STATE OF Alabama

COUNTY OF ST. CLAIR

On the 17th day of June, 2019, before me, personally appeared Jess Johnson, who acknowledged under oath, that he is the person named in the within instrument, and that he executed the same as his voluntary act and deed for the purposes therein contained.

Notary Public: Edmondson

My Commission Expires: 12-7-2019



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EXHIBIT 1

DESCRIPTION OF PROPERTY AND PREMISES

Page 1 of 4

to the Memorandum of Lease dated June 21, 2019, by and between David L. W. Johnson and Jess Johnson, joint tenants with right of survivorship, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as Tenant.

The Property is legally described as follows:

PARENT TRACT (FROM TITLE)

Lot 1, according to the Final Plat Map of Johnson Family Subdivision, as recorded in Map Book 26, page 138, in the Probate Office of Shelby County, Alabama.

EASEMENT PROPERTY:

Lots 2, 3, 4 & 5 according to the Final Plat Map of Johnson Family Subdivision, as recorded in Map Book 26, Page 138 in the Probate Office of Shelby County, Alabama.

The Premises are described and/or depicted as follows:

100' x 100' LEASE AREA (AS-SURVEYED)

A portion of the Johnson Family Subdivision tract Lot 1 as described in Map Book 26, page 138 as recorded in the Probate Office of Shelby County, Alabama, being in the SE 1/4 of Section 5, Township 20 South, Range 1 East, Shelby County, Alabama, and being more particularly described as follows;

Commencing at a 1" rebar found along the westerly right-of-way line of County Road 55 and marking the NE corner of said Johnson Family Subdivision tract Lot 5; thence N 89°09'12" W along the northern line of said Johnson Family Subdivision tract a distance of 1184.31 feet to a 1" rebar found marking the NE corner of said Lot 1; thence S 89°13'15" W along the northern line of said Johnson Family Subdivision tract a distance of 282.26 feet to a 1" rebar found marking the NW corner of said Lot 1; thence S 73°18'18" E a distance of 165.73 feet to a 5/8" rebar set and the Point of Beginning; thence S 89°33'17" E a distance of 100.00 feet to a 5/8" rebar set; thence S 00°26'43" W a distance of 100.00 feet to a 5/8" rebar set; thence N 89°33'17" W a distance of 100.00 feet to a 5/8" rebar set; thence N 00°26'43" E a distance of 100.00 feet to the Point of Beginning. Said Lease area contains 0.23 acres.

30' INGRESS/EGRESS & UTILITY/FIBER EASEMENT - LOTS 1, 2 & 3 (AS-SURVEYED)

A portion of the Johnson Family Subdivision tract Lot 1 thru 5 as described in Map Book 26, page 138 as recorded in the Probate Office of Shelby County, Alabama, being in the SE 1/4 of Section 5 and Section 4, Township 20 South, Range 1 East, Shelby County, Alabama, and being more particularly described as follows;

Commencing at a 1" rebar found along the westerly right-of-way line of County Road 55 and marking the NE corner of said Johnson Family Subdivision tract Lot 5; thence N 89°09'12" W along the northern line of said Johnson Family Subdivision tract a distance of 1184.31 feet to a 1" rebar found marking the NE corner of said Lot 1; thence S 89°13'15" W along the northern line of said Johnson Family Subdivision tract a distance of 282.26 feet to a 1" rebar found marking the NW corner of said Lot 1; thence S 73°18'18" E a distance of 165.73 feet to a 5/8" rebar set; thence S 89°33'17" E a distance of 100.00 feet to a 5/8" rebar set; thence S 00°26'43" W a distance of 100.00 feet to a 5/8" rebar set; thence N 89°33'17" W a distance of 50.00 feet and the Point of Beginning of an Ingress/Egress & Utility Easement being 30 feet in width and lying 15 feet on each side of the following described centerline; thence S 00°26'44" W a distance of 304.71 feet to a point; thence S 88°31'54" E a distance of 678.95 feet to a Point of Ending. Said easement contains (29509.7 sq. ft.) 0.677 acres, more or less.

DESCRIPTION OF PROPERTY AND PREMISES

Page 2 of 4

30' INGRESS/EGRESS & UTILITY/FIBER EASEMENT - LOT 4 (AS-SURVEYED)

A portion of the Johnson Family Subdivision tract Lot 1 thru 5 as described in Map Book 26, page 138 as recorded in the Probate Office of Shelby County, Alabama, being in the SE 1/4 of Section 5 and Section 4, Township 20 South, Range 1 East, Shelby County, Alabama, and being more particularly described as follows;

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30' INGRESS/EGRESS & UTILITY/FIBER EASEMENT - LOT 5 (AS-SURVEYED)

A portion of the Johnson Family Subdivision tract Lot 1 thru 5 as described in Map Book 26, page 138 as recorded in the Probate Office of Shelby County, Alabama, being in the SE 1/4 of Section 5 and Section 4, Township 20 South, Range 1 East, Shelby County, Alabama, and being more particularly described as follows;

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PLOTTABLE EXCEPTIONS

Chicago Title Insurance Company
Commitment for Title Insurance Commitment No. 3647P-18
Date June 4, 2019 @ 8:00 am
Schedule B, Section II

Exception No.	Instrument	Comment
1-10		Standard exceptions. Contain no survey matters.
11	Map Book 26, Page 138	Does affect Parent tract, therefore is blanket in nature over the subject Lease area and easement.
12	Instrument 20051101000566810	Does affect the subject Lease area and easement as easement provides access.

SURVEYOR'S NOTES

1. This is a Raw Land Tower Survey, made on the ground under the supervision of a Alabama Registered Land Surveyor. Date of field survey is January 17, 2019.
2. The following surveying instruments were used at time of field visit: Nikon NPL-352, Total Station, Reflectorless and Hipar + Legacy E RTK, GD 1HZ.
3. Bearings are based on Alabama West State Plane Coordinates NAD 83 by GPS observation.
4. 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.
5. Benchmark used is a GPS Continuously Operating Reference Station, PID DL7323. Onsite benchmark is as shown hereon. Elevations shown are in feet and refer to NAVD 88.
6. This survey was conducted for the purpose of a 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.
7. 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.
8. This Survey was conducted with the benefit of an Abstract Title search.
9. 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 1A).
10. Survey shown hereon conforms to the Minimum Requirements as set forth by the State Board for a Class "A" Survey.
11. 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.
12. This survey is not valid without the original signature and the original seal of a state licensed surveyor and mapper.
13. 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.
14. Zoning: (as supplied by client)
Zoning District: Shelby County
Surrounding Zoning: North-A-1, South-A-1, East-A-1, West-A-1
Setbacks: Front/Side: 260' Rear: NO

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

Michael K. Davis
Alabama License No. 31571

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DRAWN BY: MGC		CHECKED BY: BP		FIELD CREW: BW		APPROVED BY: MGC		DATE: 1/28/19		SCALE: N/A		SHEET 2 OF 2									
PROJECT NO. 18-2986												FORESITE									
RAWLAND TOWER SURVEY												VESTAMA HILLS, AL 35243									
BY												DATE		MC		5/9/19		MC		8/7/19	
REVISION												REVISED ACCESS LEGALS PER CLIENT		REVISED TITLE COMMITMENT		8/7/19		MC			
REASON												2		2		2		2		2	
NO.												1		2		2		2		2	
DATE												5/9/19		8/7/19		MC		MC			



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

FOR:

FORESITE

3525 ASBURY ROAD
VESTAMA HILLS, AL 35243

WILLOW ROCK
12918702
SE 1/4, SEC. 5, T-20-S, R-1-E
SHELBY COUNTY, ALABAMA