

After recording, return to:

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Cross-Reference:

Deed Book 49534, Page 553  
Deed Book 64330, Page 672  
Deed Book 65567, Page 633  
Deed Book 65588, Page 253  
Fulton County, Georgia records

Site Name: Upper Wooten Road

**CONSENT TO USE**

This Consent to Use (this “**Consent**”) is executed and delivered as of the \_\_\_\_ of \_\_\_\_\_, 2022, by FULTON COUNTY, GEORGIA, a county government organized under the laws of the State of Georgia (“**Fulton County**”), to and in favor of the CITY OF CHATTAHOOCHEE HILLS, a municipal corporation of the State of Georgia, (the “**City**”), and TOWERCOM V-B, LLC, a Delaware limited liability company, and its successor and assigns (“**TowerCom**”).

W I T N E S S E T H:

WHEREAS, the City is the owner of that certain property described in **Exhibit A**, attached hereto and made a part hereof, commonly known as Cochran Mill Park (the “**Property**”);

WHEREAS, the City and Cellco Partnership d/b/a Verizon Wireless (“**Verizon**”), entered into that certain Land Lease Agreement dated August 5, 2021 (the “**Tower Lease**”), for the lease of a 10,000 square foot portion of the Property for a telecommunications facility, as more particularly described in **Exhibit B** attached hereto and made a part hereof (the “**Tower Land**”); as memorialized by the Memorandum of Land Lease Agreement dated August 11, 2021, and recorded August 18, 2021, in Deed Book 64330, Page 672, Fulton County Clerk of Superior Court records;

WHEREAS, Verizon assigned all of its rights, title and interest in and to the Tower Lease to TowerCom pursuant to the Assignment and Assumption of Land Lease Agreement dated March 30, 2022; as memorialized by the Memorandum of Assignment of Land Lease Agreement

dated April 14, 2022, and recorded April 18, 2022, in Deed Book 65567, Page 633, and re-recorded April 21, 2022, in Deed Book 65588, Page 253, aforesaid records;

WHEREAS, pursuant to the Quitclaim Deed from Fulton County to the City dated March 17, 2010, and recorded November 5, 2010, in Deed Book 49534, Page, 553, aforesaid records, the Property shall be used in perpetuity as park property and/or greenspace, and the Property shall be made available to residents of Fulton County and the City of Chattahoochee Hills (collectively, the “**Restriction**”); and

WHEREAS, the Property shall remain park property, and the telecommunications facility will be a benefit to the public’s use and enjoyment of the Property; therefore, Fulton County believes that the use of the Tower Land by TowerCom does not violate the Restriction;

NOW THEREFORE, for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Fulton County agrees as follows:

1. Fulton County hereby consents to the use of the Tower Land for a telecommunications facility for the term of the Tower Lease. Fulton County agrees not to enforce the Restriction against the City, TowerCom or its tenants, successors and assigns with respect to the Tower Land during the term of the Tower Lease.

2. The rights and obligations set forth herein shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3. This Consent shall be construed and interpreted pursuant to the laws of the State of Georgia.

4. This Consent may be executed in multiple counterparts, each of which shall be deemed an original, and counterpart signature pages may be assembled to form a single original document.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Fulton County has executed this Consent as of the day and year first written above.

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

[NOTARIAL SEAL]

FULTON COUNTY, GEORGIA, a county  
government organized under the laws of the  
State of Georgia

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

Attest: \_\_\_\_\_  
Tonya R. Grier  
Clerk to the Commission

Approve as to form:

\_\_\_\_\_  
Office of the County Attorney

## EXHIBIT A

### The Property

All that tract or parcel of land lying and being in Land Lots 37, 28, 27, 38, 6, 7 and 26 of the 8th Land District, 2nd Section, Fulton County, Georgia, City of Chattahoochee Hills and being more particularly described as follows:

Beginning at a concrete monument located on the westerly line of Land Lot 28, said concrete monument being South 0°11' 43" West, a distance of 454.06' from an iron pin found at the common corner of Land Lots 36, 29, 37 and 28. Said point being the POINT OF BEGINNING; thence South 39°33'38" East, a distance of 3120.38' to concrete monument located on the south line of Land Lot 28; thence along said Land Lot line South 89°35'17" East, a distance of 995.30' to a concrete monument at the come common to Land Lots 28, 5, 27 and 6; thence along the east line of Land Lot 27 South] 00° 19'32"1 East, a distance of 2181.03' to a concrete monument; thence departing said Land Lot line South 89°09'08" East, a distance of 400.32' to a concrete monument; thence South 00°18'43" East, a distance of 491.29' to a concrete monument; thence South 89°12'5" East, a distance of 1332.77' to the right of way of Cochran Mill Road (60' r/w) thence along said right of way along a curve to the left an arc distance of 349.30', said curve having a radius of 1053.19' and being subtended by a chord distance of 347.70' and a chord bearing of South 03°43'18" West; thence continuing along said right of way; South C6°26'00" East, a distance of 1139.40' to a point; thence continuing along said right of way along a curve to the left, an arc distance of 658.80', said curve having a radius of 985.44' and being subtended by a chord distance of 646.60' and a chord bearing of South 25°34'45" East; thence continuing along said right of way South 45° 49'49" East, distance of 956.93' to a concrete monument; thence departing said right of way South 88°38'00" West, a distance of 2804.95' to a concrete monument on the east line of Land Lot 26; thence South 88°18'31" West, a distance of 1350.21' to a concrete monument thence North 01°20'59" West, a distance of 1815.80' to a concrete monument; thence North SS'WSS' West, a distance of 2654.56' to a concrete monument on the east line of Land Lot 38; thence along the said Land Lot line North 00°46'05" East, a distance o 509.54' to a rebar; thence departing said Land Lot line North 49°35'43" ,West, a distance of 1660.38' to a rebar set; thence North 00° 19T4\*' West, a distance of 1996.43' to the centerline of Bear Creek; thence continuing along said creek centerline the following courses and distances: South 83°56'00" West, a distance of 155.15'; thence South 86° 07'46" West, a distance of 176.89'; thence North 74°46'52", West, a distance of 81.24' thence North 49°29'12" West, a distance of 81.13'; thence North 25°38'49" West, distance of 74.76'; thence North 15°18'58" West, a distance of 81.31'; thence North 11°04'13" West, a distance of 67.20'; thence North 38°44'50" East, a distance of 89.93' thence departing said creek centerline North 85°46r27" East, a distance of 1788.48' to the POINT OF BEGINNING.

Said described tract containing 552.493 Acres.

## **EXHIBIT B**

### **Tower Land**

All that tract or parcel of land lying and being in Land Lot 7, 8<sup>th</sup> District, 2<sup>nd</sup> Section, City of Chattahoochee Hills, Fulton County, Georgia, being a part of the lands of City of Chattahoochee Hills, Georgia, as recorded in Deed Book 49534 Page 553, Fulton County lands records, being more particularly described as follows:

To find the point of beginning, commence at a concrete monument found on the southwesterly right-of-way line of Cochran Mill Road (having a 60-foot right-of-way), said concrete monument marking the southeast corner of Tract 1 of said lands described in Deed Book 49534 Page 553, said concrete monument having a Georgia Grid North, NAD83, West Zone Value of N: 1299061.3635, E: 2130669.1242; thence along said southwesterly right-of-way line of Cochran Mill Road, North 44°46'24" West, 606.90 feet to a point having a Georgia Grid North, NAD83, West Zone Value of N: 1299492.1997, E: 2130241.6840; thence leaving said southwesterly right-of-way line of Cochran Mill Road and running, South 53°40'45" West, 120.30 feet to a point; thence, South 42°48'46" West, 99.39 feet to a point; thence, South 44°46'24" East, 46.06 feet to a point on the northwesterly line of the Lessee Premises; thence along said Lessee Premises, North 45°13'36" East, 50.00 feet to a point and the true POINT OF BEGINNING; Thence running, South 44°46'24" East, 100.00 feet to a point; Thence, South 45°13'36" West, 100.00 feet to a point; Thence, North 44°46'24" West, 100.00 feet to a point; Thence, North 45°13'36" East, 100.00 feet to a point; and the POINT OF BEGINNING.

Said tract contains 0.2296 acres (10,000 square feet), more or less.