

1 A RESOLUTION APPROVING A CONSENT TO USE AGREEMENT BETWEEN
2 FULTON COUNTY, GEORGIA, AND TOWERCOM V.B. LLC, A DELAWARE LIMITED
3 LIABILITY COMPANY, AND THE CITY OF CHATTAHOOCHEE HILLS RELATED TO
4 THE INSTALLATION OF A CELL TOWER AT COCHRAN MILL PARK; AUTHORIZING
5 THE CHAIRMAN TO EXECUTE A CONSENT TO USE AGREEMENT TO CARRY OUT
6 THIS PURPOSE; AUTHORIZING THE COUNTY ATTORNEY TO APPROVE THE
7 CONSENT TO USE AGREEMENT AS TO FORM PRIOR TO EXECUTION BY THE
8 CHAIRMAN; AND FOR OTHER PURPOSES.

9 WHEREAS, on or about March 17, 2010, Fulton County (the "County") transferred
10 to the City of Chattahoochee Hills (the "City") via Quit Claim Deed 800.09 acres +/- of
11 land commonly known as Cochran Mill Park located in Land Lots 10, 11, 22, and 23 of
12 the 7th District of Fulton County, Georgia and Land Lots 6, 7, 26, 27, 28, 37, and 38 of the
13 8th District, 2nd Section of Fulton County, Georgia (the "Property"); and

14 WHEREAS, the Property was acquired or developed with federal financial
15 assistance provided by the National Park Service and Department of Interior on the
16 condition that the property remain a public outdoor recreation use; and

17 WHEREAS, the March 17, 2010 Quit Claim Deed included language stating that
18 the transfer was "subject to the covenant and use restriction that it shall be used in
19 perpetuity as park property and/or greenspace"; and

20 WHEREAS, the City and Cellco Partnership d/b/a Verizon Wireless ("Verizon"),
21 entered into that certain Land Lease Agreement dated August 5, 2021 (the "Tower
22 Lease"), for the lease of a 10,000 square foot portion of the Property for a
23 telecommunications facility; and

24 WHEREAS, Verizon assigned all of its rights, title and interest in and to the Tower
25 Lease to TowerCom V.B. LLC ("TowerCom"); and

1 **WHEREAS**, the cell tower will be used to provide telecommunication services to
2 visitors of Cochran Mill Park and the surrounding area; and

3 **WHEREAS**, these telecommunication services will provide needed security for
4 park visitors and the surrounding area; and

5 **WHEREAS**, in light of the restrictions contained in the March 17, 2010 Quit Claim
6 Deed, the City and TowerCom have approached the County with a request to approve
7 the installation of the monopole cell tower on the Property and confirm that the County
8 does not believe the Lease violates the restrictions contained in the Quit Claim Deed; and

9 **WHEREAS**, except for the Consent to Use Agreement, Cochran Mill Park will
10 remain a public park and greenspace in accordance with the restrictions contained in the
11 March 17, 2010 Quit Claim Deed; and

12 **WHEREAS**, the County, the City and TowerCom have negotiated a mutually
13 acceptable Consent to Use agreement, attached hereto as Exhibit "A", capable of being
14 recorded in the real estate records of Fulton County, Georgia' and

15 **WHEREAS**, the County approves the installation of the monopole cell tower on the
16 Property to provide telecommunications services to the Property and surrounding area to
17 improve the safety of park visitors and does not believe the Lease violates the restrictions
18 contained in the Quit Claim Deed; and

19 **WHEREAS**, that the Board of Commissioners finds that the installation of a
20 monopole cell tower on the Property will provide needed telecommunications services to
21 visitors of Cochran Mill Park and the surrounding area; and

1 **WHEREAS**, that the Board of Commissioners finds that the telecommunication
2 services to be provided by the monopole cell tower will improve the security at Cochran
3 Mill Park and will not violate the restrictions contained in the March 17, 2010 Quit Claim
4 Deed; and

5 **WHEREAS**, pursuant to Fulton County Code § 1-117, the Board of Commissioners
6 has exclusive jurisdiction and control in directing and controlling all the property of the
7 county, as they may deem expedient, according to law.

8 **NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby
9 approves the Consent to Use Agreement with the City and TOWERCOM V-B, LLC, in
10 substantially the form attached hereto as Exhibit "A", which is fully incorporated herein.

11 **BE IT FURTHER RESOLVED**, that the Chairman of Fulton County Board of
12 Commissioners is hereby authorized and directed to execute and deliver the Consent to
13 Use Agreement to the City and to TowerCom V.B. LLC.

14 **BE IT FURTHER RESOLVED**, that prior to execution of any documents, the
15 County Attorney shall approve any and all documents as to form and make any necessary
16 modifications thereto to protect Fulton County's interests.

17 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
18 adoption and that all resolutions and parts of resolutions in conflict with this Resolution
19 are hereby repealed to the extent of such conflict.

1 **SO PASSED AND ADOPTED**, this _____ day of May 2022.

2
3 **FULTON COUNTY BOARD OF**
4 **COMMISSIONERS:**

5
6
7 _____
8 Robert L. Pitts, Chairman
9

10
11 **ATTEST:**

12
13
14 _____
15 Tonya R. Grier, Clerk to the Commission

16 **APPROVED AS TO FORM:**

17
18 _____
19 Y. Soo Jo, County Attorney

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21 P:\CALegislation\Land\05.10.2022 Resolution Approving Consent to Use Agreement for TowerCom at Cochran Mill Park.docx