

Prepared by and Return to:

New Cingular Wireless PCS, LLC
8372 E. Broad Street Floor 2 – South
Reynoldsburg, OH 43068
Attn: Real Estate - C83

Market: OHPA
Cell Site Number: W047
Cell Site Name: Wheeling College
Search Ring Name: W047
Fixed Asset Number: 14232217

**MEMORANDUM
OF
LEASE**

This Memorandum of Lease is entered into on this 13 day of September, 2022, by and between Double J Realty, LLC, an Ohio limited liability company, having a mailing address of 67877 Pancoast Road North, Belmont, OH 43718 (hereinafter called "**Landlord**"), 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 ("**Tenant**").


1. Landlord and Tenant entered into a certain Option and Land Lease Agreement ("**Agreement**") on the 13 day of September, 2022, 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 of written notification by Tenant to Landlord of Tenant's exercise of its option, with seventeen (17) successive automatic five (5) year options to renew.
3. The portion of the land being leased to Tenant and associated easements are described in **Exhibit 1** annexed hereto.

4. The Agreement gives Tenant a right of first refusal in the event Landlord receives a bona fide written offer from a third party seeking any sale, conveyance, assignment or transfer, whether in whole or in part, of any property interest in or related to the Premises, including without limitation any offer seeking an assignment or transfer of the Rent payments associated with the Agreement or an offer to purchase an easement with respect to the Premises.
5. 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.

“LANDLORD


Double J Realty, LLC
an Ohio limited liability company

By: 
 Print Name: Jonathan Bedewy
 Its: Pres.
 Date: 8-9-22

“TENANT”

New Cingular Wireless PCS, LLC
a Delaware limited liability company

By: AT&T Mobility Corporation
Its: Manager

By: 
 Print Name: Cynthia A. Rafalski
 Its: Manager, Real Estate/Construction
 Date: 9-13-2022

[ACKNOWLEDGMENTS APPEAR ON NEXT PAGE]

TENANT ACKNOWLEDGMENT

STATE OF Pennsylvania)
) ss:
COUNTY OF Lawrence)

On the 13 day of September, 2022, before me personally appeared Cynthia A. Refolski, and acknowledged under oath that he/she is the SR. Recon mgr of AT&T Mobility Corporation, the Manager of New Cingular Wireless PCS, LLC, the Tenant named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Tenant.

Commonwealth of Pennsylvania - Notary Seal
Corena L. Rickel, Notary Public
Lawrence County
My commission expires October 4, 2025
Commission number 1278074
Member, Pennsylvania Association of Notaries

Corena L. Rickel
Notary Public: Corena L. Rickel
My Commission Expires: _____

[NOTARIAL SEAL]

LANDLORD ACKNOWLEDGMENT

STATE OF Ohio)
) ss:
COUNTY OF Belmont)

On the 9th day of August, 2022 before me, personally appeared Jonathan Bedway, who acknowledged under oath, that he/she is the person/officer named in the within instrument, and that he/she executed the same in his/her stated capacity as the voluntary act and deed of the Landlord for the purposes therein contained.

Katie R. Fowkes
Notary Public: Katie R. Fowkes
My Commission Expires: Oct. 4, 2025

[NOTARIAL SEAL]

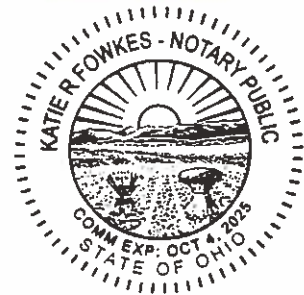


EXHIBIT 1 TO MEMORANDUM OF LEASE

DESCRIPTION OF PROPERTY AND PREMISES

Page 1 of 5

to the Memorandum of Lease dated September 13, 2022, by and between Double J Realty, LLC, an Ohio limited liability company, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as Tenant.

The Property is legally described as follows:

Situated in Wheeling City, Triadelphia District and the County of Ohio, West Virginia and being part of Lot 2 Woodsdale Hilltop Plaza Recorded in Plat Book 5, Page 43 of the County Commission of Ohio County, West Virginia and part of a parcel of land conveyed to The Bedway Group, Inc. recorded in Deed Book 664, Page 27, Parcel 2 and Deed Book 755, Page 723; Commencing at a capped iron bar set (JHA 2275) at the southeasterly corner of Lot 1 Woodsdale Hilltop Plaza and the southwesterly corner of a parcel of land conveyed to The Bedway Group, Inc. recorded in Deed Book 664, Page 27, Parcel 1; Thence along the southerly and easterly line of said Parcel 1 the following four courses and distances: North 76 degrees 57 minutes 03 seconds East, a distance of 103.60 feet to a capped iron bar set (JHA 2275), North 05 degrees 57 minutes 58 seconds West, a distance of 83.08 feet to a capped iron bar set (JHA 2275), North 43 degrees 50 minutes 07 seconds West, a distance of 39.64 feet to a capped iron bar set (JHA 2275), North 17 degrees 58 minutes 37 seconds West, a distance of 62.91 feet to the True Place of Beginning for the herein described parcel; Thence North 17degrees 58 minutes 37 seconds West, a distance of 203.15

feet to a capped iron bar set (JHA 2275); Thence South 29 degrees 39 minutes 38 seconds West, a distance of 84.12 feet to a capped iron bar set (JHA 2275); Thence North 60 degrees 20 minutes 22seconds West, a distance of 350.88 feet to a capped iron bar set (JHA 2275) on the easterly right of way line of Anthoni Avenue (50' wide); Thence along said easterly right of way the following six courses and distances: North 31 degrees 07 minutes 32 seconds East, a distance of 35.44 feet to a capped iron bar set (JHA 2275) at the P.C. of a curve to the left; 137.52 feet along said curve to the left to a capped iron set(JHA 2275) at the P.T. thereof said curve is further described as follows: Radius= 2030.00 feet, Length= 137.52 feet, Delta Angle = 3 degrees 52 minutes 54 seconds, Chord Length = 137.50 feet, Chord Bearing= North 29 degrees 11 minutes 06 seconds East; North 27degrees 14 minutes 39 seconds East, a distance of 89.62 feet to a capped iron bar set (JHA 2275) at the P.C. of a curve to the left 46.66 feet along said curve to the left to a capped iron bar set (JHA 2275), said curve to the left is further described as follows: : Radius= 150.00 feet, Length= 46.66 feet, Delta Angle = 17 degrees 49 minutes 18 seconds, Chord Length = 46.47 feet, Chord Bearing= North 18 degrees 20 minutes 00 seconds East; North 09 degrees 25 minutes 20 seconds East, a distance of 50.50 to a capped iron bar set (JHA 2275), North 16 degrees 02 minutes 04 seconds West, a distance of 19.44 feet to a capped iron bar set (JHA 2275) at the northwesterly corner of The Bedway Group (Deed Book 755, Page 723); Thence North 74 degrees 07minutes 22 seconds East, a distance of 66.69 feet to a capped iron bar set (JHA 2275) at the northeasterly corner thereof; Thence South 16 degrees 35 minutes 28 seconds East, a distance of 158.88 feet to a 5/8" iron bar found (Kyer 891) at the northwesterly corner of The Bedway Group (Deed Book 664, Page 27, Parcel 2); Thence North 74 degrees 08 minutes 23 seconds East, a distance of 334.77 feet to an iron pin found with cap Smith; Thence North 74 degrees 02 minutes 17seconds East, a distance of 101.25 feet to a capped iron bar set (JHA 2275); Thence South 12 degrees 10 minutes 57seconds East, a distance of 139.43 feet to a capped iron bar set (JHA 2275); Thence South 69degrees 00 minutes 17seconds West, a distance of 103.08 feet to a capped iron bar set (JHA 2275); Thence South 60 degrees 18 minutes 23 seconds West, a distance of 42.30 feet to a capped iron bar set (JHA 2275); Thence South 23 degrees 18minutes 23seconds West, a distance of 162.37 feet to a capped iron bar set (JHA 2275); Thence South 15 degrees 22 minutes 29seconds West, a distance of 148.85 to the southwesterly corner of Lot 22 in Scott and Hadsell's Addition recorded in Plat Book 2, Page 75 Thence South 43 degrees 44 minutes 00 seconds East, a distance of 58.35 to a point Thence South 46degrees 08minutes 23seconds West, a distance of 134.13 feet to the True Place of beginning and containing 4.89 acres of land as surveyed in May 2019 by JHA Companies under the direction of David L. Jensen,

Coordinate System North Zone NAD 83 (2011) as determine by GPS Observations.

Being part of the same real estate conveyed to The Bedway Group, Inc., by Deed dated April 5, 2004, and recorded in the Office of the Clerk of the County Commission of Ohio County, West Virginia in Deed Book 755, at Page 723; and also by Deed dated December 27, 1991, and recorded in the Office of the Clerk of the County Commission of Ohio County, West Virginia in Deed Book 664, at Page 27.

Grantee, as successor in interest to Grantor, obtains a non-exclusive easement or right-of-way on, over, and across the roadways and parking lots within the subject tract and adjoining tract by virtue of a reciprocal easement recorded in the Office of the Clerk of the County Commission of Ohio County, West Virginia in Deed Book 972, at Page 99.

PARCEL NUMBER: 10-W39-0135-0005-0000

The Premises are described and/or depicted as follows:

**Description of a Lease Area
0.0582 Acres (2537.0 Square Feet)**

Situated in the City of Wheeling, Triadelphia District, Ohio County, West Virginia. Being part of the tract recorded in Volume 972 at Page 99 of the Deed Records of the Ohio County Assessor's Office. Being a part of Parcel Number 10-W39-0135.5 and being more fully described as follows:

Beginning for reference at a point at the intersection of a paved road of the BEDWAY GROUP INC, (Vol. 755 Pg. 723) and National Road (U.S. Route 40). Thence following the centerline of the new easement, the following 16 courses;

- S 08°- 52'- 04" E – 55.22 feet to a point,
- With a curve to the right, with a radius of 124.15 feet, an arc length of 98.16 feet, a delta angle of 45°- 18'- 15", a chord bearing of S 07°- 47'- 31" W, and a chord length of 95.63 feet to a point,
- S 30°- 49'- 29" W – 86.38 feet to a point,
- S 28°- 29'- 46" W – 114.64 feet to a point,
- S 30°- 04'- 06" W – 155.05 feet to a point,
- With a curve to the left, with a radius of 127.50 feet, an arc length of 300.90 feet, a delta angle of 135°- 12'- 56", a chord bearing of S 41°- 55'- 41" E, and a chord length of 235.77 feet to a point,
- With a curve to the left, with a radius of 115.36 feet, an arc length of 50.70 feet, a delta angle of 25°- 10'- 58", a chord bearing of N 58°- 15'- 58" E, and a chord length of 50.30 feet to a point,
- N 43°- 42'- 19" E – 24.26 feet to a point,
- N 23°- 16'- 23" E – 143.61 feet to a point
- N 31°- 29'- 02" E – 120.75 feet to a point
- N 14°- 45'- 29" W – 13.66 feet to a point
- N 61°- 00'- 00" W – 50.96 feet to a point
- N 29°- 00'- 00" E – 20.00 feet to a point on the new lease line

N 61°- 00'- 00" W – 17.99 feet with the new lease line to an Iron Pin set this survey. Said Iron Pin set is the **Principal Place of Beginning** for this survey.

Thence with the line of the new lease area the following 6 courses.

N 63°- 49'- 28" E – 79.38 feet to an Iron Pin set this survey.

S 15°- 20'- 53" E – 18.22 feet to an Iron Pin set this survey.

S 00°- 00'- 00" E – 45.98 feet to an Iron Pin set this survey.

N 61°- 00'- 00" W – 22.87 feet to an Iron Pin set this survey.

N 90°- 00'- 00" W – 24.59 feet to an Iron Pin set this survey

N 61°- 00'- 00" W – 35.98 feet to an Iron Pin set this survey. Said Iron Pin set is the **Principal**

Place of Beginning for this survey. Said survey contains **0.0582 Acres (2537.0 Square Feet)**, more or less.

The attached plat, **Drawing Number 20174** is made a part of this description.

All Iron Pins set this survey are ½-inch x 30-inch rebar and have a plastic cap on them stamped Dale Exline RS 608.

Basis of bearings is State Plane Grid North, NAD83 (2011) West Virginia North Zone, tied by GPS to WVDOT CORS Stations. To denote angles only.

Subject to all legal easements and Right-of-Ways not listed above.

Centerline Description of a 20-foot wide Access and Utilities Easement

Situated in the City of Wheeling, Triadelphia District, Ohio County, West Virginia. Being part of the tract recorded in Volume 972 at Page 99 of the Deed Records of the Ohio County Assessor's Office. Being a part of Parcel Number 10-W39-0135.5 and being more fully described as follows:

Beginning for reference at a point at the intersection of a paved road of the BEDWAY GROUP INC, (Vol. 755 Pg. 723) and National Road (U.S. Route 40). Said point is the **Principal Place of Beginning** for this centerline description. Said easement being 10-feet on both sides of the following centerline description.

Thence with the centerline of the new easement the following 16 courses;

S 08°- 52'- 04" E – 55.22 feet to a point,

With a curve to the right, with a radius of 124.15 feet, an arc length of 98.16 feet, a delta angle of 45°- 18'- 15", a chord bearing of S 07°- 47'- 31" W, and a chord length of 95.63 feet to a point,

S 30°- 49'- 29" W – 86.38 feet to a point,

S 28°- 29'- 46" W – 114.64 feet to a point,

S 30°- 04'- 06" W – 155.05 feet to a point,

With a curve to the left, with a radius of 127.50 feet, an arc length of 300.90 feet, a delta angle of 135°- 12'- 56", a chord bearing of S 41°- 55'- 41" E, and a chord length of 235.77 feet to a point,

With a curve to the left, with a radius of 115.36 feet, an arc length of 50.70 feet, a delta angle of 25°- 10'- 58", a chord bearing of N 58°- 15'- 58" E, and a chord length of 50.30 feet to a point,

N 43°- 42'- 19" E – 24.26 feet to a point,

N 23°- 16'- 23" E – 143.61 feet to a point

N 31°- 29'- 02" E – 120.75 feet to a point

N 14°- 45'- 29" W – 13.66 feet to a point

N 61°- 00'- 00" W – 50.96 feet to a point

N 29°- 00'- 00" E – 20.00 feet to a point on the new lease line. Said point is the **Terminus Point**

for this centerline description.

In addition, a Turn Around Easement beginning for reference at an Iron Pin at the Southwest Corner of the Lease Area and being 20-feet south of the following described course:

S 61°- 00'- 00" E -35.98 feet (South Line of Lease Area)

The attached plat, **Drawing Number 20174** is made a part of this description.

All Iron Pins set this survey are ½-inch x 30-inch rebar and have a plastic cap on them stamped Dale Exline RS 608.

Basis of bearings is State Plane Grid North, NAD83 (2011) West Virginia North Zone, tied by GPS to WVDOT CORS Stations. To denote angles only.

Subject to all legal easements and Right-of-Ways not listed above.

