

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 11<sup>th</sup> 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.”

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby approves the First Amendment to Cell Tower Lease Agreement with Verizon Wireless (VAW) d/b/a Verizon Wireless, in substantially the form attached hereto as Exhibit "B."

**BE IT FURTHER RESOLVED**, that the Chairman of the Board of Commissioners (or Vice-Chairman, in the Chairman's absence) is hereby authorized to execute the First Amendment to Cell Tower Lease Agreement between Fulton County and Verizon Wireless (VAW) d/b/a Verizon Wireless.

**BE IT FURTHER RESOLVED**, that the County Attorney is hereby authorized to approve the First Amendment to Cell Tower Lease Agreement as to form, and to make such other or additional modifications as are necessary to protect the County's interests prior to execution by the Chairman.

**BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its adoption, and that all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

**PASSED AND ADOPTED** by the Board of Commissioners of Fulton County, Georgia, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

# FULTON COUNTY BOARD OF COMMISSIONERS

---

Robert L. Pitts, Chairman

**ATTEST:**

---

## Tonya Grier, Clerk to the Commission

**APPROVED AS TO FORM:**

---

Y. Soo Jo, County Attorney