

**Return to:**

Richard J. Busch  
Busch Law Firm PLLC  
25025 SE Klahanie Blvd.F203  
Issaquah, WA 98029



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Skagit County Auditor

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

Grantor Name: City of Mount Vernon, a municipal corporation

Grantee Name: New Cingular Wireless PCS, LLC, a Delaware limited liability company

Legal Description: Por.SE/4 NE/4 S17 T34N R4E, W.M. (Abbreviated Legal.)  
Official legal description attached as Exhibit 1

Assessor's Tax Parcel ID #: P107826

Recording Numbers of  
Referenced Documents: Not Recorded

Tax Mailing Address: Does not apply True consideration paid: Does not apply

Cell Site #: RN50 Fixed Asset #: 10092733

Cell Site Name: Mount Vernon North

State: Washington County: Skagit

**Prepared by, and after recording**

**Return to:**

Richard J. Busch  
Busch Law Firm PLLC  
25025 SE Klahanie Blvd., F203  
Issaquah, WA 98029

Grantor: City of Mount Vernon, a municipal corporation  
Grantee: New Cingular Wireless PCS, LLC, a Delaware limited liability company  
Legal Description: A portion of the SE ¼ of the NE ¼ of Sec. 17, T34N, R4E W.M.  
See Exhibit 1 for full legal description  
Assessor's Tax Parcel ID #: P107826  
True Consideration Paid Does not apply Tax Mailing Address: Does not apply  
Cell Site #: RN50 Fixed Asset #: 10092733  
Cell Site Name: Mount Vernon North  
State: WA County: Skagit

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

This Memorandum of First Amendment to Site Lease Agreement is entered into on this 31<sup>st</sup> day of October, 2013, by and between City of Mount Vernon, a municipal corporation, having a mailing address of P.O. Box 809, Mount Vernon, WA 98273 ("City") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 575 Morosgo Drive NE, Suite 13-F, West Tower, Atlanta, GA 30324 ("Lessee").

1. City and Lessee entered into a certain Site Lease Agreement ("Agreement") on the 1<sup>st</sup> day of February, 2008, as amended by that certain First Amendment to Site Lease Agreement dated October 31, 2013, for the purpose of installing, operating and maintaining a communications facility and other improvements. All of the foregoing is set forth in the Agreement.
2. The portion of the land being leased to Lessee (the "Premises") is described in **Exhibit B-1** annexed hereto.
3. In addition to the renewal terms presently set forth in the Agreement, the Agreement will automatically renew for four (4) separate consecutive additional periods of five (5) years each upon the same terms and conditions of the Agreement, unless Lessee notifies City in writing of Lessee's intention not to renew the Agreement at least sixty (60) days prior to the expiration of the existing term.
4. This Memorandum of First Amendment to Site Lease Agreement 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 First Amendment to Site Lease Agreement 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 caused this Memorandum of First Amendment to Option and Site Lease Agreement to be effective as of the last date written below.

**CITY:**  
City of Mount Vernon

**LESSEE:**  
New Cingular Wireless PCS, LLC,  
a Delaware limited liability company

By: AT&T Mobility Corporation  
Its: Manager

By: [Signature]  
Print Name:  
Its:  
Date:

By: [Signature]  
Print Name: Brandon A. Olson  
Its: SC Real Estate + Const. Manager  
Date: 8/22/13

**Prepared by:**  
Nicole Bateman  
Ryka Consulting  
918 S. Horton St.  
Seattle, WA 98134

ATTEST: [Signature]

APPROVED AS TO FORM

[Signature]  
MOUNT VERNON CITY ATTORNEY



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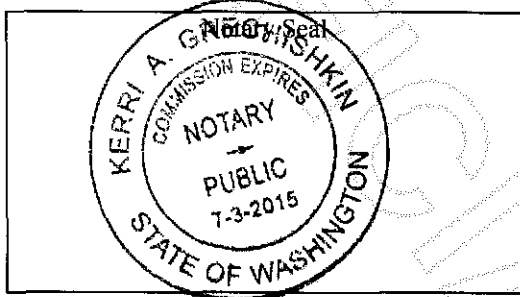
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STATE OF WASHINGTON )  
COUNTY OF Skagit )

SS.

I certify that I know or have satisfactory evidence that Jill Boudreau 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 Mount Vernon, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

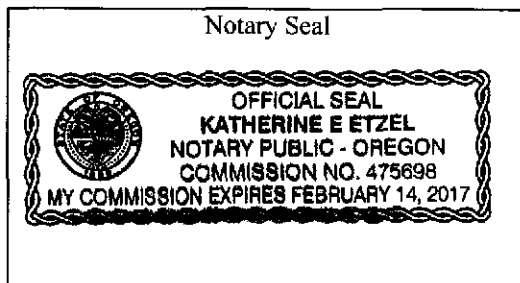
DATED: 10/31/13



Kerri A. Grechishkin  
(Signature of Notary)  
Kerri A. Grechishkin  
(Legibly Print or Stamp Name of Notary)  
Notary Public in and for the State of Washington  
My appointment expires: July 3, 2015

STATE OF OREGON )  
COUNTY OF Washington ) SS.

This instrument was acknowledged before me on August 22, 201 3 by Brandon A. Olsen as Sr. Real Estate + Const. mgr. of AT&T Mobility Corporation.



Katherine E. Etzel  
(Signature of Notary)  
Katherine E. Etzel  
(Legibly Print or Stamp Name of Notary)  
Notary Public in and for the State of Oregon  
My Commission expires: 2/14/17



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EXHIBIT 1  
LEGAL DESCRIPTION OF THE PROPERTY  
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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:

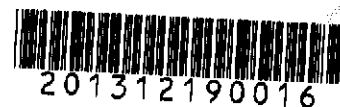
BEGIN AT THE SOUTHWEST CORNER OF LOT 2 OF MOUNT VERNON SHORT PLAT NO. MV-4-87, APPROVED DECEMBER 17, 1987 AND RECORDED DECEMBER 21, 1987, AS AUDITOR'S FILE NO. 8712210075, IN BOOK 8 OF SHORT PLATS, PAGE 8, WHICH IS THE INTERSECTION OF THE NORTH LINE OF THE SOUTH 679 FEET OF SAID SUBDIVISION, EITH THE 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, EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING 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 679.00 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 1°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 ACCROSS 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 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 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.,

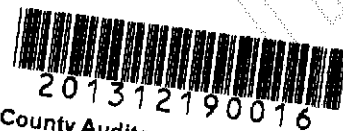
TOGETHER WITH THE NORTH 285.33 FEET OF THE SOUTH 565.33 FEET OF THE EAST 15 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 34 NORTH, RANGE 4 EAST W.M.

(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 ACCROSS A 15 FOOT WIDE STRIP OF LAND ADJOINING THE SOUTHERLY SIDE OF THE FOLLOWING DESCRIBED LINE:



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BEGINING 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 ACCROSS 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 585.33 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  
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 1/4 OF SECTION 17, TOWNSHIP 34  
NORTH, RANGE 4 EAST W.M.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER  
AND ACCROSS 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.



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## EXHIBIT B-1

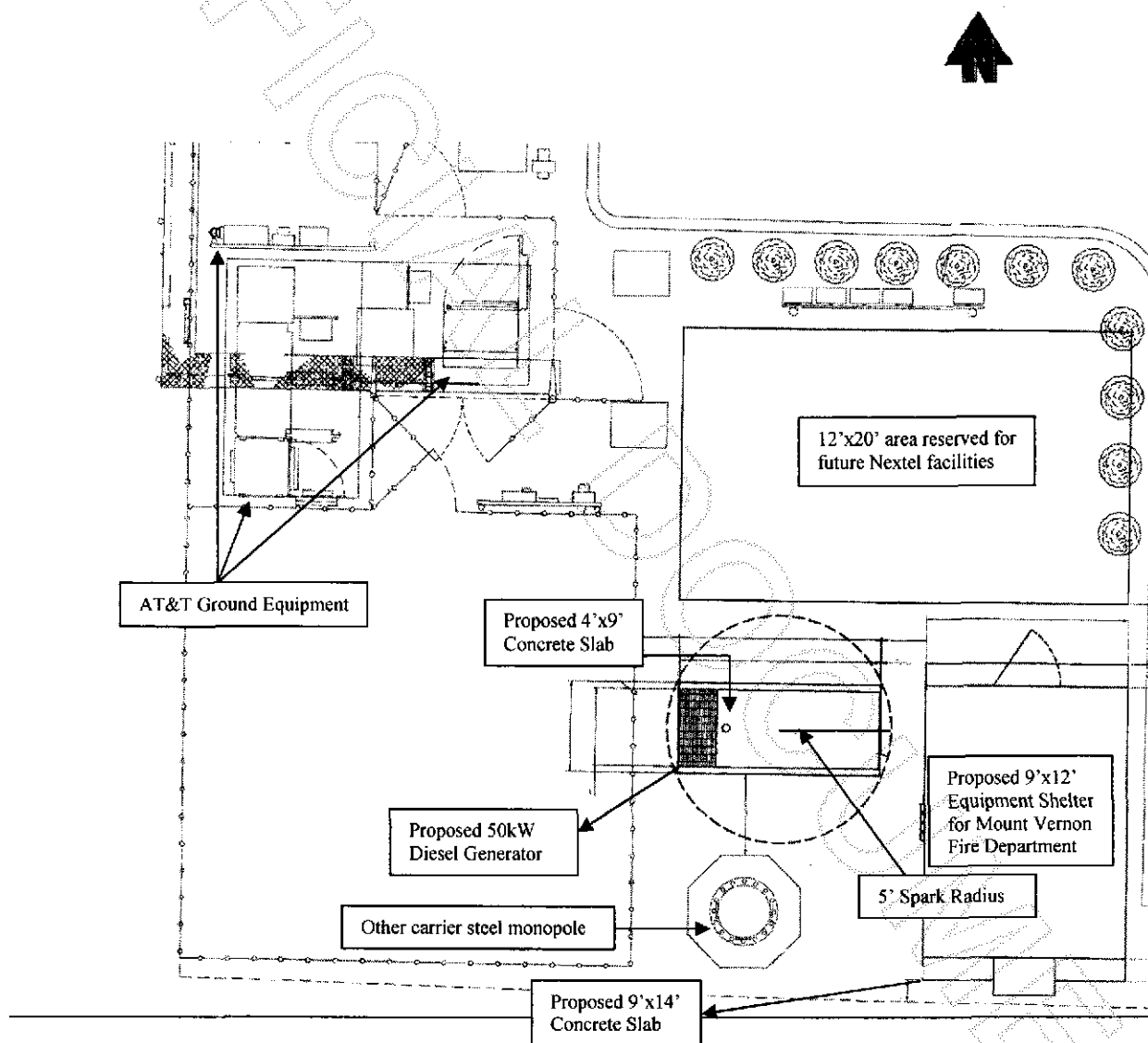
### DESCRIPTION OF PREMISES

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to the Memorandum of First Amendment to Option and Site Lease Agreement dated October 31, 2013, by and between City of Mount Vernon, as City, and New Cingular Wireless PCS, LLC, a Delaware liability company, as Lessee.

The Premises are described and/or depicted as follows:

Lease Area Site Sketch:



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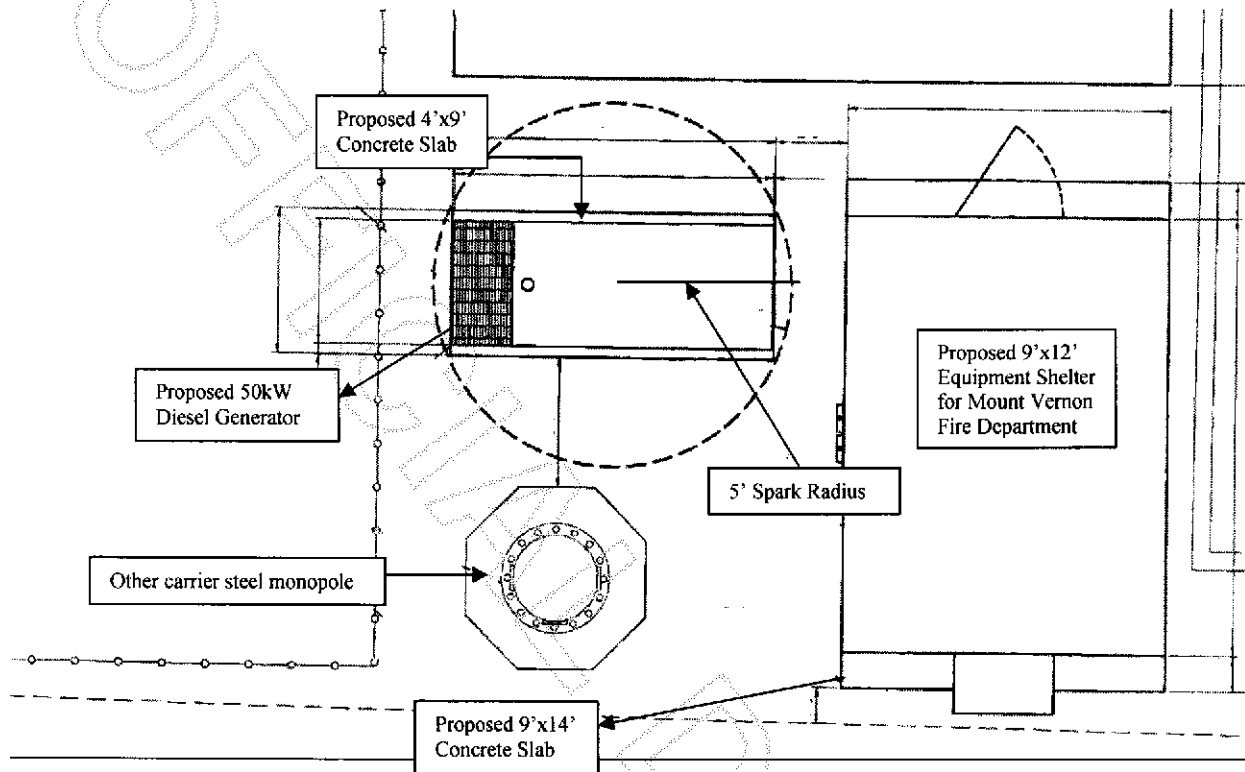
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EXHIBIT B-1

DESCRIPTION OF PREMISES

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