

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:

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

JONES BRIDGE ROAD
 Public R/W - Irregular Width
 (Ref: DEED 50023-429)

SEE SHEET #3 FOR
 EASEMENT CALLS & TABLE

LESSEES' 20' ACCESS
 & UTILITY/FIBER
 EASEMENT
 5,876 SQ. Ft. - 0.13± AC

TAX PARCEL
 11 038001510343
 FULTON COUNTY
 DEED 987-150 COFC

Existing 20' Access Easement
 Deed 62222-249
 Deed 17409-49

UG Pull Box

SHEDS
 SHEDS

Approximate Location of Existing Tower
 (Not Surveyed Herein) and "Leased
 Tower Space" (Deed 17409-49)
 (See The Notes)

Tentative Ground Space Lease (Deed 62222-249)
 Leased Premises (Deed 17409-49)

GRAVEL DRIVE

TELECOM
 WALLETS

TAX PARCEL
 11 038001510343
 FULTON COUNTY
 DEED 987-150 COFC

WEST MORTON ROAD
 Public R/W - Irregular Width
 (Ref: DEED 50023-429)

SIRE BEYOND
 PK. 111104
 EL. 111104

NORTH
 GEORGIA WEST
 STATE PLANE

THE
 LAND CONSULTANTS
 LLC
 5540 Highway #41
 Suite #100
 (423) 304-6722
 Georgia C.O.A. No. LSF001190

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

TAX PARCEL
 11 038001510640
 JC 16, LLC.
 DEED 58149-354 COFC

SCALE: 1" = 30'
 0' 30' 60' 90'

DWG# 21144
 ISSUE # 1.0
 ISSUE DATE: 08-18-2021
 SHEET 2 OF 4
 SITE SURVEY

GEORGIA
 SURVEYOR
 THOMAS A. DOBSON
 No. 2746
 (No Seal)

Tenant Site Name: West Duluth
Tenant Location No: 133089

LESSEES' 20' ACCESS & UTILITY/FIBER EASEMENT

All that Tract or Parcel of land lying and being in Land Lot 132, 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 County, Georgia, and being more particularly described as follows:

COMMENCE at a one-half-inch Copied 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 39° 46' 04" W, along said Right-of-Way Line, a distance of 173.43 feet to the POINT OF BEGINNING;

Thence S 34° 13' 28" W, leaving said Right-of-Way Line a distance of 125.39 feet 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 45° 04' 30" W, a distance of 42.06 feet;

Thence N 45° 47' 18" W, a distance of 42.06 feet;

Thence with a curve to the right with an arc length of 50.11 feet, with a radius of 45.12 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 39° 46' 04" E, along said Right-of-Way Line, a distance of 25.05 feet to the POINT OF BEGINNING.

Said 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 ALTA/ACSP 2016 requirements, Section 6, C. ii, and is limited to determination of the location (within subject Tax Parcel(s)) described by Title Items. Items are mapped herein only when adequately described of record and are within Survey Area. "Blanket" denotes items applicable to the entire Parcel (not subject to separate mapping). Surveyor may note where ambiguous or unclear descriptions might warrant a review by Title Attorney to establish "intent" or other matters, which are not addressed by Surveyor.)

Reference: Report of Title, prepared by U.S. Title Solutions, File No. 67436-CA2100-5028, issued 04-22-2021, Schedule B:

Item 1 - 4, 7, General categories (no specific instrument listed).

Item 5 - 6, LCC Documents (not subject to Survey mapping or analysis).

Item 8: Right-of-Way, Deed to State of Georgia, Deed 50023-429.

Conveyance of lands for widening of Jones Bridge Road & West Morton Road, Land conveyed to State is larger 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 monumentation.)

Item 9: Lease Agreement, Parcel, Deed 17409-49.

Item 10: Memorandum of Cell Tower Lease, Cellco Partnership, Deed 6222-249.

Each define a Lease Area, 20' Access Easement and 20' Utility Easement. Each located on Parent Tax Parcel as shown herein. Described 20' Access and 20' Utility Easement cross Lessee's 20' Access & Utility Easement as shown herein. Deed 17409-49 also includes a "Leased Tower Area," 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 Land Lot 132 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°43'E a distance of 356.62 feet to a point; running thence along a course S40°22'W a distance of 438.68 feet to a point; running thence N47°38'W a distance of 379.98 feet to the southeasterly right-of-way line of Jones Bridge Road; running thence N46°57'E along the southeasterly line of Jones Bridge Road a distance of 380.88 feet to the intersection of the right-of-way line of Jones Bridge Road with the southeasterly 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 plat and plan designated as "Proposed Water Storage Facility on Property of Mildred 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 plat being attached to this confirmation petition as Exhibit "A."



THE
LAND CONSULTANTS
LLC
5449 Highway #41
Jasper, TN 37347
(423) 304-6722
Georgia C.O.A. No. LS9001190

PREPARED FOR

verizon
VERIZON WIRELESS

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 #1:0
ISSUE DATE: 08-18-2021
SEE SHEET #1

SHEET
4
OF
4