

1 **A RESOLUTION APPROVING A FIRST AMENDMENT TO CELL TOWER LEASE**
2 **AGREEMENT BETWEEN FULTON COUNTY, GEORGIA (LANDLORD) AND**
3 **VERIZON WIRELESS (VAW) D/B/A VERIZON WIRELESS (TENANT) FOR THE**
4 **PURPOSE RELOCATING AN ONSITE UTILITY ACCESS EASEMENT AT 10735**
5 **JONES BRIDGE ROAD, ALPHARETTA, GEORGIA 30202; AUTHORIZING THE**
6 **CHAIRMAN TO EXECUTE THE FIRST AMENDMENT TO CELL TOWER LEASE**
7 **AGREEMENT AND RELATED DOCUMENTS; AUTHORIZING THE COUNTY**
8 **ATTORNEY TO APPROVE THE CELL TOWER LEASE AMENDMENT AGREEMENT**
9 **AND RELATED DOCUMENTS AS TO FORM AND MAKE MODIFICATIONS THERETO**
10 **PRIOR TO EXECUTION; AND FOR OTHER PURPOSES.**

11 **WHEREAS**, Fulton County is the owner of a tract of land located at 10735 Jones
12 Bridge Road, situated in the City of Alpharetta, commonly described as all that tract of
13 land or parcel of land lying and being in Land Lots 151 and 152 of the 11th District, Fulton
14 County, Georgia and said tract containing 148,959 square feet of 3.4 acres more or less,
15 which the County has developed for use as a water tank facility site; and
16

17 **WHEREAS**, the cell tower lease agreement executed between Fulton County
18 (Landlord) and Verizon Wireless (VAW) d/b/a Verizon Wireless (Tenant) and approved
19 as Agenda Item # 20-0048 at the Board of Commissioners Meeting held January 22, 2020
20 included a utility access easement that transverses a secured area; and

21 **WHEREAS**, it is the mutual desire of Fulton County and Verizon Wireless (VAW)
22 d/b/a Verizon Wireless, to amend the cell tower lease agreement for the purpose of
23 relocating the utility access easement outside of a secured area to the location depicted
24 on Exhibit A attached to the amended cell tower lease agreement; and

25 **WHEREAS**, in accordance with Fulton County policy, the approval of the Board
26 of Commissioners is required to amend a contractual agreement for the purpose of
27 relocating an onsite utility access easement within an active cell tower lease and replacing
28 it with a new utility access easement under the same rental terms contained in the current
29 agreement; and

30 **WHEREAS**, Article 9, § 2, Par. 1(a) of the Georgia Constitution states in part “[t]he
31 governing authority of each county shall have legislative power to adopt clearly
32 reasonable ordinances, resolutions, or regulations relating to its property, affairs, and
33 local government for which no provision has been made by general law and which is not
34 inconsistent with this Constitution or any local law applicable thereto.”

