



**BK: 2017 PG: 2214**  
**Recorded: 7/18/2017 at 3:37:01.0 PM**  
**Fee Amount: \$22.00**  
**Revenue Tax:**  
**LISA SMITH RECORDER**  
**Madison County, Iowa**

MEMORANDUM OF TELECOMMUNICATION TOWER BUILD-OUT and LEASE  
AGREEMENT

**Preparer Information:** Liz Van Zomeren, Property Manager  
Iowa Wireless Services, LLC ("IWS")  
7600 Office Plaza Drive South, Suite 150  
West Des Moines, Iowa 50266-2328  
(515) 258-7522

**Return Document To:** Liz Van Zomeren, Property Manager  
Iowa Wireless Services, LLC  
7600 Office Plaza Drive South, Suite 150  
West Des Moines, Iowa 50266-2328  
(515) 258-7522

**Site Identification:** IA-0184 Wildin

**Site Address:** 2752 US Hwy 169, Winterset, Iowa

**County:** Madison

**Grantor:**  
Iowa Wireless Services, LLC  
A Delaware limited liability company

**Grantee:**  
Central Iowa Wireless, Co.  
An Iowa Corporation

Parent Parcel Tax Identification Number:  
560113584020000

Prepared by and return to: T. F. Olt III, Lane & Waterman, 220 N. Main, Ste. 600, Davenport, (563) 324-3246

### MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into this 1st day of January, 2006, by and between Central Iowa Wireless Co., an Iowa corporation ("ITC"), and Iowa Wireless Services, LLC, a Delaware limited liability company d/b/a i wireless (IWS).

1. ITC and IWS entered into a Telecommunication Tower Build-Out and Lease Agreement ("Agreement") on the 1st day of January, 2006, for the purpose of installing, operating and maintaining a radio communications facility and other improvements on the property located at :

That part of the Southeast Quarter of Section 35, Township 75 North, Range 28 West of the 5<sup>th</sup> P.M., Madison County, Iowa, described as follows:

Commencing at the Southwest corner of said Southeast Quarter of Section 35;

Thence North 00°17'57" West (assumed bearings) for 2106.35 feet along the west line of said Southeast Quarter of Section 35;

Thence North 89°42'03" East for 74.00 feet to the True Point of Beginning;

Thence North 00°17'57" West for 500.00 parallel with and 74.00 feet east of said west line of the Southeast Quarter of Section 35;

Thence North 89°42'03" East for 500.00 feet;

Thence South 00°17'57" East for 500.00 feet;

Thence South 89°42'03" West for 500.00 feet to the Point of Beginning.

Contains 5.739 acres.

**(Ingress/Egress & Utility)**

A permanent easement twenty foot (20') in width for ingress/egress and the installation and maintenance of utilities, over that part of the Southeast Quarter of Section 35, Township 75 North, Range 28 West of the 5<sup>th</sup> P.M., Madison County, Iowa, the centerline of which is described as follows:

Commencing at the Southwest corner of said Southeast Quarter of Section 35;

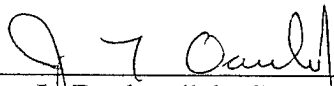
Thence North 00°17'57" West (assumed bearings) for 2610.08 feet along the west line of said Southeast Quarter to the True Point of Beginning;

Thence South 79°39'18" East to the west line of a telecommunications lease area and the Point of Terminus, said point falling 10.18 feet south of the northwest corner of said lease area.

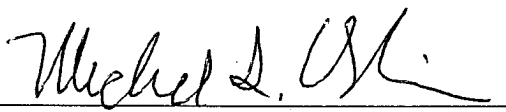
2. The term of the Agreement is for ten (10) years commencing on the earlier to occur of the following: (i) commencement of construction; or (ii) January 1, 2006, ("Lease Commencement Date"), and ending on the tenth (10<sup>th</sup>) anniversary of the Lease Commencement Date, with four (4) additional five (5) year options to renew.
3. The property which is the subject of the Lease is described in Exhibit B annexed hereto. The portion of the Property being leased to IWS (the "Leased Space") is described in Exhibit C annexed hereto.

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

ITC  
Central Iowa Wireless Co.

By:   
James L. Daubendiek, General Manager

IWS  
Iowa Wireless Services, LLC

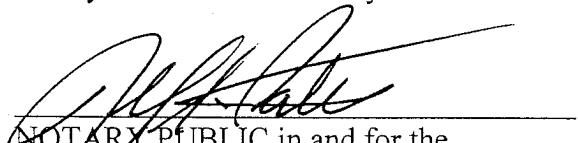
By:   
Michael S. Haskins, Chief Executive Officer

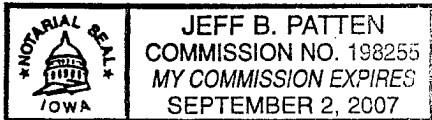
**ACKNOWLEDGMENT**

STATE OF IOWA )  
 ) SS.  
 COUNTY OF POLK )

On this 6th day of January, 2006, before me, a Notary Public personally appeared James L. Daubendiek to me personally known, who being by me duly sworn, did say that he is the General Manager of Central Iowa Wireless Co. executing the foregoing instrument, that the instrument was signed on behalf of the corporation by the authority of its Board of Directors; and acknowledged the execution to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned; and on oath, stated that she was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

  
 \_\_\_\_\_  
 NOTARY PUBLIC in and for the  
 State of Iowa  
 My commission expires: 9-2-07

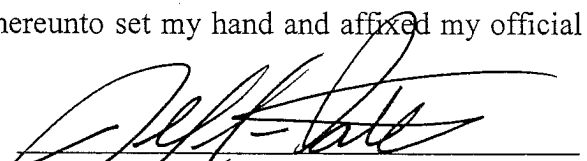


**ACKNOWLEDGMENT**

STATE OF IOWA )  
 ) ss:  
 COUNTY OF POLK )

On this 6th day of January, 2006, before me, a Notary Public personally appeared Michael S. Haskins, to me personally known, who being by me duly sworn, did say that he is the Chief Executive Officer of Iowa Wireless Services, LLC, that he executed the foregoing instrument, that the instrument was signed on behalf of the Company, by the authority of the Company's Board of Directors and that as such officers acknowledged execution of the instrument to be the voluntary act and deed of the Company by it and by them voluntarily executed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

  
 \_\_\_\_\_  
 Notary Public in and for the  
 State of Iowa  
 My commission expires: 9-2-07

