

## **FIRST AMENDMENT TO CELL TOWER LEASE AGREEMENT**

This First Amendment to Cell Tower Lease Agreement (“**Amendment**”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, 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.

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:

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Y. Soo Jo, County Attorney

**TENANT:**

**Cellco Partnership d/b/a Verizon Wireless**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**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;

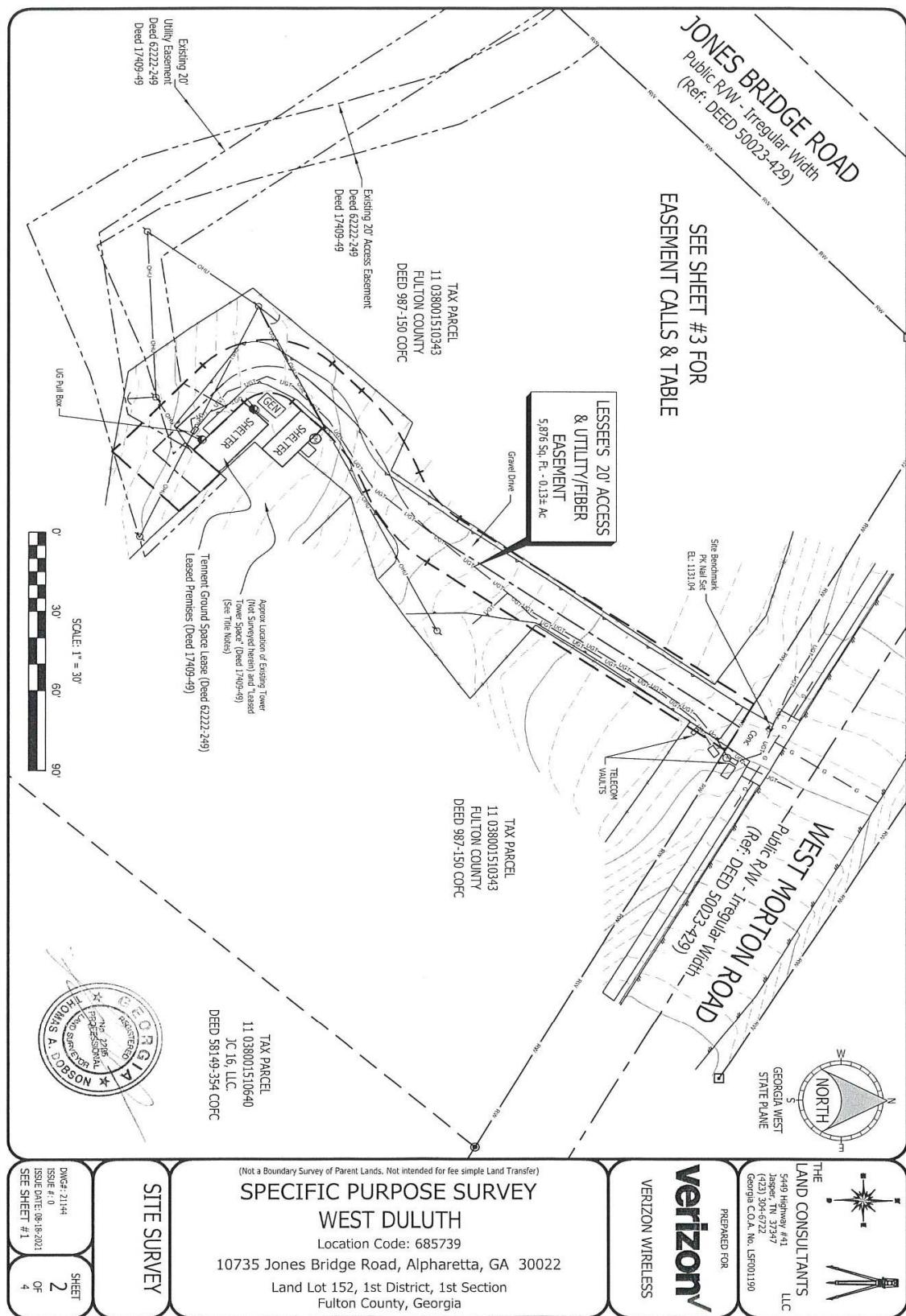
Thence N 34°13'28" E, a distance of 124.56 feet to a point on aforesaid Right-of-Way Line;

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



LESSEE'S 20' ACCESS & UTILITY/FIBER EASEMENT

All that Tract or Parcel of land lying and being in, and/or 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 159, Clerk's Office, Fulton County, Georgia, and being more particularly described as follows:

COMMENT: 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 Motor 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 54°13'58" 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 14.88 feet with a radius of 57.34 feet, with a chord bearing of S 53°58'38" W, with a chord length of 34.33 feet;

Thence with a curve to the left with an arc length of 203.57 feet, with a radius of 653.77 feet, with a chord bearing of S 56°37'47" W, with a chord length of 28.37 feet;

Thence S 44°05'27" 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 111.91 feet, with a chord bearing of S 00°48'12" E, with a chord length of 16.84 feet;

Thence S 45°47'8" E, a distance of 23.01 feet;

Thence S 44°04'50" E, a distance of 12.94 feet;

Thence S 45°02'27" E, a distance of 20.00 feet;

Thence S 44°04'30" E, a distance of 32.68 feet;

Thence S 45°47'8" W, a distance of 45.06 feet;

Thence with a curve to the left with an arc length of 50.11 feet, with a radius of 151.19 feet, with a chord bearing of S 00°48'12" W, with a chord length of 45.11 feet;

Thence S 44°05'41" E, a distance of 14.56 feet;

Thence with a curve to the right with an arc length of 77.26 feet, with a radius of 83.77 feet, with a chord bearing of N 56°37'47" E, with a chord length of 75.97 feet;

Thence with a curve to the left with an arc length of 22.77 feet, with a radius of 37.34 feet, with a chord bearing of S 51°58'38" E, with a chord length of 22.37 feet;

Thence S 44°13'58" E, a distance of 124.56 feet to a point on aforesaid Right-of-Way Line;

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.

Sid Easement contains 0.13 Acres (5,576 Square Feet), more or less.

TITLE EXAMINATION

(Surveyor's treatment of Title examination items is limited to the scope described in AIT/ANS/NS 2016 requirements, Section 6, ii, and is limited to determination of the location [in] the subject Tax Parcel(s] described by Title items. Items not mapped/defined only when adequately described by records, and are within Survey Area. Blanket denials items may note where ambiguous or inexact descriptions might warrant a review by Title Attorney to establish "intent" or other matters, which are not addressed by Survey.)

Reference: Report of Title, prepared by U.S. Title Solutions, File No. 67436-GA2103-5028, issued 04/22/2021, Schedule B.

Item 1 - 4 - 7: General categories (no specific instruments issued).

Item 5 - 6: UCC Documents (not subject to Survey mapping or analysis).

Item 8: Right-of-Way Deed in State of Georgia: Deed 50123-227. Conveyance of lands for widening of Jones Bridge Road & West Motor Road. Land conveyed to State is longer Part of current Parent Tax Parcel. (Item is not located on current Parent Tax Parcel or Lessee's Easement. R/W is shown herein according to found documentation.)

Item 9: Lease Agreement, Parcel Deed 17409-49. Each define a Lease & via, 20' Access Easement and 20' Utility Easement. Each located on Parent Tax Parcel as shown herein. Described 20' Access and 10' Utility Easements cross Lessee's 20' Access & Utility Easement as shown herein. Deed 17409-49 also includes a "leased Tower Acre", the description of which appears to include just the footprint of the existing tower. Located on Parent Tax Parcel. Tower is not surveyed herein. See Survey for approximate location.

LEGAL DESCRIPTION OF PARENT PARCEL (AS SUPPLIED)

All that tract or parcel of land lying in, and/or 152 of the 1st District, 1st Section, Fulton County, Georgia, and being more particularly described as follows:

Beginning at a point located at the intersection of the southwest right-of-way line of Morton Road with the southeast right-of-way line of Jones Bridge Road; running thence along the southwest side of Morton Road S57°55' E a distance of 566.02 feet to a point, running hence along a curve, S29°22' W a distance of 436.66 feet to a point, running thence N47°38' W a distance of 79.96 feet to the southwesterly point; running thence N46°37'7" W a distance of 308.88 feet to the intersection of Jones Bridge Road a distance of 308.88 feet to the intersection of the right-of-way line of Jones Bridge Road with the southwesterly right-of-way of Morton Road at the point of beginning. Said property containing 3.43 acres more or less, and being fully shown and described on plot and plan designated as "Proposed Water Storage Facility on Property of Alfred H. Long and Lewis E. Long, Jones Bridge Road and Morton Road", on file in the Public Works Department of Fulton County, Georgia, a copy of said plot being attached to this condemnation petition as Exhibit "A".

THE  
LAND CONSULTANTS  
LLC  
5449 Highway #41  
Jasper, TN 37347  
Georgia C.O.A. No. LS001190

PREPARED FOR

verizon  
VERIZON WIRELESS



(Not a Boundary Survey of Parent Lands. Not intended for fee simple Land Transfer)  
**SPECIFIC PURPOSE SURVEY**  
**WEST DULUTH**  
 Location Code: 685739  
 10735 Jones Bridge Road, Alpharetta, GA 30022  
 Land Lot 152, 1st District, 1st Section  
 Fulton County, Georgia

SITE SURVEY

DWG# 21144  
 ISSUE 6/0  
 SEE SHEET #1  
 SHEET 4  
 OF 4