

**THIS DOCUMENT PREPARED BY,  
and  
WHEN RECORDED RETURN TO:**

Michael Fraunces, President  
Md7, LLC  
10590 West Ocean Air Drive  
Suite 300  
San Diego, CA 92130

**PARCEL #: 208579 & 208580**

SPACE ABOVE FOR RECORDER'S USE

Re: Cell Site #: DX-3831  
Cell Site Name: KILLEEN AIRPORT TERMINAL BLG (TX)  
Fixed Asset Number: 10105531  
State: TX  
County: Bell

**MEMORANDUM  
OF  
AGREEMENT**

This Memorandum of Agreement is entered into on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by and between the City of Killeen, Texas, a home rule municipal corporation, having a mailing address at 8101 South Clear Creek Road, Box C, Killeen, TX 76549 (hereinafter referred to as "City") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, successor by merger to Texas Cellular Telephone Company, LP, dba AT&T Wireless Services, having a mailing address of 575 Morosgo Drive NE, Atlanta, GA 30324 (hereinafter referred to as "Licensee").

1. City and Licensee (or their predecessors in interest) entered into a certain Communications Facilities License dated July 26, 2004, as further amended by that certain First Amendment to Communications Facilities License dated \_\_\_\_\_, 201\_\_ (hereinafter, collectively, the "Agreement") for the purpose of installing, operating and maintaining a communications facility and other improvements at City's real property located in the City of Killeen, County of Bell, commonly known as 8101 Clear Creek Road ("Property"). All of the foregoing are set forth in the Agreement.
2. The New Initial Term will be five (5) years ("New Initial Term") commencing on September 1, 2017, with five (5) successive five (5)year options to renew.

3. The City agrees to lease a portion of their Property (as further described in **Exhibit 1** annexed hereto) to Licensee (the “**Premises**”).
4. This Memorandum of 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 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.

[NO MORE TEXT ON THIS PAGE - SIGNATURES TO FOLLOW ON NEXT PAGE]

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

**CITY:**  
City of Killeen, Texas,  
a home rule municipal corporation

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

**By: AT&T Mobility Corporation**  
**Its: Manager**

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_





## Exhibit 1 to Memorandum of Agreement

### Legal Description (page 1 of 2)

The Property is legally described as follows:

Street Address: 8101 Clear Creek Road, Killeen, TX 76549

Parcel #: 208579 & 208580

FIELD NOTES for a tract of land in Bell County, Texas, part of the R.K. Noah Survey, Abstract No. 1101, the C.C. Allen Survey, Abstract No. 1100, and the R. A. McGee Survey, Abstract No. 563, and the land herein described being a part of that certain 240.17 acre tract from Kansas City Life Insurance Co. to the United States of America described in a deed, being of record in Volume 510, Page 10, Deed Records of Bell County, Texas and that certain 199.85 acre tract from A. Judson Henderson, etux, to The United States of America described in a deed, being of record in Volume 504, Page 609, Deed Records of Bell County, Texas.

BEGINNING at point in the west margin of Clear Creek Road that bears N. 04°49'26" W., 182.74 feet from the intersection of the south margin of Reess Creek Road with the west margin of Clear Creek Road, for a corner of this.

THENCE S. 04°49'26" E., 948.00 feet to a 3/8" iron rod set, for the southeast corner of this.

THENCE S. 78°03'28" W., 588.90 feet to a 3/8" iron rod set, for the southwest corner of this.

THENCE N. 22°36'02" W., 2513.58 feet to a 3/8" iron rod set, for the northwest corner of this.

THENCE N. 67°23'57" E., 2263.32 feet to a 3/8" iron rod set in the west margin of Clear Creek Road, for the northeast corner of this.

THENCE with the west margin of Clear Creek Road S. 12°59'04" W., 317.43 feet to a 3/8" iron rod set and S. 17°01'39" W., 1897.71 feet to the PLACE OF BEGINNING, containing 76.571 acres of land.

The bearings for the above description are based upon Texas State Plane Coordinate System (Central Zone) derived by G.P.S. observation.

The Premises (and access and utility easements) is located on a portion of the Property and is described as follows:

