



199910060087  
Kathy Hill, Skagit County Auditor  
10/6/1999 Page 1 of 5 4:07:03PM

After Recording please return to:

US West Wireless, L.L.C.  
450 110<sup>th</sup> Ave. NE, Room 219A  
Bellevue, WA 98004  
Attn: Regional Real Estate Manager

Site Identification: BEL011A

### MEMORANDUM OF LEASE

Lessor: City of Mount Vernon  
Lessee: US West Wireless, L.L.C., a Delaware Limited Liability Company.

Legal Description: PTN OF SE ¼ OF NE ¼ OF SEC 17 T34N R4E W.M.

Assessor's Tax Parcel I.D.: 34041710140207

This MEMORANDUM OF LEASE is made this 27<sup>th</sup> day of SEPTEMBER 1999, between the City of Mount Vernon, ("lessor") and US West Wireless, L.L.C., a Delaware Limited Liability Company ("lessee").

1. Lessor hereby grants to lessee a Lease upon a portion of the real property located in the county of Skagit, State of Washington, and more particularly described in Exhibit A attached hereto and incorporated herein by this reference. The portion of the Property upon which a Lease is granted is described and depicted in Exhibit B attached hereto and incorporated herein by this reference.
2. The Lease Agreement is more fully set forth in the Option and Site Lease Agreement between Lessor and Lessee, dated 9-27-99, the terms of which are incorporated herein by reference.
3. The Option and Site Lease Agreement provides for an eighteen (18) month option period, and if exercised, the Lease shall be for an initial term of five (5) years, pursuant to the terms of the Option and Site Lease Agreement, and is subject to subsequent five (5) year renewals.
4. The Option and Lease Agreement provides for access and utilities across the property during its term.
5. This Memorandum of Lease is executed for recording purposes only and is not intended to be a summary of the Option and Lease Agreement, and is subject to the terms of the Option and Lease Agreement. In the event of a conflict between this Memorandum and the Option and Lease Agreement, the Option and Lease Agreement shall control.

6. This Agreement shall inure to the benefit of and be binding upon Lessor and Lessee and the respective representatives, successors and assigns.
7. The parties agree to execute, in recordable form, a notice of termination of the lease if the option is not exercised by Lessee or upon termination of the lease.

IN WITNESS WHEREOF, the parties hereto have respectively executed this Agreement as of the date and year first above written.

LESSOR:

CITY OF MOUNT VERNON

BY:

*Skye Richendrfer*  
Mayor Skye Richendrfer

Approved as to form:

*Scott G. Thomas*  
Scott G. Thomas, City Attorney

SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

OCT 06 1999

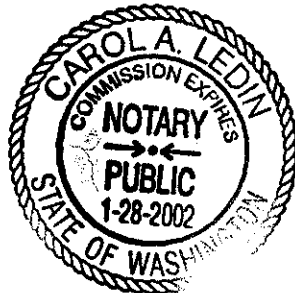
Amount Paid \$  
Skagit County Treasurer  
By: *LP* Deputy

STATE OF WASHINGTON )  
                                  )ss.  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that Skye K. Richendrfer is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of Mount Vernon, Washington to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 9-27-99

(SEAL or Stamp)



*Carol A. Ledin*  
(Signature)

*Notary Public*  
(Title)

My appointment expires: 1-28-2002



LESSEE:

U S WEST Wireless, L.L.C., a Delaware Limited Liability Company

By: M. J. Fel...

Name: MICHAEL FELICISSIMO

Title: V.P. CPO

STATE OF COLORADO )

)ss.

COUNTY OF Arapahoe )

I certify that I know or have satisfactory evidence that Michael Felicissimo is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the V.P. and C.F.O. of U S WEST Wireless, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.


Dated: 9-10-99

Shirley G. Sater  
(Signature)

(SEAL or Stamp)

Notary Public  
(Title)

My appointment expires: 9-21-03

  
199910060087  
Kathy Hill, Skagit County Auditor  
10/6/1999 Page 3 of 5 4:07:03PM

## EXHIBIT A

### Legal Description:

#### PARCEL "A":

THAT PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 34 NORTH, RANGE 4 EAST W.M., DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 2 OF MOUNT VERNON SHORT PLAT NO. 144-4-87, APPROVED DECEMBER 17, 1987 AND RECORDED DECEMBER 21, 1987, AS AUDITOR'S FILE NO. 8712210075, IN BOOK 8 OF SHORT PLATS, PAGE 8, WHICH IS THE INTERSECTION OF THE NORTH LINE OF THE SOUTH 679 FEET OF SAID SUBDIVISION, WITH THE WEST LINE OF THE EAST 214 FEET OF SAID SUBDIVISION;  
THENCE SOUTH 01°01'55" WEST ALONG SAID WEST LINE, A DISTANCE OF 29.02 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTH 550 FEET OF SAID SUBDIVISION;  
THENCE NORTH 87°55'05" WEST, A DISTANCE OF 117.70 FEET, MORE OR LESS, ALONG SAID SUBDIVISION TO THE EAST LINE OF THE WEST 333 FEET OF SAID SUBDIVISION;  
THENCE NORTH 01°07'38" EAST, A DISTANCE OF 15.33 FEET, MORE OR LESS, ALONG SAID EAST LINE TO THE NORTH LINE OF THE SOUTH 565.33 FEET OF SAID SUBDIVISION;  
THENCE NORTH 87°55'03" WEST, A DISTANCE OF 188.62 FEET ALONG SAID NORTH LINE;  
THENCE NORTH 01°04'43" EAST A DISTANCE OF 278.63 FEET;  
THENCE SOUTH 87°55'04" EAST, A DISTANCE OF 308.07 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE EAST 214 FEET OF SAID SUBDIVISION;  
THENCE SOUTH 01°01'55" WEST ALONG SAID WEST LINE TO THE POINT OF BEGINNING, EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF MOUNT VERNON SHORT PLAT NO. 144-4-87, APPROVED DECEMBER 17, 1987, AND RECORDED DECEMBER 21, 1987, AS AUDITOR'S FILE NO. 8712210075 IN BOOK 8 OF SHORT PLATS, PAGE 8, WHICH CORNER IS THE INTERSECTION OF THE NORTH LINE OF THE SOUTH 679.00 FEET OF SAID SUBDIVISION WITH THE WEST LINE OF THE EAST 214.00 FEET OF SAID SUBDIVISION;  
THENCE SOUTH 01°01'55" WEST 21.02 FEET ALONG SAID WEST LINE TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUE SOUTH 01°01'55" WEST 108.00 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF THE SOUTH 550.00 FEET OF SAID SUBDIVISION;  
THENCE NORTH 87°54'52" WEST (CALLED NORTH 87°55'05" WEST IN PREVIOUS DESCRIPTIONS) 117.68 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF THE WEST 333.00 FEET OF SAID SUBDIVISION;  
THENCE NORTH 01°07'34" EAST (CALLED NORTH 01°07'38" EAST IN PREVIOUS DESCRIPTIONS) 15.33 FEET ALONG SAID EAST LINE TO THE NORTH LINE OF THE SOUTH 565.33 FEET OF SAID SUBDIVISION;  
THENCE CONTINUE NORTH 01°07'34" EAST 27.67 FEET;

THENCE SOUTH 87°54'52" EAST 53.44 FEET PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION TO A POINT BEARING SOUTH 46°11'00" WEST FROM THE TRUE POINT OF BEGINNING;  
THENCE NORTH 46°11'00" EAST 90.49 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, DRAINAGE AND UTILITIES OVER AND ACROSS THE FOLLOWING DESCRIBED TRACTS (A), (B), (C), AND (D):

A) THE EAST 30 FEET OF THE NORTH 285.33 FEET OF THE SOUTH 165.33 FEET OF THE WEST 333 FEET OF THE EAST 1/2 OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4;

B) THE EAST 30 FEET OF THE SOUTH 280 FEET OF THE EAST 1/2 OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, EXCEPT THE WEST 143.5 FEET THEREOF ALSO EXCEPT THE SOUTH 30 FEET THEREOF, ALSO EXCEPT THAT PORTION OF SAID PREMISES LYING EAST OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 17;  
THENCE NORTH 87°55'03" WEST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 17, A DISTANCE OF 345.83 FEET;  
THENCE NORTH 01°14'33" WEST, A DISTANCE OF 30.02 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUE NORTH 01°14'33" WEST, A DISTANCE OF 250.20 FEET TO THE NORTH LINE OF THE SOUTH 280.00 FEET OF SAID SUBDIVISION AND TO THE TERMINUS OF SAID DESCRIBED LINE.

C) THE WEST 30 FEET OF THE FOLLOWING DESCRIBED PROPERTY, AS RESERVED ON AUDITOR'S FILE NO. 881583:

THE NORTH 285.33 FEET OF THE SOUTH 565.33 FEET OF THE WEST 333 FEET OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.,

TOGETHER WITH THE NORTH 285.33 FEET OF THE SOUTH 565.33 FEET OF THE EAST 15 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 34 NORTH, RANGE 4 EAST W.M.

D) THE WEST 30 FEET OF THE FOLLOWING DESCRIBED PROPERTY, AS RESERVED ON AUDITOR'S FILE NOS. 881578 AND 881589:

THE WEST 45 FEET OF THE NORTH 250 FEET OF THE SOUTH 250 FEET OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 34 NORTH, RANGE 4 EAST W.M.

#### DESCRIPTION CONTINUED:

#### PARCEL "A" CONTINUED:

TOGETHER WITH THE EAST 15 FEET OF THE NORTH 250 FEET OF THE SOUTH 280 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 34 NORTH, RANGE 4 EAST W.M.,

ALSO TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR SANITARY SEWER AND STORM SEWER OVER AND ACROSS A 15 FOOT WIDE STRIP OF LAND ADJOINING THE SOUTHERLY SIDE OF FOLLOWING DESCRIBED LINE:

BEGIN AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED MAIN TRACT;  
THENCE NORTH 87°55'04" WEST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF ABOVE DESCRIBED MAIN TRACT, A DISTANCE OF 158.19 FEET, MORE OR LESS, TO THE WEST 15 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, TERMINUS OF THIS LINE DESCRIPTION.

ALSO TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR SANITARY SEWER AND STORM SEWER OVER AND ACROSS THE SOUTH 1,122.5 FEET OF THE EAST 15 FEET OF THE WEST 1/2 SOUTHEAST 1/4 OF THE NORTHEAST 1/4; EXCEPT THE SOUTH 565.33 FEET THEREOF.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

#### PARCEL "B":

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AND ACROSS THE 30 FEET OF LOT 2 OF MOUNT VERNON SHORT PLAT NO. 144-4-87, APPROVED DECEMBER 21, 1987, AS AUDITOR'S FILE NO. 8712210075, IN BOOK 8 OF SHORT PLATS, PAGE 8, RECORDS OF SKAGIT COUNTY, BEING A PORTION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 34 NORTH, RANGE 4

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AND ACROSS BOTH THE SOUTH 15 FEET OF LOT 1 OF SAID SHORT PLAT, AND THE NORTH 15 FEET OF THE SOUTH 45 FEET OF LOT 2 OF SAID SHORT PLAT.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.



199910060087

Kathy Hill, Skagit County Auditor

10/6/1999 Page 4 of 5 4:07:03PM

EXHIBIT B

A PORTION OF THE PARCEL "A" AS ILLUSTRATED IN THE SURVEY RECORDED ON AUGUST 4<sup>TH</sup>, 1997 IN BOOK 19 OF SURVEYS AT PAGE 153 UNDER SKAGIT COUNTY AUDITOR'S FILE NUMBER 9708040071. SAID PARCEL "A" BEING A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SAID PARCEL "A"; **THENCE** ALONG THE WEST LINE OF SAID PARCEL "A" NORTH 1 DEGREE 4 MINUTES 54 SECONDS EAST A DISTANCE OF 59.25 FEET; **THENCE** PERPENDICULAR TO THE WEST LINE OF SAID PARCEL "A" SOUTH 88 DEGREE 55 MINUTES 6 SECONDS EAST A DISTANCE OF 20.17 FEET TO **THE TRUE POINT OF BEGINNING**; **THENCE** PARALLEL TO THE WEST LINE OF SAID PARCEL "A" NORTH 1 DEGREE 4 MINUTES 54 SECONDS EAST A DISTANCE OF 12.00 FEET; **THENCE** SOUTH 88 DEGREE 55 MINUTES 6 SECONDS EAST A DISTANCE OF 8.00 FEET; **THENCE** SOUTH 1 DEGREE 4 MINUTES 54 SECONDS WEST A DISTANCE OF 12.00 FEET; **THENCE** NORTH 88 DEGREES 55 MINUTES 6 SECONDS WEST A DISTANCE OF 8.00 FEET TO **THE TRUE POINT OF BEGINNING**.

SAID PORTION OF PARCEL "A" CONTAINS 96.0 SQUARE FEET MORE OR LESS.

SITUATED IN CITY OF MOUNT VERNON, COUNTY OF SKAGIT, STATE OF WASHINGTON.



199910060087

Kathy Hill, Skagit County Auditor

10/6/1999 Page 5 of 5 4:07:03PM