

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

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

25

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

30

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

LESSEE'S 20' ACCESS & UTILITY/FIBER EASEMENT

Land Lot 152, 1st District, 1st Section, Fulton County, Georgia, and being more particularly described as follows:

CAPITAL SITE, an one-half-acre Capped Iron Rod (located in the Northeast corner of unassessed property, same located in the Southern Right-of-Way Line of West Morton Road).

Thence N 39°46'42" W, along said Right-of-Way Line, a distance of 175.45 feet to the POINT OF INTERSECTION;

Thence S 34°17'28" W, leaving said Right-of-Way Line, a distance of 125.97 feet;

Thence with a curve to the right with an arc length of 34.98 feet, with a radius of 57.34 feet, with a chord bearing of S 51°28'58" W, with a chord length of 54.34 feet;

Thence with a curve to the left with an arc length of 28.57 feet, with a radius of 68.77 feet, with a chord bearing of S 50°37'41" W, with a chord length of 28.35 feet;

Thence S 44°10'54" W, a distance of 14.56 feet;

Thence with a curve to the left with an arc length of 18.71 feet, with a radius of 11.94 feet, with a chord bearing of S 60°48'12" E, with a chord length of 16.54 feet;

Thence 45°47'18" E, a distance of 25.01 feet;

Thence S 44°07'57" E, a distance of 12.94 feet;

Thence S 44°04'59" E, a distance of 20.00 feet;

Thence with a curve to the right with an arc length of 50.11 feet, with a radius of 51.91 feet, with a chord bearing of E 00°48'12" W, with a chord length of 45.12 feet;

Thence N 34°19'54" E, a distance of 14.50 feet;

Thence with a curve on the right with an arc length of 37.20 feet, with a radius of 85.77 feet, with a chord bearing of N 36°37'41" E, with a chord length of 86.99 feet;

Thence with a curve to the left with an arc length of 22.72 feet, with a radius of 37.54 feet, with a chord bearing of N 51°38'58" E, with a chord length of 22.37 feet;

Thence S 34°17'28" E, a distance of 124.56 feet to a point on aforesaid Right-of-Way Line;

Thence S 39°46'42" E, along said Right-of-Way Line, a distance of 20.05 feet to the POINT OF INTERSECTION;

Said easement contains 0.13 acres (5,376.25 square feet), more or less.

TITLE EXAMINATION

(Surveyor's treatment of Title Examination Items is limited to the scope described in ALTA/NSPS 2010 requirements. Section 6, C, etc., and sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 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958, 959, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1298, 1299, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1699, 1700, 1701, 1702, 1703, 1704,

FIRST AMENDMENT TO CELL TOWER LEASE AGREEMENT

This First Amendment to Cell Tower Lease Agreement ("Amendment") is made and entered into this 21st day of February, 202020, by and between **Fulton County, Georgia**, having its principal offices located at 141 Pryor Street, Suite G119, Atlanta, Georgia 30303 ("LANDLORD") and **Cellco Partnership d/b/a Verizon Wireless**, with its principal office located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 ("TENANT"). LANDLORD and TENANT are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

WHEREAS, LANDLORD is the owner of the property located at 10735 Jones Bridge Road, Alpharetta, Georgia 30202 (the "Property"); and

WHEREAS, LANDLORD and TENANT entered into a Cell Tower Lease Agreement dated April 24, 2020 (the "Lease"); and

WHEREAS, LANDLORD and TENANT desire to amend the lease agreement with regards to the non-exclusive access utility easement extending over, under, across, and through the Property, for the purpose of installation and maintenance of utility wires, fiber, cables, conduits, and pipes to serve the Premises.

NOW THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Any capitalized term used in this Amendment that is not defined herein has the meaning given that term in the Lease.

2. The Parties agree that the Access and Utility/Fiber Easement as set forth in Paragraph 6 of the Lease Agreement executed by Landlord and Tenant and approved as Agenda Item # 20-0048 at the Board of Commissioners Meeting held January 22, 2020, are hereby terminated.

3. LANDLORD, in exchange for Tenant's termination of its existing Access and Utility/Fiber Easement, hereby grants to, and for the benefit of, TENANT and its successors and assigns, a replacement non-exclusive Access and Utility/Fiber Easement over, under, across, and through the Property, as more particularly described and/or depicted in **Exhibit A**, attached hereto and incorporated herein by reference, for the installation, operation, and maintenance of fiber to serve the Premises (the "Fiber Easement").

4. LANDLORD and TENANT each hereby warrant to the other that the person executing this Amendment on behalf of the warranting Party has at the time of execution the full right, power and authority to enter into, and execute, this Amendment on that Party's behalf, and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Amendment.

Tenant Site Name: West Duluth
Tenant Location No: 133089

5. Except as specifically provided in this Amendment, the Lease shall remain in full force and effect and shall continue to be binding upon, and enforceable against, LANDLORD and TENANT, in accordance with its terms. All covenants, terms and obligations of the Lease not modified by this Amendment are hereby ratified and affirmed. The terms and provisions of this Amendment shall control in the event of any inconsistency or discrepancy between the Lease and this Amendment.

[Remainder of page intentionally left blank]

Tenant Site Name: West Duluth
Tenant Location No: 133089

IN WITNESS WHEREOF, LANDLORD and TENANT have executed this Amendment effective as of the day and year first above written.

LANDLORD:

FULTON COUNTY, a political subdivision of the State of Georgia



By: _____
Robert L. Pitts, Chairman
Fulton County Board of Commissioners

ATTEST:

By: 
Tonya Grier
Clerk to the Commission



APPROVED AS TO FORM:


Y. Soo Jo, County Attorney

TENANT:

Celco Partnership d/b/a Verizon Wireless

By: _____

Printed Name: _____

Title: _____

Date: _____

ITEM # 22-082 RM 22
REGULAR MEETING

Exhibit A
1 of 3

20' ACCESS & UTILITY/FIBER EASEMENT

All that Tract or Parcel of land lying and being in Land Lot 152, 1st District, 1st Section, Fulton County, Georgia, and being part of the property of Fulton County, Georgia, of record in Deed Book 987, Page 150, Clerk's Office, Fulton Count, Georgia, and being more particularly described as follows:

COMMENCE at a one-half-inch Capped Iron Rod (found) at the Northeast Corner of aforesaid property, same located in the Southern Right-of-Way Line of West Morton Road;

Thence N 59°46'04" W, along said Right-of-Way Line, a distance of 173.45 feet to the POINT OF BEGINNING;

Thence S 34°13'28" W, leaving said Right-of-Way Line a distance of 125.95 feet;
Thence with a curve to the right with an arc length of 34.88 feet, with a radius of 57.34 feet, with a chord bearing of S 51°38'58" W, with a chord length of 34.34 feet;
Thence with a curve to the left with an arc length of 28.57 feet, with a radius of 65.77 feet, with a chord bearing of S 56°37'41" W, with a chord length of 28.35 feet;
Thence S 44°10'54" W, a distance of 14.56 feet;
Thence with a curve to the left with an arc length of 18.71 feet, with a radius of 11.91 feet, with a chord bearing of S 00°48'12" E, with a chord length of 16.84 feet;
Thence S 45°47'18" E, a distance of 25.01 feet;
Thence N 44°04'30" E, a distance of 12.94 feet;
Thence S 45°02'57" E, a distance of 20.00 feet;
Thence S 44°04'30" W, a distance of 32.68 feet;
Thence N 45°47'18" W, a distance of 45.06 feet;
Thence with a curve to the right with an arc length of 50.11 feet, with a radius of 31.91 feet, with a chord bearing of N 00°48'12" W, with a chord length of 45.12 feet;
Thence N 44°10'54" E, a distance of 14.56 feet;
Thence with a curve to the right with an arc length of 37.26 feet, with a radius of 85.77 feet, with a chord bearing of N 56°37'41" E, with a chord length of 36.97 feet;
Thence with a curve to the left with an arc length of 22.72 feet, with a radius of 37.34 feet, with a chord bearing of N 51°38'58" E, with a chord length of 22.37 feet;
Thence N 34°13'28" E, a distance of 124.56 feet to a point on aforesaid Right-of-Way Line;
Thence S 59°46'04" E, along said Right-of-Way Line, a distance of 20.05 feet to the POINT OF BEGINNING.

Said Easement contains 0.13 Acres (5,876 Square Feet), more or less.

Tenant Site Name: West Duluth
Tenant Location No: 133089

See Attached Survey



