

**MEMORANDUM
OF
LEASE**

This Memorandum of Lease is entered into on this day of , 20 , by and between the City of Cocoa, Florida, a Municipal Corporation, having its principal office 65 Stone Street, Cocoa, FL 32922 (hereinafter called "**City**"), and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 1025 Lenox Park Blvd NE 3rd Floor, Atlanta, GA 30319 ("**AT&T**").

1. City and AT&T entered into a certain Telecommunications Tower Collocation Land Lease Agreement ("**Agreement**") on the day of , 2021, for the purpose of installing, operating and maintaining a communication facility and other improvements. All of the foregoing is set forth in the Agreement.
2. The initial lease term will be five (5) years commencing on the Effective Date, with six (6) successive automatic five (5) year options to renew.
3. The portion of the land being leased to AT&T and associated easements are described in **Exhibit 1** annexed hereto.
4. This Memorandum of Lease 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 Lease 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 executed this Memorandum of Lease as of the day and year first above written.

Signed, sealed and delivered in the presence of the following witnesses:

CITY OF COCOA, FLORIDA

Stockton Whitten, City Manager

Date: _____

ATTEST:

Carie Shealy, City Clerk, MMC

Signature of Witness

Printed Name of Witness

Signature of Witness

Printed Name of Witness

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization, this _____ day of _____, 2021, by Stockton Whitten, the City Manager of the City of Cocoa, Florida, a Florida municipal corporation, on behalf of the corporation, who is personally known to me or produced _____ as identification.

(NOTARY SEAL)

(Notary Public Signature)

(Print Name)

Notary Public, State of _____

Commission No.: _____

My Commission Expires: _____

Signed, sealed and delivered in the presence of the following witnesses:

[Signature]
Signature of Witness
Samantha Heilig
Printed Name of Witness

[Signature]
Signature of Witness
MICHAEL NIX
Printed Name of Witness

**NEW CINGULAR WIRELESS PCS, LLC, a
Delaware limited liability company**

**By: AT&T Mobility Corp.
Its: Manager**

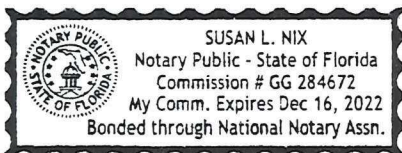
[Signature]
Print name and title: John Heggy, Area Manager

Date: 9/8/2021

STATE OF Florida
COUNTY OF Seminole

The foregoing instrument was acknowledged before me by means of (☒) physical presence or (☐) online notarization, this 8th day of September, 2021, by John Heggy, the Area Manager of New Cingular Wireless-PCS, LLC, a Delaware limited liability company, on behalf of the company, who is personally known to me or produced _____ as identification.

(NOTARY SEAL)



[Signature]
(Notary Public Signature)

Susan L. Nix

(Print Name)

Notary Public, State of Florida

Commission No.: GG 284672

My Commission Expires: 12/16/22

EXHIBIT 1 TO MEMORANDUM OF LEASE
DESCRIPTION OF PROPERTY AND PREMISES

to the Memorandum of Lease dated _____, 20____, by and between City of Cocoa, Florida, a Municipal Corporation, as City, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as AT&T.

The Property is legally described as follows:

PARENT TRACT

A PORTION OF SECTION 19, TOWNSHIP 24, SOUTH, RANGE 36 EAST, BEING MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORDS BOOK 1565, PAGE 246 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

The Premises are described and/or depicted as follows:

AT&T MOBILITY LEASE PARCEL

A PORTION OF SECTION 19, TOWNSHIP 24 SOUTH, RANGE 36 EAST, OFFICIAL RECORDS BOOK 1565, PAGE 246 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 7, COLLEGE GREEN ESTATES, UNIT 1, AS RECORDED IN PLAT BOOK 19, PAGE 66 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTH 20°43'12" WEST, A DISTANCE OF 105.32 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 33°39'49" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 09°13'19" WEST, A DISTANCE OF 19.54 FEET; THENCE NORTH 36°40'10" WEST, A DISTANCE OF 34.36 FEET; THENCE NORTH 56°20'11" EAST, A DISTANCE OF 15.10 FEET TO THE POINT OF BEGINNING. CONTAINING 0.0090 ACRES OR 392 SQUARE FEET, MORE OR LESS.

20.00 FEET WIDE ACCESS EASEMENT

A PORTION OF SECTION 19, TOWNSHIP 24 SOUTH, RANGE 36 EAST, OFFICIAL RECORDS BOOK 1565, PAGE 246 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LYING 10.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCE AT 1/2" IRON ROD (L4596), BEING THE SOUTHEAST CORNER OF 765 FEET AREA, SAID POINT OF COMMENCEMENT IS FURTHER REFERENCED AS FOLLOWS:

1. THE SOUTHWEST CORNER OF AN EXISTING HEAD WALL LIES N 89°32'18" W, 92.06 FEET FROM SAID POINT OF BEGINNING.
2. A 2" IRON PIPE, LOCATED AT THE MONUMENTED NORTHEAST CORNER OF LOT 1, BLOCK 7, COLLEGE GREEN ESTATES, UNIT 1, AS RECORDED IN PLAT BOOK 19, PAGE 66 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, COINCIDENT WITH THE SOUTHERLY RIGHT OF WAY LINE OF MICHIGAN AVENUE (A 100 FEET RIGHT OF WAY) LIES N 05°29'41" E, 247.27 FEET FROM SAID POINT OF BEGINNING.
3. THE SOUTHWESTERLY CORNER OF AN EXISTING FIRE STATION LIES N 06°33'30" E 135.25 FEET FROM SAID PONT OF BEGINNING.

THENCE, LEAVING SAID SOUTHEAST CORNER OF SAID POINT OF COMMENCEMENT, RUN N 80°46'41" W, 42.46 FEET; THENCE RUN N 09°13'19" E, 19.54 FEET; THENCE RUN N 33°39'49" E, 10.00 FEET TO POINT OF BEGINNING: THENCE RUN N 56°20'11" E, 54.54 FEET; THENCE RUN N 86°05'59" E, 80.15 FEET; THENCE RUN N 48°22'36" E, 39.55; THENCE RUN N 10°39'13" E, 129.57 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF MICHIGAN AVENUE AND THE POINT OF TERMINATION. THE SIDELINES OF SAID EASEMENT ARE TO BE SHORTENED OR PROLONGED TO MEET AT THE ANGLE POINTS OF PROJECT BOUNDARIES.

10.00 FEET WIDE UTILITY EASEMENT

A PORTION OF SECTION 19, TOWNSHIP 24 SOUTH, RANGE 36 EAST, OFFICIAL RECORDS BOOK 1565, PAGE 246 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LYING 5.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT 1/2" IRON ROD (L4596), BEING THE SOUTHEAST CORNER OF 765 FEET AREA, SAID POINT OF COMMENCEMENT IS FURTHER REFERENCED AS FOLLOWS:

1. THE SOUTHWEST CORNER OF AN EXISTING HEAD WALL LIES N 89°32'18" W, 92.06 FEET FROM SAID POINT OF BEGINNING.
2. A 2" IRON PIPE, LOCATED AT THE MONUMENTED NORTHEAST CORNER OF LOT 1, BLOCK 7, COLLEGE GREEN ESTATES, UNIT 1, AS RECORDED IN PLAT BOOK 19, PAGE 66 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, COINCIDENT WITH THE SOUTHERLY RIGHT OF WAY LINE OF MICHIGAN AVENUE (A 100 FEET RIGHT OF WAY) LIES N 05°29'41" E, 247.27 FEET FROM SAID POINT OF BEGINNING.

3. THE SOUTHWESTERLY CORNER OF AN EXISTING FIRE STATION LIES N 06°33'30" E 135.25 FEET FROM SAID PONT OF BEGINNING.

THENCE, LEAVING SAID SOUTHEAST CORNER OF SAID POINT OF COMMENCEMENT, RUN N 80°46'41" W, 42.46 FEET; THENCE RUN N 09°13'19" E, 19.54 FEET; THENCE RUN N 56°20'11" E, 17.00 FEET; THENCE RUN S 09°13'19" W, 6.82 FEET TO THE POINT OF BEGINNING; THENCE RUN N 56°20'11" E, 45.26 FEET; THENCE RUN N 29°44'10" W, 65.42 FEET; THENCE RUN N 23°33'64" E, 31.52 FEET TO THE POINT TO BE FURTHER KNOWN AS "POINT A"; THENCE RUN N 70°55'10" W, 12.54 FEET; THENCE RETURN TO "POINT A"; THENCE RUN N 19°04'50" E, 111.71 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF MICHIGAN AVENUE AND THE POINT OF TERMINATION. THE SIDELINES OF SAID EASEMENT ARE TO BE SHORTENED OR PROLONGED TO MEET AT ANGLE POINTS AND PROJECT BOUNDARIES.