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04/06/2023 01:43 PM Pages: 1 of 7 Fees: \$209.50
Skagit County Auditor

Recording Requested By and
When Recorded Mail To:

Horizon Tower, LLC
117 Town & Country Drive, Ste A
Danville, CA 94526

HT Site Name: HARRINGTON
HT Site No: WA4712

Document Title: **Memorandum of Lease**

Landlord: Fred A. Olsen and Sandy S. Olsen

Tenant: Horizon Tower Limited, a Kansas limited liability company, as
Successor in interest to Horizon Tower Limited Partnership-II,
By Horizon Tower, LLC, its Operations Partner

Previous Recording
Number: 201811280064 – November 28, 2018

Reason for
Re-Recording: This Memorandum is being re-recorded to reflect the actual lease
area, access and utility easements; please note that Exhibit 1 has
been replaced with Exhibit A legal descriptions reflected on the
As-Built Survey.

Recording Requested By
and When Recorded Mail To:

Horizon Tower, LLC
117 Town & Country Drive, Suite A
Danville, CA 94526

HT Site Name: HARRINGTON
HT Site No.: WA4712

201811280064

11/28/2018 04:07 PM Pages: 1 of 4 Fees: \$102.00
Skagit County Auditor

(Recorder's Use Above this Line)

MEMORANDUM OF LEASE

This Memorandum of Lease is entered into on this 22nd day of May, 2018, by and between Fred A. Olsen and Sandy S. Olsen, having a mailing address of 18784 Kim Place, Burlington, WA 98233 (hereinafter referred to as "Landlord") and Horizon Tower Limited Partnership-II, a Kansas Limited Partnership, by Horizon Tower, LLC, its Operations Partner, with an office at 117 Town & Country Drive, Suite A, Danville, CA 94526 (hereinafter referred to as "Tenant").

1. Landlord and Tenant entered into a certain Lease Agreement ("Agreement") on the 22nd day of May, 2018, for the purpose of installing, operating and maintaining a communications facility and other improvements. All of the foregoing are set forth in the Agreement.
2. The term of the Agreement is for an Initial Term of five (5) years commencing on the date that Tenant commences construction and ending on the last day of the month in which the fifth (5th) anniversary of the Commencement Date occurs, with six (6) successive five (5) year options to renew.
3. The portion of the land being leased to Tenant (the "Premises") is described in **Exhibit 1** annexed hereto.
4. 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.

The Undersigned Transferee declares:
Documentary Transfer Tax Due \$ NONE
[*SEE TERMS BELOW]

COUNTY OF: SKAGIT

ASSESSOR PARCEL #: P118029

*Terms of lease are 35 years.

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

"LANDLORD"

Fred A. Olsen and Sandy S. Olsen

By: Fred A. Olsen
Print Name: Fred A. Olsen
Its: _____
Date: 2/14/18

By: Sandy S. Olsen
Print Name: Sandy S. Olsen
Its: _____
Date: 2-14-18

"TENANT"

Horizon Tower Limited Partnership-II, a
Kansas Limited Partnership

By: Horizon Tower, LLC, its Operations
Partner

By: [Signature]
Print Name: JOHN KARULKA
Its: CEO
Date: 5/22/18

LANDLORD ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

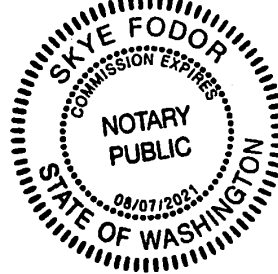
STATE OF Washington)
) ss:
COUNTY OF Skagit)

On the 14 day of Feb, 2018, before me, SKYE FODOR, Notary Public, personally appeared Fred & sandy Olsen, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature

**TENANT ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss:
COUNTY OF CONTRA COSTA)

On the 22nd day of May, 2018, before me, Paul Buschini, Notary Public, personally appeared John Kapulica, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

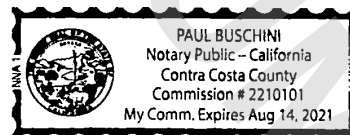


EXHIBIT 1

DESCRIPTION OF PREMISES

to the Agreement dated May 22, 2018, by and between Fred A. Olsen and Sandy S. Olsen, as Landlord, and Horizon Tower Limited Partnership-II, a Kansas Limited Partnership, by Horizon Tower, LLC, its Operations Partner, as Tenant.

The Premises are described and/or depicted as follows:

A 40'x 40' portion, together with access and utility easements, of:

Lot 4, RIVER VALLEY VIEW ESTATES, according to the Plat thereof recorded May 7, 2001, under Auditor's File No. 280105070102, records of Skagit County, Washington.

Situated in Skagit County, Washington.

LL initials: F.A. / S.S.
Tenant initials: [Signature]

Notes:

1. This Exhibit may be replaced by a land survey and/or construction drawings of the Premises once received by Tenant.
2. Any setback of the Premises from the Property's boundaries shall be the distance required by the applicable governmental authorities.
3. Width of access road shall be the width required by the applicable governmental authorities.
4. The type, number and mounting positions and locations of antennas and transmission lines are illustrative only. Actual types, numbers and mounting positions may vary from what is shown above.

EXHIBIT A**DESCRIPTION OF PREMISES**

to the Agreement dated May 22, 2018, by and between Fred A. Olsen and Sandy S. Olsen, as Landlord and Horizon Tower Limited, LLC, a Kansas limited liability company, as successor in interest to Horizon Tower Limited Partnership-II, as Tenant:

LEASE EASEMENT LEGAL DESCRIPTION

A LEASE EASEMENT FOR TELECOMMUNICATION EQUIPMENT LOCATED IN LOT 4, RIVER VALLEY VIEW ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 2001, UNDER AUDITOR'S FILE NO. 200105070102, RECORDS OF SKAGIT COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID LOT 4, 61.50 FEET SOUTHERLY OF THE NORTHWEST CORNER;
THENCE S 87°31'02" E 60.55 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING S 87°31'02" E 40.00 FEET;
THENCE S 02°28'58" W 40.00 FEET;
THENCE N 87°31'02" W 40.00 FEET;
THENCE N 02°28'58" E 40.00 TO THE POINT OF BEGINNING AND THE TERMINUS OF THIS DESCRIPTION.

ACCESS & UTILITIES LEGAL DESCRIPTION

A 15 FOOT WIDE ACCESS AND UTILITIES EASEMENT LOCATED IN LOT 4, RIVER VALLEY VIEW ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 2001, UNDER AUDITOR'S FILE NO. 200105070102, RECORDS OF SKAGIT COUNTY, WASHINGTON, LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A POINT ON THE WEST LINE OF SAID LOT 4, 204.65 FEET SOUTHERLY OF THE NORTHWEST CORNER;
THENCE S 88°23'46" E 49.18 FEET TO THE POINT OF BEGINNING;
THENCE N 19°15'53" W 65.18 FEET TO A POINT CURVATURE CONCAVE TO THE SOUTHEAST;
THENCE ALONG SAID CURVE HAVING A RADIUS OF 36.00 FEET THROUGH A CENTRAL ANGLE OF 111°34'46" A DISTANCE OF 70.11 FEET TO THE WEST MARGIN OF A LEASE AREA AND THE TERMINUS OF THIS DESCRIPTION THE MARGINS OF WHICH SHOULD BE LENGTHENED OR SHORTENED TO INTERSECT AT THE NORTH MARGIN OF KIM PLACE AS DELINEATED ON SAID PLAT OF RIVER VALLEY VIEW ESTATES AND AT THE SAID WEST MARGIN OF A LEASE AREA WHICH BEARS N 02°28'58" E AND S 02°28'58" W FROM SAID POINT OF TERMINUS.

TOGETHER WITH THAT PORTION OF TRACT A, SAID RIVER VALLEY VIEW ESTATES, BETWEEN THE SOUTH END OF THE AFOREMENTIONED ACCESS AND UTILITY EASEMENT AND BOW HILL ROAD, A PUBLIC RIGHT OF WAY.