

MODIFICATION AND TERMINATION OF TOWER LEASE

THIS MODIFICATION AND TERMINATION OF TOWER LEASE (the "Termination"), is made this ___ day of October, 2012, between Sedgwick County, Kansas ("Landlord"), and Pixius Communications, LLC ("Tenant").

WHEREAS, Landlord and Tenant entered into a Tower Lease Agreement dated October 11, 2006, since renewed, and

WHEREAS, the parties agreed that agreement could be terminated as otherwise provided in the agreement, and

WHEREAS, the agreement provided it could be modified by written modification executed by both parties, and

WHEREAS, Landlord has entered into a Purchase and Sale Agreement with Tenant whereby Landlord is conveying fee title of the tower and property where it is located to Tenant,

NOW THEREFORE, Landlord and Tenant agree to modify and terminate the existing tower lease effective as of the date of closing of the real estate purchase transaction.

TENANT

LANDLORD

PIXIUS COMMUNICATIONS, LLC

SEDGWICK COUNTY


By: _____
Jay Maxwell, Managing Member

By: _____
Tim R. Norton, Chairman
Sedgwick County Board of
County Commissioners,
Second District

ATTEST:

By: _____
Kelly B. Arnold
County Clerk

APPROVED AS TO FORM:

By:  _____
Robert W. Parnacott
Assistant County
Counselor