

BK 0100 PG 0075

STATE MS.-DESOTO CO.

FILED

AUG 25 3 36 PM '03

Site Name: Horn Lake

Site ID: 5200362106

BK 100 PG 75
W.E. DAVIS CH. CLK.

[SPACE ABOVE LINE FOR RECORDER'S USE ONLY]

This Instrument Was Prepared By and
When Recorded Mail To:

James M. Adcox III, Esq.
Waller Lansden Dortch & Davis
A Professional Limited Liability Company
511 Commerce Street, Suite 2100
Nashville, Tennessee 37219
Phone: 615-244-6380

Signature: _____



To the Chancery Clerk of DeSoto County, Mississippi: The real property described herein is situated in the Northwest Quarter of the Northeast Quarter of Section 33, Township 1 South, Range 8 West, in the City of Horn Lake, DeSoto County, Mississippi.

MEMORANDUM OF WATER TOWER LEASE AGREEMENT

STATE OF MISSISSIPPI
COUNTY OF DESOTO

This MEMORANDUM OF TOWER LEASE AGREEMENT ("Memorandum") is executed by and between the CITY OF HORN LAKE, MISSISSIPPI, with its principal offices located at 3101 Goodman Road, Horn Lake, Mississippi 38637 ("Lessor") and VERIZON WIRELESS TENNESSEE PARTNERSHIP, a Delaware

general partnership, d/b/a Verizon Wireless, whose address is 180 Washington Valley Road, Bedminster, New Jersey 07921 ("Lessee").

RECITALS:

WHEREAS, Lessor and Lessee have entered into that certain Water Tower Lease Agreement dated the 13 day of August, 2003 (the "Lease"); and

WHEREAS, Lessor and Lessee desire to file this Memorandum of record in the Register's Office of DeSoto County, Mississippi, in order to provide record notice to all third parties of Lessee's rights under the Lease;

NOW, THEREFORE, for and in consideration of the Leased Premises (as defined herein), the covenants and promises of the parties set forth herein and in the Lease, and for other good and valuable consideration, the receipt, adequacy and sufficiency of which is expressly acknowledged by the parties hereto, Lessor and Lessee agree and acknowledge for themselves, their respective successors and assigns, as follows:

Subject to and in consideration of the terms and conditions set forth in the Lease, Lessor leases to Lessee, and Lessee agrees to lease from Lessor, the premises located within the water tower located in the City of Horn Lake, DeSoto County, Mississippi, as more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, together with certain space upon such water tower along with the access and utility easements more particularly described on Exhibit "A" attached hereto and incorporated herein by reference (collectively, the "Leased Premises").

The Lessor claims title under an instrument previously recorded in the office of the Chancery Clerk of DeSoto County, Mississippi, in Land Deed Book 320, page 121.

To have and to hold the Leased Premises unto Lessee, its successors and assigns, for a term of five (5) years commencing as provided in the Lease and continuing until midnight on the fifth anniversary of the commencement date (the "Primary Term"), subject to Lessee's option to extend the term for four (4) additional terms of five (5) years each upon the terms and conditions set forth in the Lease;

The rent and other obligations of Lessor and Lessee are set forth in the Lease, to which reference is made for further information. If a conflict exists between the terms of the Lease and those contained in this Memorandum, those contained in the Lease shall govern and be controlling;

This Memorandum contains only selected provisions of the Lease, and reference is made to the full text of the Lease for the full terms and conditions. This

Memorandum shall not, in any way, amend or supersede the terms and conditions of the Lease;

This Memorandum and the Lease are governed by the laws of the State of Mississippi.

IN WITNESS WHEREOF, Lessor and Lessee have caused their names to be signed as of the date and year first above written.

LESSOR:

City of Horn Lake, Mississippi

By: 
Name: Mike Thomas
Title: Mayor

LESSEE:

Verizon Wireless Tennessee Partnership
d/b/a Verizon Wireless

By: Cellco Partnership, Its general partner

By: 
Howard H. Bower
Area Vice President – Network
South Area

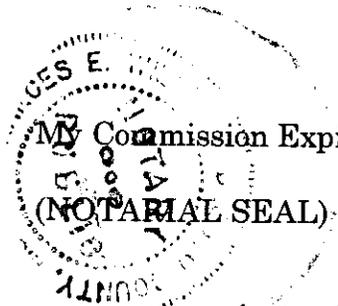
STATE OF MISSISSIPPI
COUNTY OF Desoto

BEFORE ME, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Mike Thomas, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged himself to be the Mayor of the City of Horn Lake, Mississippi, the within named bargainor, and that Mike Thomas, as such Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the city by him/herself as Mayor.

Witness my hand and seal, at office in City of Horn Lake, Ms. this the 13 day of August, 2003.

Frances E Williams
NOTARY PUBLIC

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 14, 2006
BONDED THRU STEGALL NOTARY SERVICE



My Commission Expires: _____

(NOTARIAL SEAL)

STATE OF North Carolina)
COUNTY OF Cabarrus)

BEFORE ME, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Howard H. Bower, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged himself to be Area Vice President – Network South Area of Cellco Partnership, the general partner of Verizon Wireless Tennessee Partnership, a Delaware general partnership, and that Howard H. Bower, as such Area Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the general partnership by himself as Area Vice President – Network South Area.

Witness my hand and seal, at office in Charlotte, N.C. this the 4th day of August, 2003.

Betty F. Johnson
NOTARY PUBLIC

My Commission Expires: 4-18-05
~~NOTARY PUBLIC~~

(NOTARIAL SEAL)

STATE OF NORTH CAROLINA
CABARRUS COUNTY
BETTY F. JOHNSON
MY COMMISSION EXPIRES
APRIL 18, 2005

EXHIBIT A**Land upon which the Leased Premises is Located**

Lessee is referred to as "Verizon Wireless" in this Exhibit

HORN LAKE, MS - 5200362106

**VERIZON WIRELESS' EQUIPMENT SITE LEASEHOLD AREA
DESCRIPTION**

Being a portion of the City of Horn Lake City Hall property located in the northwest quarter of the northeast quarter of Section 33, Township 1 South, Range 8 West, located in the city of Horn Lake, DeSoto County, Mississippi, and being more particularly described as follows:

Commence at an iron pin in the west margin of Tulane Road located at Mississippi State Plane (NAD 83 West) Grid Coordinate North 1,986,630.26, East 2,382,393.57, said iron pin being at the southeast corner of the property conveyed to the City of Horn Lake, Mississippi, of record in Deed Book 320, Page 421, of the Chancery Court Clerk's Office of DeSoto County, Mississippi.;

Thence, leaving the west margin of Tulane Road, North 77 degrees 56 minutes 15 seconds West, 486.32 feet to the southeast corner of the City of Horn Lake's water tank site;

Thence, North 35 degrees 59 minutes 40 seconds West, 99.57 feet to a point at the east corner of Verizon Wireless' equipment site leasehold area located along the inner tank wall of the City of Horn Lake's elevated water tank, said point being at the point of beginning of the following described equipment site leasehold area;

Thence, leaving the inner tank wall of said elevated water tank, North 67 degrees 30 minutes 00 seconds West, 12.24 feet to a point;

Thence, South 22 degrees 30 minutes 00 seconds West, 3.40 feet to a point;

Thence, North 67 degrees 30 minutes 00 seconds West, 16.01 feet to a point;

Thence, North 22 degrees 30 minutes 00 seconds East, 14.56 feet to a point at the north corner of Verizon Wireless' equipment site leasehold area located along the inner tank wall of the City of Horn Lake's elevated water tank;

Thence, along the inner tank wall of the City of Horn Lake's elevated water tank, along a curve with a central angle of 73 degrees 40 minutes 16 seconds, a radius of 25.34 feet, and a chord bearing of South 45 degrees 56 minutes 08 seconds East, 30.38 feet, a total distance of 32.58 feet to the point of beginning, containing 317 square feet.

Including an easement for the purpose of affording ingress to and egress from Verizon Wireless' equipment site lease tract and for facilitating the construction and maintenance of electric and telephone utility service to said equipment site lease tract, said easement being a blanket easement over the 160 foot by 150 foot City of Horn Lake, water tank site, and the use of a twenty foot wide ingress / egress access easement extending from Tulane Road to the City of Horn Lake's elevated water tank.

Being a portion of the property conveyed to the City of Horn Lake, Mississippi, of record in Deed Book 320, Page 421, of the Chancery Court Clerk's Office of DeSoto County, Mississippi.

Site Name: Horn Lake
Site ID: 5200862106

EXHIBIT A

Land upon which the Leased Premises is Located

Lessee is referred to as "Verizon Wireless" in this Exhibit

**HORN LAKE, MS - 5200362106
VERIZON WIRELESS' JOINT INGRESS / EGRESS & PUBLIC UTILITY
ACCESS EASEMENT AREA DESCRIPTION**

Being a twenty foot wide joint ingress / egress and public utility access easement extending from the west margin of Tulane Road to the City of Horn Lake's elevated water tank, at all times being ten feet wide each side and parallel to the following described centerline:

Being a portion of the City of Horn Lake City Hall property located in the northwest quarter of the northeast quarter of Section 33, Township 1 South, Range 8 West, located in the city of Horn Lake, DeSoto County, Mississippi, and being more particularly described as follows:

Beginning at a survey nail in the west margin of Tulane Road located at Mississippi State Plane (NAD 83 West) Grid Coordinate North 1,987,038.91, East 2,382,394.32, said survey nail being North 00 degrees 06 minutes 19 seconds East, 408.65 feet from an iron pin in the west margin of Tulane Road at the southeast corner of the property conveyed to the City of Horn Lake, Mississippi, of record in Deed Book 320, Page 421, of the Chancery Court Clerk's Office of DeSoto County, Mississippi.;

Thence, leaving the west margin of Tulane Road, North 89 degrees 45 minutes 35 seconds West, 381.85 feet to a point;

Thence, along a curve to the left with a central angle of 90 degrees 00 minutes 00 seconds, and a radius of 40.00 feet, a distance of 62.83 feet to a point;

Thence, South 00 degrees 14 minutes 25 seconds West, 51.63 feet to a point;

Thence, along a curve to the right with a central angle of 76 degrees 28 minutes 54 seconds, and a radius of 100.00 feet, a distance of 133.49 feet to a point;

Thence, South 76 degrees 43 minutes 18 seconds West, 44.53 feet to a point;

Thence, South 27 degrees 19 minutes 47 seconds West, 11.12 feet to the point of termination, said point being located along the outer tank wall of the City of Horn Lake's elevated water tank, containing 13,709 square feet, (0.315 acres).

Being a portion of the property conveyed to the City of Horn Lake, Mississippi, of record in Deed Book 320, Page 421, of the Chancery Court Clerk's Office of DeSoto County, Mississippi.

EXHIBIT A**Land upon which the Leased Premises is Located**

Lessee is referred to as "Verizon Wireless" in this Exhibit

**HORN LAKE, MS - 5200362106
VERIZON WIRELESS' 10' WIDE PUBLIC UTILITY EASEMENT AREA
DESCRIPTION**

Being a ten foot wide public utility easement extending from the west margin of Tulane Road to the City of Horn Lake, Mississippi's elevated water tank, at all times being five feet wide each side and parallel to the following described centerline:

Being a portion of the City of Horn Lake City Hall property located in the northwest quarter of the northeast quarter of Section 33, Township 1 South, Range 8 West, located in the city of Horn Lake, DeSoto County, Mississippi, and being more particularly described as follows:

Beginning at a point in the west margin of Tulane Road located at Mississippi State Plane (NAD 83 West) Grid Coordinate North 1,986,650.66, East 2,382,393.61, said point being North 00 degrees 06 minutes 19 seconds East, 20.40 from an iron pin in the west margin of Tulane Road at the southeast corner of the property conveyed to the City of Horn Lake, Mississippi, of record in Deed Book 320, Page 421, of the Chancery Court Clerk's Office of DeSoto County, Mississippi;

Thence, leaving the west margin of Tulane Road, South 86 degrees 46 minutes 18 seconds West, 513.31 feet to a point;

Thence, North 14 degrees 19 minutes 04 seconds West, 167.01 feet to the point of termination, said point being located along the outer tank wall of the City of Horn Lake's elevated water tank, containing 6,803 square feet, (0.156 acres).

Being a portion of the property conveyed to the City of Horn Lake, Mississippi, of record in Deed Book 320, Page 421, of the Chancery Court Clerk's Office of DeSoto County, Mississippi.

Site Name: Horn Lake
Site ID: 5200362106

EXHIBIT A

Land upon which the Leased Premises is Located

Lessee is referred to as "Verizon Wireless" in this Exhibit

**HORN LAKE, MS - 5200362106
VERIZON WIRELESS' THREE FOOT WIDE PUBLIC UTILITY EASEMENT
AREA DESCRIPTION**

Being a three foot wide public utility easement extending from the inner tank wall of the City of Horn Lake's elevated water tank to Verizon Wireless' equipment site leasehold area, at all times being 1.5 feet wide each side and parallel to the following described centerline:

Beginning at a point in the inner tank wall of the City of Horn Lake's elevated water tank located at Mississippi State Plane (NAD 83 West) Grid Coordinate North 1,986,783.58, East 2,381,839.81, said point being North 56 degrees 31 minutes 45 seconds West, 93.71 feet from the southeast corner of the City of Horn Lake's water tank site;

Thence, leaving the inner tank wall of the City of Horn Lake's elevated water tank, North 16 degrees 07 minutes 43 seconds East, 34.41 feet to a point in the south margin of Verizon Wireless' equipment site leasehold area, said point being North 67 degrees 30 minutes 00 seconds West, 10.93 feet from the east corner of Verizon Wireless' equipment site leasehold area, containing 103 square feet.

Being a portion of the property conveyed to the City of Horn Lake, Mississippi, of record in Deed Book 320, Page 421, of the Chancery Court Clerk's Office of DeSoto County, Mississippi.