



201005270123

Skagit County Auditor

5/27/2010 Page

1 of

10 3:12PM

RETURN ADDRESS

Central Property Search
9 Lawn Ave, Suite 200
NORRISTOWN, PA 19403
456514-R

Please Type or Print Neatly & Clearly All Information

Document Title(s) MEMORANDUM OF FIRST AMENDMENT
TO OPTION AND SITE LEASE AGREEMENT

Reference Number(s) of Related Documents

199910060087

Grantor(s) (Last Name, First & Middle Initial)

The City of Mount Vernon, a municipal
Corporation

Grantee(s) (Last Name, First & Middle Initial)

STC Five LLC, a Delaware limited
liability corporation

Legal Description (Abbreviated form is acceptable) i.e. Section/Township/Range/1/4 Section

Plot of SE 1/4 NE 1/4 Sec. 17, T24N, R4E
W.M., Skagit County, WA

Assessor's Tax Parcel ID Number: P107826

The County Auditor will rely on the information provided on this form. The Staff will not read the document to verify the
Accuracy or completeness of the indexing information provided herein.

Sign below only if your document is Non-Standard.

I am requesting an emergency non-standard recording for an additional fee as provided in RCW 36.18.010. I understand
that the recording processing requirements may cover up or otherwise obscure some parts of the text of the original
document. Fee for non-standard processing is \$50.

Signature of Requesting Party

But # 880419

WHEN RECORDED RETURN TO:

RECORD AND RETURN TO:
CENTRAL PROPERTY SEARCH
9 LAWN AVENUE SUITE 200
NORRISTOWN, PA 19403

**MEMORANDUM OF FIRST AMENDMENT TO
OPTION AND SITE LEASE AGREEMENT**

Lessor: The City of Mount Vernon, a municipal corporation
Lessee: STC Five LLC, a Delaware limited liability company
Abbreviated Legal Description: Ptn of SE/4 NE/4 Sec. 17, T24N, R4E W.M., Skagit
County, WA.
Assessor's Tax Parcel ID #: P107826
Prior Recorded Document#: October 6, 1999 at Instrument No. 199910060087
Site ID: Seattle Qwest - BEL011 (BUN 880419)

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax

MAY 27 2010

Amount Paid
By Skagit County Treasurer
Deputy



201005270123
Skagit County Auditor

This Memorandum of First Amendment to Option and Site Lease Agreement is made effective this 22nd day of December 2009 by and between the CITY OF MOUNT VERNON, a municipal corporation, with a mailing address of P.O. Box 809, Mount Vernon, Washington 98273 (hereinafter referred to as "City") and STC FIVE LLC, a Delaware limited liability company, by and through its Attorney In Fact, Global Signal Acquisitions II LLC, a Delaware limited liability company, with its principal offices located at 2000 Corporate Drive, Canonsburg, Pennsylvania 15317 (hereinafter referred to as "Lessee").

1. City and US WEST Wireless, L.L.C. ("Original Lessee") entered into an Option and Site Lease Agreement dated September 27, 1999, a memorandum of which was recorded on October 6, 1999 at Instrument No. 199910060087 (the "Lease") whereby Original Lessee leased certain real property, together with access and utility easements, located in Skagit County, Washington from City (the "Site"), all located within certain real property owned by City ("City's Property"). City's Property, of which the Site is a part, is more particularly described on Exhibit A attached hereto.

2. STC Five LLC is currently the Lessee under the Lease as successor in interest to the Original Lessee.

3. The Lease had an initial term that commenced on December 17, 1999 and expired on December 16, 2004. The Lease provided for one extension of five years, which was exercised by Lessee ("Renewal Term"). According to the Lease, the Renewal Term expires on December 16, 2009.

4. City and Lessee have entered into a First Amendment to Option and Site Lease Agreement (the "First Amendment"), of which this is a Memorandum, providing for one additional Renewal Term of ten years ("Additional Renewal Term"). Pursuant to this First Amendment, the Addition Renewal Term expires on December 16, 2019.



5. By the First Amendment, City granted and conveyed to Lessee and its successors and assigns an additional area of 240 square feet. The Site, as expanded, is more particularly described on Exhibit B attached hereto.

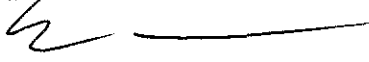
6. The terms, covenants and provisions of the First Amendment shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of City and Lessee.

7. This Memorandum does not contain the social security number of any person.

8. A copy of the First Amendment is on file with City and Lessee.

[Execution Pages Follow]

APPROVED AS TO FORM


MOUNT VERNON CITY ATTORNEY



IN WITNESS WHEREOF, hereunto and to duplicates hereof, City and Lessee have caused this Memorandum to be duly executed on the day and year first written above.

CITY:
THE CITY OF MOUNT VERNON, a
municipal corporation

By: [Signature]
Print Name: Bud Norris
Title: Mayor

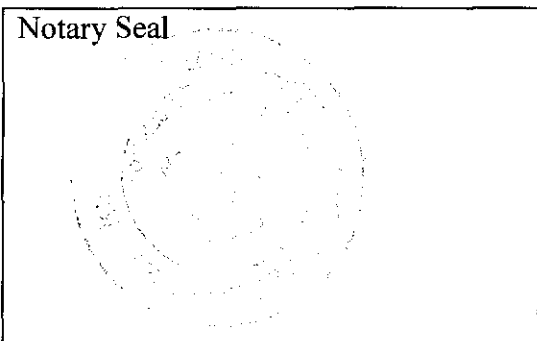
LIMITED LIABILITY COMPANY

STATE OF Washington)
)SS.
COUNTY OF Skagit)

I certify that I know or have satisfactory evidence that Bud Norris is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Mayor of THE CITY OF MOUNT VERNON, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 12/10/09

Notary Seal



Kerri A. Brechishlein
(Signature of Notary)
Kerri A. Brechishlein
(Legibly Print or Stamp Name of Notary)
Notary Public in and for the State of Washington
My appointment expires: 7/3/2011



LESSEE:

STC FIVE LLC, a Delaware limited liability company

By: Global Signal Acquisitions II LLC, a Delaware limited liability company

Its: Attorney In Fact (See Attached)

By: _____

Print Name: _____

Title: Barbara Howard
RET Manager

LIMITED LIABILITY COMPANY

STATE OF Texas

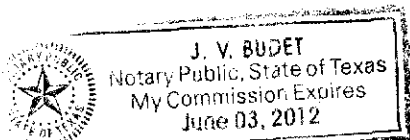
COUNTY OF Harris

) SS.
)

I certify that I know or have satisfactory evidence that Barbara Howard is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the RET manager of GLOBAL SIGNAL ACQUISITIONS II LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 12.22.2009

Notary Seal



J. V. Budet
(Signature of Notary)

J. V. BUDET
(Legibly Print or Stamp Name of Notary)

Notary Public in and for the State of Texas

My appointment expires: June 3, 2012



EXHIBIT A
(Legal Description of City's Property)

A Lease Site description for a tract of land located within the County of Skagit, State of Washington, being out of a property owned by The city of Mount Vernon, per deed recorded in Book 1483, page 0213 – Tax Parcel Number P107826 ("City's Property"), more particularly described as follows:

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. MV-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 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 129.02 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 306.07 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.

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 565.33 feet of the West 333 feet of the East 1/2 of the 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 said section 17, a distance of 345.83 feet;
Thence North 0°14'33" West, a distance of 30.02 feet to the true point of beginning;
Thence continue North 0°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.,

Site Name: Seattle Qwest - BEL011
Business Unit #: 880419



201005270123
Skagit County Auditor

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 280 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 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 lines over and across a 15 foot wide strip of land adjoining the Southerly side of the 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 the above described main tract, a distance of 158.19 feet, more or less, to the West line of the East 15 feet of the West 1/2 of the Southeast 1/4 of the Northeast 1/4, the terminus of this line description.

ALSO TOGETHER with a non-exclusive easement for sanitary sewer and storm sewer lines over and across the South 1,122.5 feet of the East 15 feet of the West 1/2 of said Southeast 1/4 of the Northeast 1/4 except the South 565.33 feet thereof.

PARCEL B:

A non-exclusive easement for ingress, egress and utilities over and across the South 30 feet of Lot 2 of Mount Vernon Short Plat No. MV-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, records of Skagit County, being a portion of the East 1/2 of the Southeast 1/4 of the Northeast 1/5 of Section 17, Township 34 North, Range 5 East W.M.

TOGETHER WITH a nonexclusive 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.



EXHIBIT B
(Description of Site, as expanded)

Said Expanded Lease Area description described as follows:

Commencing at the Southwest corner of the above described Parcel A;
Thence along the West line of said Parcel A, North 01°04'54" East 33.59 feet;
Thence South 88°55'06" East 43.90 feet to the True Point of Beginning;
Thence North 00°00'00" East 12.00 feet;
Thence North 90°00'00" East 20.00 feet;
Thence South 00°00'00" East 12.00 feet;
Thence North 90°00'00" West 20.00 feet to the True Point of Beginning;

Containing 240 square feet, more or less.

Said Existing Lease Area description described as follows:

Commencing at the Southwest corner of the above described Parcel A;
Thence along the West line of said Parcel A, North 01°04'54" East 60.64 feet;
Thence South 88°55'06" East 21.21 feet to the True Point of Beginning;
Thence North 01°17'58" East 12.00 feet;
Thence South 88°42'02" East 8.00 feet;
Thence South 01°17'58" West 12.00 feet;
Thence North 88°42'02" West 8.00 feet to the True Point of Beginning;

Containing 96 square feet, more or less.

TOGETHER WITH an Access Easement described as follows:

A tract of land being a 15 foot strip of land lying 7.5 feet on both sides of the following described centerline:

Commencing at the Southwest corner of the above described Parcel A;
Thence along the West line of said Parcel A, North 01°04'54" East 60.64 feet;
Thence South 88°55'06" East 13.68 feet to the True Point of Beginning;
Thence North 01°17'58" East 28.46 feet;
Thence South 88°55'06" East 28.19 feet;
Thence South 34°39'09" East 33.02 feet;
Thence South 76°30'09" East 9.46 feet to a point hereinafter referred to as point 'A';
Thence continuing South 76°30'09" East 27.11 feet;
Thence South 88°13'15" East 101.77 feet;
Thence North 59°11'07" East 49.58 feet;

Site Name: Seattle Qwest - BEL011
Business Unit #: 880419



201005270123
Skagit County Auditor

Thence North $16^{\circ}04'15''$ East 46.53 feet;

Thence South $87^{\circ}27'13''$ East 52.87 feet to the East line of said Parcel A and the terminus of this centerline description;

Together with a tract of land being a 15 foot strip of land lying 7.5 feet on both sides of the following described centerline:

Commencing at aforementioned point 'A';

Thence South $00^{\circ}00'00''$ East 25.63 feet to the terminus of this centerline description;

The side lines are to be lengthened or shortened to connect with each other, the Tower Easement Parcel and the Existing Ground Lease being served by this easement, and the Easterly line of said Parcel A.

Containing 5,933 square feet, more or less.

Site Name: Seattle Qwest - BEL011
Business Unit #: 880419



201005270123

Skagit County Auditor