

## ACCESS AND UTILITY EASEMENT AGREEMENT

THIS ACCESS AND UTILITY EASEMENT AGREEMENT ("Agreement") is effective upon full execution, by and between the City of Burleson ("Grantor"), and T-Mobile West LLC, a Delaware limited liability company ("Grantee").

### RECITALS

WHEREAS, Grantor is the owner of certain parcels of land located in Burleson, Texas, commonly known as 231 SW Brushy Mound Road, Burleson TX 76028, and designated as Tax Parcel No. 42449993 ("Property") and described in Exhibit A; and

WHEREAS, Grantor and Grantee are parties to that certain Tower Lease with Option dated December 26<sup>th</sup>, 2006 ("Site Agreement"), whereby Grantor leased to Grantee a portion of its property ("Premises") for Grantee's telecommunications facility ("Facility"); and

WHEREAS, Grantor is willing to grant Grantee a nonexclusive easement over, upon, across, in, along and through portions of Grantor's Property, as depicted on Exhibit B, attached hereto, for use by Grantee in connection with Grantee's Facility, located on the Premises; and

WHEREAS, a Memorandum of Agreement for the Easement will be recorded and made a public record; and

NOW THEREFORE, in consideration of the mutual promises herein, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee hereby agree to the following:

1. Grantor hereby bargains, conveys, delivers, grants, sells, transfers and warrants unto Grantee a nonexclusive easement and right-of-way for persons, vehicles and utilities, over, upon, under, across, in, along and through those portions of the Property necessary to provide Grantee with access, including, but not limited, to the right to access electrical power and other utilities on the Property for the use and operations of Grantee's Facility (the, "Easement"), as further described in Exhibit B, attached hereto and incorporated herein by reference.
2. Grantee hereby agrees to pay Grantor a one-time fee ("Fee") of One Thousand and no/100 dollars (\$1,000.00) payable within thirty (30) days following full execution of this Agreement.
3. Grantee shall have 24-hours-a-day, 7-days-a-week access to the Easement. Except in exigent circumstances, Grantee will notify Grantor at least twenty-four (24) hours prior to accessing the Easement.
4. Grantor reserves the right to use the Easement for any purpose not inconsistent with the rights herein granted to Grantee, provided that Grantor shall not construct or maintain any obstruction or similar structure on the Easement which would interfere with the exercise of the rights granted herein.
5. Grantee agrees to indemnify and hold harmless Grantor from any and all claims for injuries and/or damages suffered by any person which may be caused by the Grantee's exercise of the rights granted herein provided that Grantee shall not be responsible for any claims arising from the negligence or intentional conduct of Grantor, its employees, its agents or independent contractors.
6. The rights granted herein shall commence on August 1, 2022 ("Commencement Date") and continue until such time as the Site Agreement, referenced above, expires or is terminated, in which event this Easement shall terminate thirty (30) days after the expiration or termination of said Site Agreement and all rights hereunder shall revert to Grantor. Upon termination or expiration of this Easement the parties shall have no further rights or obligations with respect to each other, save and except Grantee shall execute and record of a release of the Memorandum of Agreement associated

Site Number: DA02644A  
Site Name: Hampton-Burleson WT  
Market: Dallas

DA02644A\_NLG-59564\_Lease\_Backhaul Upgrade\_ATT 10G Upgrade

with this Easement as a public record. Grantee shall also have the right to terminate this Easement at any time, upon thirty (30) days prior written notice to Grantor.

7. Grantor represents and agrees (a) that Grantor has good and unencumbered title to the Property free and clear of any liens or mortgages, under which Grantor has the right to enter into this Agreement for its intended purpose hereunder; (b) that the person signing this Easement has the full right, power and authority to execute this Easement.

8. All notices, requests, demands and other communications shall be in writing and shall be effective three (3) business days after deposit in the U.S. mail, certified, return receipt requested or upon receipt if personally delivered or sent via a nationally recognized courier to the addresses set forth below. Grantor or Grantee may from time to time designate any other address for this purpose by providing written notice to the other party.

Grantor: City of Burleson  
141 West Renfro  
Burleson, TX 76028

Grantee: T-Mobile USA, Inc.  
12920 SE 38<sup>th</sup> ST  
Bellevue, WA 98006  
Attn: Lease Compliance/DA02644A

9. The benefits and obligations of this Easement shall be a covenant running with the land and shall inure to and be binding upon the employees, agents, contractors, sub-contractors, tenants, successors and assigns.

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Site Name: Hampton-Burleson WT  
Market: Dallas

10. Grantor agrees to concurrently execute with this Agreement a Memorandum of Agreement in the form annexed hereto as Exhibit C that may be recorded by Grantee in the official records of the County where the Property is located.

IN WITNESS WHEREOF, Grantor and Grantee have executed and delivered, or caused their duly authorized representative(s) to execute and deliver, this Agreement.

**GRANTOR:**

The City of Burleson

\_\_\_\_\_  
Witness: \_\_\_\_\_

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

Name: \_\_\_\_\_

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

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

**GRANTEE:**

T-Mobile West LLC, a Delaware limited liability company

Robert Proulx  
Witness: ROBERT PROULX

By: Harlan Kickhoefer

Name: Harlan Kickhoefer  
Title: Sr. Director, Network Eng and Ops

Date: 8/16/22



TMO Signatory Level : L06

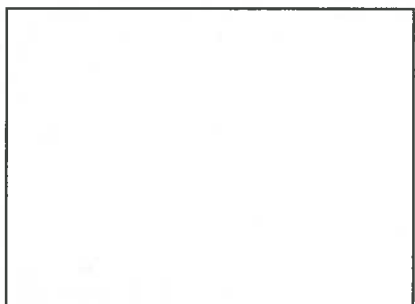
**[Notary block for Grantor]**

**[Grantor Notary block for a Corporation, Partnership, or Limited Liability Company]**

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_ by  
\_\_\_\_\_, [title] \_\_\_\_\_ of \_\_\_\_\_  
a \_\_\_\_\_ [type of entity], on behalf of said \_\_\_\_\_ [name of entity].

Dated: \_\_\_\_\_



(Use this space for notary stamp/seal)

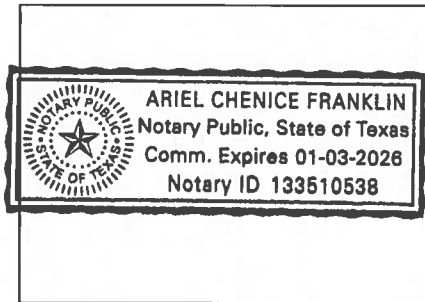
\_\_\_\_\_  
Notary Public  
Print Name \_\_\_\_\_  
My commission expires \_\_\_\_\_

[Notary block for Grantee]

STATE OF Texas )  
 ) ss.  
COUNTY OF Collin )

I certify that I know or have satisfactory evidence that Harlan Kickneder the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Sr. Director, Network Eng Ops of T-Mobile West LLC, a Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 8/16/2022



Ariel Chenice Franklin  
Notary Public  
Print Name Ariel Chenice Franklin  
My commission expires 1-3-2026

(Use this space for notary stamp/seal)

**EXHIBIT A**

**DESCRIPTION OF PROPERTY**

Owned Premise/Lease Area: Lot 1, Block 1, Brushy Mound

Site Number: DA02644A  
Site Name: Hampton-Burleson WT  
Market: Dallas

## **EXHIBIT B**

### **DESCRIPTION OF EASEMENT**

Site Number: DA02644A  
Site Name: Hampton-Burleson WT  
Market: Dallas





#### GENERAL NOTES:

1. ALL BEARINGS ARE GRID BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4302), NORTH AMERICAN DATUM OF 1983 AND ARE ROUNDED TO THE NEAREST SECOND. ALL DISTANCES ARE REPRESENTED IN GRID VALUES, BASED ON SAID HORIZONTAL DATUM AND ARE MEASURED IN US SURVEY FEET TO THE NEAREST HUNDRETH OF FOOT.
2. ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (GEOID18) AND ARE DETERMINED TO THE NEAREST TENTH OF FOOT.
3. PROVIDED ELEVATIONS, LATITUDE AND LONGITUDE VALUES ARE FROM GPS OBSERVATIONS (TYPE OF EQUIPMENT: TRIMBLE R212C080, DATE OF SURVEY: 06/20/20).
4. BASIS OF BEARING: GPS OBSERVATIONS CONDUCTED AT THE TIME OF THE SURVEY.
5. BASIS OF ELEVATION: GPS OBSERVATIONS CONDUCTED AT THE TIME OF THE SURVEY.
6. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY AND NO BOUNDARY SURVEY OF THE PARENT TRACT WAS PERFORMED.
7. THIS SURVEY CONTAINS A PLAT AND METES & BOUNDS DESCRIPTIONS FOR A 10'X12' LEASE AREA, A 12' WIDE ACCESS EASEMENT, A 10' WIDE UTILITY AND FIBER EASEMENT, AND A 5' WIDE UTILITY EASEMENT THAT WERE PREPARED FOR THE EXCLUSIVE USE OF T-MOBILE AND EXCLUSIVELY FOR THE TRANSFER OF THE LESSEE'S PREMISES SHOWN HEREON. THE LEASE AREA AND THE EASEMENTS WILL NOT BE MONUMENTED.
8. A TEMPORARY BENCHMARK HAS BEEN SET UP FOR CONSTRUCTION PURPOSES.
9. THIS SURVEY WAS BASED ON INFORMATION FOUND IN THE TITLE SEARCH REPORT ISSUED BY HOLLERBACH ASSOCIATES, INC. ORDER NO. HA309881, DATED OCTOBER 22, 2020.
10. NO WETLAND AREAS HAVE BEEN INVESTIGATED BY THIS SPECIFIC SURVEY.
11. ALL ZONING INFORMATION SHOULD BE VERIFIED WITH PROPER ZONING OFFICIALS.
12. UTILITY EASEMENTS AS SHOWN HEREON ARE BASED ON FIELD OBSERVATIONS CONDUCTED ON 06/20/2020. UNDERGROUND UTILITIES MAY EXIST AND WERE NOT PHYSICALLY LOCATED AS A PART OF THIS SURVEY.
13. AT THE TIME OF THE SURVEY, THE 10'X12' LEASE AREA, THE 12' WIDE ACCESS EASEMENT, THE 10' WIDE UTILITY AND FIBER EASEMENT, AND THE 5' WIDE UTILITY EASEMENT LIE WITHIN AN UNSHADOWED AREA OF ANNUAL FLOOD HAZARD ZONE "X" ACCORDING TO FEMA FIRM PANEL, MAP NUMBER 44439C0445K, EFFECTIVE 09/25/2008 (CITY OF BURLESON, TEXAS).

#### EASEMENTS:

EASEMENTS HEREBY LISTED AS SHOWN ON THE MAP OR PLAT OF THE REPLAT OF LOT 1A, LOT 2A AND BR. BLOCK 2 BROWN'S MOUNTAIN AS RECORDED UNDER FILE NUMBER D218193873 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS.

1. 20' WIDE CITY OF BURLESON ACCESS AND UTILITY EASEMENT AS RECORDED BY PLAT UNDER FILE NUMBER D218193873, PLAT RECORDS OF TARRANT COUNTY, TEXAS (EASEMENT AFFECTS THE PARENT TRACT AND THE 5' WIDE UTILITY EASEMENT, BUT DOES NOT IMPACT THE LEASE AREA, THE 12' WIDE ACCESS EASEMENT, NOR THE 10' WIDE UTILITY AND FIBER EASEMENT).
2. 5' WIDE UNDERGROUND TELECOM EASEMENT AS RECORDED BY PLAT UNDER FILE NUMBER D218193873, PLAT RECORDS OF TARRANT COUNTY, TEXAS (EASEMENT AFFECTS THE PARENT TRACT, THE 12' WIDE ACCESS EASEMENT, AND THE 10' WIDE UTILITY AND FIBER EASEMENT, BUT DOES NOT IMPACT THE LEASE AREA, NOR THE 5' WIDE UTILITY EASEMENT).

#### 10'X12' LEASE AREA DESCRIPTION:

BEING A 10'X12' LEASE AREA CONTAINING 0.0227 ACRES (170.99 SQUARE FEET) LOCATED IN THE HANSON ALBURY SURVEY, ABSTRACT NO. 31, TARRANT COUNTY, TEXAS, AND BEING OUT OF AND PART OF LOT 1A, LOT 2A AND BR. BLOCK 2 BROWN'S MOUNTAIN AS RECORDED UNDER FILE NUMBER D218193873 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS, SAID 0.0227-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL CONTROL REFERRED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4302), NORTH AMERICAN DATUM OF 1983.

COMMENCING AT A 5/8" IRON ROD LYING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BRUSHY MOUND ROAD (50' WIDE), BEING THE NORTH CORNER OF SAID LOT 1A, AND HAVING A STATE PLANE COORDINATE VALUE OF X+2 324 377.20 (E), Y+8 887 050.89 (N).

THENCE SOUTH 22 DEGREES 15 MINUTES 01 SECONDS EAST 215.43 FEET TO THE POINT OF BEGINNING AND NORTH CORNER OF THE HEREIN DESCRIBED TRACT, HAVING A STATE PLANE COORDINATE VALUE OF X+2 324 458.77 (E), Y+8 886 851.31 (N).

THENCE SOUTH 45 DEGREES 55 MINUTES 29 SECONDS EAST 10.00 FEET TO THE EAST CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE SOUTH 44 DEGREES 04 MINUTES 31 SECONDS WEST 12.00 FEET TO THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE NORTH 45 DEGREES 55 MINUTES 29 SECONDS WEST 10.00 FEET TO THE WEST CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE NORTH 44 DEGREES 04 MINUTES 31 SECONDS EAST 12.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.0227 ACRES (170.99 SQUARE FEET) OF LAND.

#### 12' WIDE ACCESS EASEMENT DESCRIPTION:

BEING A 12' WIDE ACCESS EASEMENT CONTAINING 0.0586 ACRES (12,562.97 SQUARE FEET) LOCATED IN THE HANSON ALBURY SURVEY, ABSTRACT NO. 31, TARRANT COUNTY, TEXAS, AND BEING OUT OF AND PART OF LOT 1A AND 2A, BLOCK 2 AS SHOWN ON THE MAP OR PLAT OF THE REPLAT OF LOT 1A, LOT 2A AND BR. BLOCK 2 BROWN'S MOUNTAIN AS RECORDED UNDER FILE NUMBER D218193873 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS, SAID 0.0586-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL CONTROL REFERRED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4302), NORTH AMERICAN DATUM OF 1983.

COMMENCING AT A 5/8" IRON ROD LYING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BRUSHY MOUND ROAD (50' WIDE), BEING THE NORTH CORNER OF SAID LOT 1A, AND HAVING A STATE PLANE COORDINATE VALUE OF X+2 324 377.20 (E), Y+8 887 050.89 (N).

THENCE SOUTH 44 DEGREES 04 MINUTES 31 SECONDS WEST 103.88 FEET ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BRUSHY MOUND ROAD TO THE POINT OF BEGINNING AND NORTH CORNER OF THE HEREIN DESCRIBED TRACT, HAVING A STATE PLANE COORDINATE VALUE OF X+2 324 305.70 (E), Y+8 886 978.05 (N).

THENCE SOUTH 45 DEGREES 55 MINUTES 29 SECONDS EAST 187.85 FEET TO AN INTERIOR NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE NORTH 44 DEGREES 04 MINUTES 31 SECONDS EAST 18.28 FEET TO A NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE SOUTH 45 DEGREES 55 MINUTES 29 SECONDS EAST 29.45 FEET TO THE EAST CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE SOUTH 44 DEGREES 04 MINUTES 31 SECONDS WEST 12.00 FEET TO A SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE NORTH 45 DEGREES 55 MINUTES 29 SECONDS WEST 17.45 FEET TO AN INTERIOR SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE SOUTH 44 DEGREES 04 MINUTES 31 SECONDS WEST 10.28 FEET TO THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE NORTH 45 DEGREES 55 MINUTES 29 SECONDS EAST 178.85 FEET TO THE WEST CORNER OF THE HEREIN DESCRIBED TRACT, LYING IN SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BRUSHY MOUND ROAD.

THENCE NORTH 44 DEGREES 04 MINUTES 31 SECONDS EAST 12.00 FEET ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BRUSHY MOUND ROAD TO THE POINT OF BEGINNING, CONTAINING 0.0586 ACRES (12,562.97 SQUARE FEET) OF LAND.

#### 10' WIDE UTILITY AND FIBER EASEMENT DESCRIPTION:

BEING A 10' WIDE UTILITY AND FIBER EASEMENT CONTAINING 0.0418 ACRES (1,822.40 SQUARE FEET) LOCATED IN THE HANSON ALBURY SURVEY, ABSTRACT NO. 31, TARRANT COUNTY, TEXAS, AND BEING OUT OF AND PART OF LOT 1A, BLOCK 2 AS SHOWN ON THE MAP OR PLAT OF THE REPLAT OF LOT 1A, LOT 2A AND BR. BLOCK 2 BROWN'S MOUNTAIN AS RECORDED UNDER FILE NUMBER D218193873 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS, SAID 0.0418-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL CONTROL REFERRED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4302), NORTH AMERICAN DATUM OF 1983.

COMMENCING AT A 5/8" IRON ROD LYING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BRUSHY MOUND ROAD (50' WIDE), BEING THE NORTH CORNER OF SAID LOT 1A, AND HAVING A STATE PLANE COORDINATE VALUE OF X+2 324 377.20 (E), Y+8 887 050.89 (N).

THENCE SOUTH 44 DEGREES 04 MINUTES 31 SECONDS WEST 182.24 FEET ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BRUSHY MOUND ROAD TO THE POINT OF BEGINNING AND NORTH CORNER OF THE HEREIN DESCRIBED TRACT, HAVING A STATE PLANE COORDINATE VALUE OF X+2 324 289.24 (E), Y+8 886 938.19 (N).

THENCE SOUTH 45 DEGREES 55 MINUTES 29 SECONDS EAST 182.24 FEET TO THE EAST CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE SOUTH 44 DEGREES 04 MINUTES 31 SECONDS WEST 10.00 FEET TO THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE NORTH 45 DEGREES 55 MINUTES 29 SECONDS WEST 182.24 FEET TO THE WEST CORNER OF THE HEREIN DESCRIBED TRACT, LYING IN SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BRUSHY MOUND ROAD.

THENCE NORTH 44 DEGREES 04 MINUTES 31 SECONDS EAST 10.00 FEET ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BRUSHY MOUND ROAD TO THE POINT OF BEGINNING, CONTAINING 0.0418 ACRES (1,822.40 SQUARE FEET) OF LAND.

#### 5' WIDE UTILITY EASEMENT DESCRIPTION:

BEING A 5' WIDE UTILITY EASEMENT CONTAINING 0.0159 ACRES (679.59 SQUARE FEET) LOCATED IN THE HANSON ALBURY SURVEY, ABSTRACT NO. 31, TARRANT COUNTY, TEXAS, AND BEING OUT OF AND PART OF LOT 2A, BLOCK 2 AS SHOWN ON THE MAP OR PLAT OF THE REPLAT OF LOT 1A, LOT 2A AND BR. BLOCK 2 BROWN'S MOUNTAIN AS RECORDED UNDER FILE NUMBER D218193873 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS, SAID 0.0159-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL CONTROL REFERRED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4302), NORTH AMERICAN DATUM OF 1983.

COMMENCING AT A 5/8" IRON ROD LYING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BRUSHY MOUND ROAD (50' WIDE), BEING THE NORTH CORNER OF SAID LOT 1A, AND HAVING A STATE PLANE COORDINATE VALUE OF X+2 324 377.20 (E), Y+8 887 050.89 (N).

THENCE SOUTH 42 DEGREES 59 MINUTES 10 SECONDS EAST 264.54 FEET TO THE POINT OF BEGINNING AND NORTH CORNER OF THE HEREIN DESCRIBED TRACT, HAVING A STATE PLANE COORDINATE VALUE OF X+2 324 557.57 (E), Y+8 886 857.18 (N).

THENCE SOUTH 30 DEGREES 11 MINUTES 56 SECONDS EAST 5.00 FEET TO THE EAST CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE SOUTH 58 DEGREES 48 MINUTES 04 SECONDS WEST 135.90 FEET TO THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE NORTH 30 DEGREES 11 MINUTES 56 SECONDS WEST 5.00 FEET TO THE WEST CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE NORTH 58 DEGREES 48 MINUTES 04 SECONDS EAST 135.90 FEET TO THE POINT OF BEGINNING, CONTAINING 0.0159 ACRES (679.59 SQUARE FEET) OF LAND.



SURVEY PREPARED FOR:  
**T-Mobile**  
788 WARREN PARKWAY  
FREDCO, TX 75861

CLIENT PARTNER:  
**BROADUS**  
4 COLONY BLVD, SUITE 100  
DALLAS, TEXAS 75243  
TEL: 214.555.1111  
LA 925.977.1111  
FAX: 214.555.1111

SURVEY PREPARED BY:  
**3DD&E**

**3D DESIGN & ENGINEERING INC.**  
DEPARTMENT OF SURVEYING  
21502 E WINTER VIOLET CT  
CYPRESS, TX 77433  
PHONE: 832-515-8821  
WWW.3DD&E.COM  
TEXAS REGISTRATION NO. 10194802

REV	DATE	DESCRIPTION	BY

**SITE EXHIBIT AND DESCRIPTION**  
T-MOBILE MACRO SURVEY - TEXAS AREA  
**T-MOBILE SITE# DA026444**  
231 SW BRUSHY MOUND RD  
BURLESON, TX 76028

I HEREBY CERTIFY TO T-MOBILE THAT THIS SURVEY WAS MADE BY ME, OR UNDER MY DIRECT SUPERVISION, ON THE GROUND OF THE LEASE AREA, AND ASSOCIATED EASEMENT PREMISES HEREBY DESCRIBED, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED HEREON TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

HELENE F. LECOMMET, RPLS  
TEXAS REGISTRATION NO. 8567

Drawn by	PDS
Checked by	HL
Date	05-13-2022

SHEET 2 OF 2  
SURVEY NOT VALID WITHOUT ALL SHEETS

**EXHIBIT C**

**FORM OF MEMORANDUM OF AGREEMENT**

**RECORDED AT REQUEST OF, AND  
WHEN RECORDED RETURN TO:**

T-Mobile USA, Inc.  
12920 SE 38<sup>th</sup> ST  
Bellevue, WA 98006  
Attn: Lease Compliance/Site ID: DA02644A

**MEMORANDUM OF AGREEMENT**

This MEMORANDUM OF AGREEMENT is entered into on the date last signed below by and between the City of Burleson ("Grantor"), with an office at 141 West Renfro, Burleson, TX 76028, and T-Mobile West LLC, a Delaware limited liability company ("Grantee"), with an office at 12920 SE 38<sup>th</sup> ST, Bellevue, WA 98006, hereinafter referred to as "*Grantee*").

1. Grantor and Grantee entered into that certain Access and Utility Easement Agreement dated as of \_\_\_\_\_, 2022 ("*Agreement*"), with a commencement date of August 1, 2022 ("*Commencement Date*") for the purpose of Grantor conveying to Grantee a nonexclusive access and utility easement over and across a portion of real property owned by Grantor. All of the foregoing is set forth in the Agreement.

2. The Agreement shall terminate thirty (30) days after the expiration or termination of that certain Tower Lease with Option dated December 26, 2006, between Grantor, as the Landlord and Grantee, as the Tenant and successor in interest to T-Mobile Texas, LP, for the installation and operation of a communications facility by Grantee on that certain real property located in Bureleson, Texas, commonly known as 231 SW Brushy Mound Road\_(Tax Parcel No. 42449993).

3. The Property that is the subject of the Agreement is described in Exhibit A annexed hereto. The portion of the Property being conveyed to Grantee (the "Easement Area") is set forth in the Agreement.

In witness whereof, the parties have executed this Memorandum of Agreement as of the day and year first written above.

**GRANTOR:**  
CITY OF BURLESON

**GRANTEE:**  
T-MOBILE WEST LLC, a Delaware limited liability company

NOT FOR EXECUTION – EXHIBIT ONLY

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

Name: \_\_\_\_\_

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

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

NOT FOR EXECUTION – EXHIBIT ONLY

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

Name: \_\_\_\_\_

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

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

**[Notary block for Grantor]**

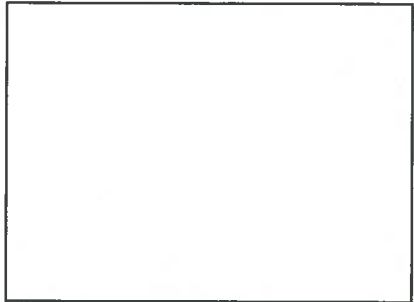
Site Number: DA02644A  
Site Name: Hampton-Burleson WT  
Market: Dallas

*[Grantor Notary block for a Corporation, Partnership, or Limited Liability Company]*

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_ by  
\_\_\_\_\_, [title] \_\_\_\_\_ of \_\_\_\_\_  
a \_\_\_\_\_ [type of entity], on behalf of said \_\_\_\_\_ [name of entity].

Dated: \_\_\_\_\_



(Use this space for notary stamp/seal)

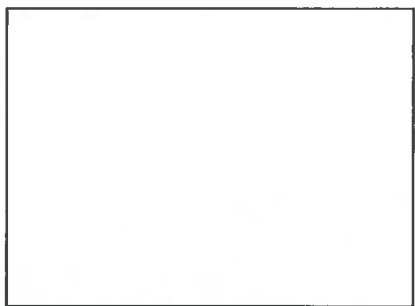
\_\_\_\_\_  
Notary Public  
Print Name \_\_\_\_\_  
My commission expires \_\_\_\_\_

**[Notary block for Grantee]**

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of T-Mobile West LLC, a Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_



(Use this space for notary stamp/seal)

\_\_\_\_\_  
Notary Public  
Print Name \_\_\_\_\_  
My commission expires \_\_\_\_\_

Site Number: DA02644A  
Site Name: Hampton-Burleson WT  
Market: Dallas

**EXHIBIT A**  
**TO MEMORANDUM OF AGREEMENT**

Lot 1, Block 1, Brushy Mound

Tax Parcel No. 42449993

Site Number: DA02644A  
Site Name: Hampton-Burleson WT  
Market: Dallas