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12/28/2015 3:16 PM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: $ 32.50
PAGES: 6
By: MC

IMAGE/COPY PROPERTY OF MARION COUNTY IN. LICENSE ONLY. NO CONTRACT. NO RESALE. 2-7-10

Cross References: Instrument Nos. 1999-0009698, 2003-0273523, 2005-0017616 and A201300114530

AMENDMENT TO EASEMENT BY RESERVATION PER QUITCLAIM DEED

This Amendment to Easement by Reservation Per Quitclaim Deed (the "Amendment") is made as of this 23rd day of December 2015, by and between Washington Township, Marion County, Indiana ("Washington Township") and the City of Indianapolis and Marion County (the "City").

RECITALS

A. Pursuant to that certain Quitclaim Deed dated September 17, 2013 and recorded on September 19, 2013 as Instrument No. A201300114530 in the Office of the Recorder of Marion County, Indiana (the "Quitclaim Deed"), entered into by Washington Township as Grantor in favor to the City as Grantee, Washington Township conveyed certain real estate (the "Real Estate") as described in Exhibit A attached thereto to the City.

B. The Quitclaim Deed reserved to Washington Township a perpetual and non-exclusive easement in gross for the purpose of installing, constructing and maintaining a communications tower, equipment and storage buildings over the real estate more particularly described in Exhibit B attached thereto (the "Original Exhibit B") and defined in the Quitclaim Deed as the "Tower Easement Area".

C. The Quitclaim Deed reserved to Washington Township a perpetual and non-exclusive easement in gross for the installation and operation of utility lines and facilities over the real estate more particularly described in Exhibit C attached thereto (the "Original Exhibit C") and defined in the Quitclaim Deed as the "Tower Utility Easement Area"

D. The parties desire to amend the Quitclaim Deed and the reservation of the easements therein to enlarge and redefine the Tower Easement Area and the Tower Utility Easement Area with a new legal descriptions attached hereto as Replacement Exhibit B ("Replacement Exhibit B") and as Replacement Exhibit C ("Replacement Exhibit C"), all as hereinafter more specifically provided for herein.

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AMENDMENT

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual agreements contained herein and each act done pursuant thereto, the parties hereby agree as follows:

1. The Tower Easement Area reserved in the Quitclaim Deed is hereby amended to the area more particularly described in Replacement Exhibit B attached hereto and incorporated herein, which hereby supersedes and replaces the Original Exhibit B attached to the Quitclaim Deed.

2. The Tower Utility Easement Area reserved in the Quitclaim Deed is hereby amended to the area more particularly described in Replacement Exhibit C attached hereto and incorporated herein, which hereby supersedes and replaces the Original Exhibit C attached to the Quitclaim Deed.

3. The City acknowledges and agrees that (i) the Tower Easement Area and the Tower Utility Easement Area have been leased by Washington Township to Pinnacle Towers Acquisition LLC ("Lessee") pursuant to that certain Land Lease and Easement Agreement dated May 28, 1998, as evidenced by that certain Memorandum of Lease recorded on January 19, 1999 as Instrument No. 1999-0009698 in the Office of the Recorder of Marion County and as subsequently assigned pursuant to that certain Assignment and Assumption of Lease recorded on December 26, 2003 as Instrument No. 2003-0273523 in the Office of the Marion County Recorder and that certain Bill of Sale and Assignment and Assumption Agreement recorded on February 3, 2005 as Instrument No. 2005-0017616 in the Office of the Marion County Recorder (the "Lease"), (ii) the City does not hold any right, title or interest in the Lease, (iii) Washington Township and its successors and assigns as lessor under the Lease may amend and/or modify the Lease from time to time in any manner without the consent of the City so long as such amendment or modification does not grant Lessee or its successors or assigns any additional rights affecting the any portion of the Real Estate other than the Tower Easement Area and the Tower Utility Easement Area, and (v) the interest of Lessee and its successors and assigns under the Lease, as may be amended from time to time pursuant to the preceding clause (iv), are superior to the City's interest in the Real Estate.

4. This Amendment shall not act to alter, amend or modify the conveyance of the Real Estate as set forth in the Quitclaim Deed, which remains unamended and in full force and effect except to the extent expressly amended herein.

IMAGE: COPY PROPERTY OF MARION COUNTY, INDIANA. COPY IS NOT OFFICIAL UNTIL SEALED. 5-2-7-10

IN WITNESS WHEREOF, the parties have entered into this Amendment as of the date first set forth above.

WASHINGTON TOWNSHIP, MARION COUNTY, INDIANA

By: Frank T. Short

Frank T. Short, as Trustee of Washington Township, Marion County, Indiana

CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

By: Matthew R. Kimnick

Printed: Matthew R. Kimnick

Title: Controller

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared Frank T. Short, in his capacity as the Trustee of Washington Township, Marion County, Indiana, who acknowledged the execution of the foregoing Amendment for and on behalf of said entity.

Witness my hand and Notarial Seal this 23 day of December, 2015

My Commission expires: 4-15-17

JENIFER PACALA
Marion County
My Commission Expires
April 15, 2017

Jenifer Pacala
Notary Public
Printed: Jenifer Pacala
Resident of Marion County

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared ~~Frank Short~~ Matthew Kimick in his/her capacity as Washtwp. Trustee of the City of Indianapolis / Marion County who acknowledged the execution of the foregoing Amendment for and on behalf of said entity.

Witness my hand and Notarial Seal this 23 day of December, 2015

My Commission expires: 4-15-17

JENIFER PACALA
Marion County
My Commission Expires
April 15, 2017

Jenifer Pacala
Notary Public
Printed: Jenifer Pacala
Resident of Marion County

This Instrument prepared by Christopher D. Long
KRIEG DEVAULT LLP
One Indiana Square, Suite 2800
Indianapolis, Indiana 46204-2079
(317) 636-4341

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in the current document, unless otherwise required by law: Christopher D. Long

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REPLACEMENT EXHIBIT B

REVISED TOWER EASEMENT

Part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 17 North, Range 3 East, Marion County, Indiana, more particularly described as follows:

Commencing at a P.K. Nail found at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 24; thence North 89 degrees 15 minutes 35 seconds West (all bearings in this description are based on Geodetic North) on the North line of said Northeast Quarter, 352.70 feet to the Northwest corner of real estate described in Deed Volume 1736, page 264 in the Office of the Recorder of Marion County; thence South 00 degrees 03 minutes
28 seconds East and parallel with the East line of said Northwest Quarter of the Northeast Quarter, on the west line of said real estate in Deed Volume 1736, page 264, a distance of 299.43 feet to the Point of Beginning; thence South 89 degrees 32 minutes 01 seconds East 39.14 feet; thence South 00 degrees 27 minutes 59 seconds West 2.00 feet; thence South 89 degrees 32 minutes 01 seconds East 18.00 feet to the Northwest corner of the existing Washington Township School Administrative building; thence South 00 degrees 27 minutes 59 seconds West on the West face of said building 44.18 feet to the Southwest corner thereof; thence North 89 degrees 32 minutes 01 seconds West 56.81 feet to the West line of said real estate in Deed Volume 1736, page 264; thence North 00 degrees 03 minutes 28 seconds West on said West line 46.18 feet to the Point of Beginning, containing 0.06 acres, more or less.

REPLACEMENT EXHIBIT C

REVISED TOWER UTILITY EASEMENT

Part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 17 North, Range 3 East of the Second Principal Meridian in Washington Township of Marion County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 24; thence North 89 degrees 15 minutes 35 seconds West (Assumed Bearing) along the North line of said Northeast Quarter, 352.70 feet to the Northwest corner of the real estate described in Deed Volume 1736, page 264 in the Office of the Recorder of Marion County, Indiana; thence South 00 degrees 03 minutes 28 seconds East along the west line of said real estate in Deed Volume 1736, page 284, a distance of 42.41 feet to the Northwest corner of Instrument No. A201300114530, also being the Southwest corner of Instrument No. 870093014, both found in said Recorder's office and the Point of Beginning of the following described Easement;

Thence, continue South 00 degrees 03 minutes 28 seconds East along the west line of said real estate in Deed Volume 1736, page 264 and Instrument No. A201300114530, a distance of 308.66 feet to the Southwest corner thereof; thence North 89 degrees 15 minutes 35 second West along the westerly projection of the south line of said real estate a distance of 25.00 feet; thence North 00 degrees 03 minutes 28 seconds West 320.31 feet to the South right of way line of East 86th Street; thence South 64 degrees 22 minutes 52 seconds East along said South right of way line, 27.74 feet to the Point of Beginning, containing 0.18 acres, more or less.

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