

PREPARED BY AND RETURN TO:
Branch Communications, LLC
2761 E. Skelly Drive, Suite 100
Tulsa OK 74105

FIRST AMENDMENT TO OPTION SITE GROUND LEASE AGREEMENT

And MEMORANDUM OF AGREEMENT

(TX-0138 Westchester Academy)

This FIRST AMENDMENT TO OPTION SITE GROUND LEASE AGREEMENT (this "Amendment") is made effective as of _____, 20__ (the "Effective Date"), by and between Spring Branch Independent School District ("Lessor"), and BRANCH TOWERS III, LLC, a Delaware limited liability company ("Lessee"), having an address at 2761 Skelly Drive, Suite 100, Tulsa Oklahoma 74105.

BACKGROUND RECITALS

WHEREAS Lessor is the fee owner of certain real property in Harris County, Texas and further described in **Exhibit A** attached hereto ("Lessor's Property").

WHEREAS Lessor and Lessee entered into an Option Site Ground Lease Agreement (the "Agreement"), dated April 5, 2019, as evidenced by a Memorandum of Agreement ("the Memorandum") recorded May 1, 2019, in Instrument RP-2019-178707 with the Harris County, Texas Clerk pertaining to a portion of the Lessor's property ("Lessee's Premises").

WHEREAS Lessee and Lessor have agreed to amend the Agreement to amend the description of the Lessee's Premises.

OPERATIVE PROVISIONS

NOW, THEREFORE, for and in consideration of the sum TEN DOLLARS (\$10.00), the mutual covenants and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Defined Terms. Capital Terms not defined in this Amendment have the meanings assigned to them in the Agreement.

2. Amendment to Premises Section. Section 1 of the Agreement and the Memorandum are hereby modified to replace Exhibit B with the attached Exhibit B to more accurately and clearly describe the Lessee's Premises.

3. No Other Changes. Except as expressly amended herein, the other terms of the Agreement shall remain in full force and effect, unaltered by this Amendment.

4. Counterparts. This Amendment may be executed in counterparts, each of which will be deemed an original, but all of which together will constitute but one and the same instrument.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed as of the Effective Date.

Lessor: Spring Branch Independent School District

By: _____

LESSOR ACKNOWLEDGMENT

STATE OF _____)

COUNTY OF _____)

On this ____ day of _____, 20__, before me the undersigned Notary Public, personally appeared _____, to me known to be the identical person who executed in the name of the maker thereof to the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, in the capacity and for the uses and purposes set forth therein.

Given under my hand and seal the day and year first written above.

(SEAL)

Notary Public in And for the State of Texas

Commission expires:_____

[Remainder of page intentionally left blank]

LESSEE: BRANCH TOWERS III, LLC
A Delaware limited liability company

BY: _____
Curtis R. Branch, President and CEO

LESSEE ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF TULSA)

On this ____ day of _____, 20__, before me the undersigned Notary Public, personally appeared Curtis R. Branch, authorized signatory of Branch Towers III, LLC, a Delaware limited liability company, to me known to be the identical person who executed in the name of the maker thereof to the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed, in the capacity and for the uses and purposes set forth therein.

Given under my hand and seal the day and year first written above.

(SEAL)

Notary Public in
and for the State of Oklahoma

Commission expires: _____

EXHIBIT B

Description of Leased Premises

LESSEE'S 1854 SQUARE FOOT LAND SPACE

Being 1854 square feet of land out of a portion Reserve A of Wilchester West as recorded in Volume 132, Page 40, Harris County Map Records, as conveyed by instrument recorded Volume 6068, Page 315 Harris County Deed Records (**Parent Tract**), Harris County Texas. And be more fully described as follows:

COMMENCING at an five eighths inch iron rod found for the most northwesterly corner of said Parent Tract and in the southerly right of way of Britoak Lane (60 feet wide street right of way per plat of said Wilchester West), said **COMMENCING POINT** having a Texas State Plane Coordinate System, South Central Zone (4204) Value of X= 3051529.26 and Y= 13,847,982.07 (GRID);

THENCE, South 32 degrees 56 minutes 18 seconds East over and across said Parent Tract, a distance of 1410.26 feet to the northwesterly corner of Lessee's Land Space also being the **POINT OF BEGINNING**.

THENCE, North 88 degrees 38 minutes 43 seconds East continuing over and across said Parent Tract, a distance of 20.07 feet an interior corner of Lessee's Land Space;

THENCE, North 01 degrees 08 minutes 51 seconds West continuing over and across said Parent Tract, a distance of 41.51 feet to the most northwesterly corner of Lessee's Land Space;

THENCE, North 88 degrees 51 minutes 09 seconds East continuing over and across said Parent Tract, a distance of 20.93 feet to the most northeasterly corner of Lessee's Land Space;

THENCE, South 01 degrees 13 minutes 24 seconds East continuing over and across said Parent Tract, a distance of 65.43 feet to the southeasterly corner of Lessee's Land Space;

THENCE, South 88 degrees 38 minutes 43 seconds West continuing over and across said Parent Tract, a distance of 41.00 feet to the southwesterly corner of Lessee's Land Space;

THENCE, North 01 degrees 21 minutes 15 seconds West continuing over and across aid Parent Tract, a distance of 24.00 feet to the **POINT OF BEGINNING**.

LESSEE'S NON EXCLUSIVE RIGHT OF WAY FOR ACCESS AND UTILITIES

Being a 25 foot strip of land out of a portion Reserve A of Wilchester West as recorded in Volume 132, Page 40, Harris County Map Records, as conveyed by instrument recorded Volume 6068, Page 315 Harris County Deed Records (**Parent Tract**), Harris County Texas. And be more fully described as follows:

COMMENCING at an five eighths inch iron rod found for the most northwesterly corner of said Parent Tract and in the southerly right of way of Britoak Lane (60 feet wide street right of way per plat of said Wilchester West), said **COMMENCING POINT** having a Texas State Plane Coordinate System, South Central Zone (4204) Value of X= 3,051,529.26 and Y= 13,847,982.07 (GRID);

THENCE, South 32 degrees 38 minutes 07 seconds East over and across said Parent Tract, a distance of 1433.79 feet to the a point in the southerly line of Lessee's Land Space also being the **POINT OF BEGINNING**.

THENCE, North 88 degrees 38 minutes 43 seconds East along the said southerly line of southerly line of Lessee's Land Space, a distance of 20.00 feet to an angle point;

THENCE, South 01 degrees 03 minutes 34 seconds East continuing over and across said Parent Tract, a distance of 40.02 feet to feet to an angle point;

THENCE, North 88 degrees 51 minutes 13 seconds East along the east line of Lessee's Land Space, a distance of 388.43 feet to west line of Yorkchester Drive (60 feet wide street right of way per plat of said Wilchester West);

THENCE, South 01 degrees 18 minutes 55 seconds East along said west line of Yorkchester Drive, a distance of 20.00 feet to an angle point;

THENCE, South 88 degrees 51 minutes 13 seconds West continuing over and across said Parent Tract, a distance of 388.52 feet to an angle point;

THENCE, North 01 degrees 03 minutes 34 seconds West continuing over and across said Parent Tract, a distance of 59.95 feet to feet to the **POINT OF BEGINNING**.

