

1 **A RESOLUTION APPROVING THE FIRST AMENDMENT TO LEASE AGREEMENT**
2 **BETWEEN FULTON COUNTY, GEORGIA (LANDLORD) AND NEW CINGULAR**
3 **WIRELESS PCS, LLC (TENANT) FOR THE LEASE OF REAL PROPERTY LOCATED**
4 **AT 460 MORGAN FALLS ROAD, ATLANTA, GEORGIA; AUTHORIZING THE**
5 **CHAIRMAN TO EXECUTE THE FIRST AMENDMENT TO LEASE AGREEMENT AND**
6 **RELATED DOCUMENTS; AUTHORIZING THE COUNTY ATTORNEY TO APPROVE**
7 **THE FIRST AMENDMENT TO LEASE AGREEMENT AND RELATED DOCUMENTS**
8 **AS TO FORM AND TO MAKE MODIFICATIONS THERETO PRIOR TO EXECUTION;**
9 **AND FOR OTHER PURPOSES.**

10 **WHEREAS,** Fulton County, Georgia ("Fulton County") is a political subdivision of
11 the State of Georgia, existing as such under and by the Constitution, statutes, and laws
12 of the State; and

13 **WHEREAS,** on November 17, 2010, Fulton County, Georgia and New Cingular
14 Wireless PCS, LLC, entered into a Lease Agreement pursuant to which New Cingular
15 Wireless PCS, LLC leases Fulton County-owned real property located at 460 Morgan
16 Falls Road, Atlanta, GA 30350 ("Property"); and

17 **WHEREAS,** the Lease Agreement includes an initial term of five (5) years,
18 concluding on November 30, 2015, followed by one additional five (5) year automatic
19 extension term, concluding on November 30, 2020, and followed by one-year annual
20 renewals until terminated by written notice from either party, with monthly rental payments
21 being the same as were in place in November of 2020; and

22 **WHEREAS,** neither party has provided the other party with a notice of termination
23 as provided in the Lease Agreement; and

24 **WHEREAS,** New Cingular Wireless PCS, LLC, in cooperation with the Department
25 of Real Estate and Asset Management and the Department of Emergency Management
26 Services, has agreed to increase its monthly rental rate to \$2,250.00 as of the effective
27 date of the First Amendment to the Lease Agreement and to pay a lump sum consisting
28 of underpayment rent due for each month during the period beginning January 1, 2021
29 through the effective date of the First Amendment, with both monthly and underpayment
30 rent subject to an annual increase of 2%; and

31 **WHEREAS,** the County and New Cingular Wireless PCS, LLC desire to amend
32 the Lease Agreement to formally extend the term, to increase the rent, to clarify the scope
33 of New Cingular Wireless PCS, LLC's permitted use of the Property, to modify the notice
34 section, and to provide for past underpayments, among other changes; and

WHEREAS, pursuant to Fulton County Code (“FCC”) § 1-117, the Fulton County Board of Commissioners has exclusive jurisdiction and control over directing and controlling all the property of Fulton County, as they may deem expedient, according to law, and pursuant to FCC § 172-62, the leasing of Fulton County-owned property for telecommunication towers is permitted upon approval by the Board of Commissioners and pursuant to the provisions of FCC § 172-62.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby approves the First Amendment to Lease Agreement with New Cingular Wireless PCS, LLC, to formally extend the term of the Lease Agreement, to increase the rent, to clarify the scope of New Cingular Wireless PCS, LLC's permitted use of the Property, to modify the notice section, and to provide for past underpayments, among other changes, in substantially the form attached hereto as Exhibit "A."

BE IT FURTHER RESOLVED, that the Chairman of the Board of Commissioners is hereby authorized to execute the First Amendment between Fulton County and New Cingular Wireless PCS, LLC, and any related documents.

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

BE IT FURTHER 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 _____, 2025.

FULTON COUNTY BOARD OF COMMISSIONERS

Robert L. Pitts, Chairman (At-Large)

ATTEST:

Tonya R. Grier
Clerk to the Commission

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2 **APPROVED AS TO FORM:**

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7 _____
Y. Soo Jo

8 County Attorney

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EXHIBIT A
LEASE AGREEMENT