

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION TO APPROVE THE STRUCTURE LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC

WHEREAS, the City owns certain land located at 1425 Spalding Drive where Fire Station #1 is located (“Property”); and

WHEREAS, a telecommunications structure (“Structure”) is also located on the Property, and is owned by New Cingular Wireless PSC, LLC (“Cingular”); and

WHEREAS, prior to the City’s incorporation, Cingular was paying monthly rent to Fulton County for the use of the Property pursuant to a lease; however, after the City was incorporated, the lease was inadvertently not transferred to the City, and Cingular has not been paying rent since the City’s incorporation; and

WHEREAS, the City and Cingular have entered into good faith negotiations and now desire to execute a Structure Lease Agreement (“Agreement”) in substantially final form as shown in Exhibit “A” attached hereto; and

WHEREAS, the Agreement includes a payment in the amount of One Hundred Ninety Four Thousand Dollars (\$194,000.00) in back rent for Cingular’s use of the Property from December 1, 2006 through December 31, 2014; and

WHEREAS, the Agreement provides for an initial term of five (5) years, with automatic renewal for four (4) additional five (5) year terms; and

WHEREAS, the Agreement provides for rent to be paid to the City in the amount of Two Thousand Three Hundred Dollars (\$2,300.00) per month beginning January 1, 2015 for the initial five (5) year term, with an increase of ten percent (10%) over rent paid for the previous term for each five (5) year renewal term thereafter; and

WHEREAS, the Mayor and Council have considered the attached Agreement and have determined that it is in the City’s best interest to authorize the City Attorney to finalize and the City Manager to execute the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, THAT:

1. The City of Sandy Springs Mayor and City Council hereby approve the attached Agreement with New Cingular Wireless PCS, LLC, in substantially final form, including exhibits attached hereto; and
2. The City of Sandy Springs Mayor and City Council hereby authorize the City Manager and the City Attorney to finalize and execute the Agreement and all documents required to facilitate this transaction and to take any other action deemed necessary to effectuate the intent of this Resolution.

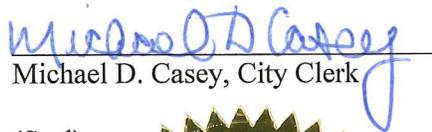
RESOLVED this the 17th day of February, 2015.

Approved:



Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)

