

FORSYTH COUNTY
BOARD OF COMMISSIONERS

**BRIEFING
DRAFT**

MEETING DATE: JUNE 12, 2017

AGENDA ITEM NUMBER: 18

SUBJECT: RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO SITE LEASE AGREEMENT BETWEEN FORSYTH COUNTY AND WINSTON-SALEM, AS LANDLORDS, AND NEW CINGULAR WIRELESS PCS, LLC, AS TENANT, FOR THE INSTALLATION OF ADDITIONAL ANTENNAS, CABLES AND INSTRUMENTS ON A COMMUNICATIONS FACILITY

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____

COUNTY MANAGER

DATE: _____

RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO SITE LEASE AGREEMENT BETWEEN FORSYTH COUNTY AND WINSTON-SALEM, AS LANDLORDS, AND NEW CINGULAR WIRELESS PCS, LLC, AS TENANT, FOR THE INSTALLATION OF ADDITIONAL ANTENNAS, CABLES AND INSTRUMENTS ON A COMMUNICATIONS FACILITY

WHEREAS, in 2014, the County of Forsyth and City of Winston-Salem, North Carolina leased a portion of Fairlawn Drive Tower to New Cingular Wireless PCS, LLC for a term of up to twenty-five years at the initial amount of \$25,000 per year, with a three percent annual increase during the term of the lease; and

WHEREAS, New Cingular Wireless now desires to amend the Site Lease Agreement to allow for the installation of additional antennas, associated cables and other communications instruments at an increased rent of Three Thousand Six Hundred and 00/100 Dollars (\$3,600.00) annually;

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby authorizes the County Manager and Clerk to the Board to execute, on behalf of Forsyth County, the attached First Amendment to a Site Lease Agreement, consistent with the terms outlined herein, between Forsyth County and the City of Winston-Salem, as Landlords, and New Cingular Wireless PCS, LLC, as Tenant, subject to a pre-audit certificate thereon by the County Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

Adopted this the 12th day of June 2017.

Market: North Carolina/South Carolina
Cell Site Number: 174-586
Cell Site Name: City of Winston-Salem
Fixed Asset Number: 10546251

□

FIRST AMENDMENT TO SITE LEASE AGREEMENT

THIS FIRST AMENDMENT TO SITE LEASE AGREEMENT ("**First Amendment**"), dated as of the latter of the signature dates below, is by and between **County of Forsyth and City of Winston-Salem, North Carolina** having a mailing address of 201 N. Chestnut Street, Winston-Salem, NC 27101 ("**Landlord**") and **New Cingular Wireless PCS, LLC**, a Delaware limited liability company, having a mailing address of 575 Morosgo Drive, 13-F West Tower, Atlanta, GA 30324 ("**Tenant**").

WHEREAS, Landlord and Tenant (or its respective predecessor-in-interest) entered into a Site Lease Agreement dated January 31, 2014, whereby Landlord leased to Tenant certain Premises, therein described, that are a portion of the Site located at 2915 Fairlawn Dr., Winston-Salem, NC 27106 (hereafter, collectively referred to as the ("**Agreement**")); and

WHEREAS, Landlord and Tenant desire to amend the Agreement to allow for the installation of additional antennas, associated cables and other communications instruments; and □

WHEREAS, Landlord and Tenant desire to adjust the rent in conjunction with the modifications to the Agreement contained herein; and

WHEREAS, Landlord and Tenant, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

1. Additional Antennas. In addition to the other antennas permitted in the Agreement, Landlord consents to the installation and operation of additional antennas, associated cables and equipment as more completely described on attached Exhibit 1-A. Landlord's execution of this Amendment will signify Landlord's approval of Exhibit 1-A. Exhibit 1-A hereby replaces Exhibit 1 to the Agreement.

2. Rent. Commencing on the first day of the month following the date that Tenant commences construction of the modifications set forth in this Amendment, Rent shall be increased by Three Thousand Six-Hundred and No/100 Dollars (\$3,600.00) annually, subject to further adjustments as provided in the Agreement. The new annual rent will be \$30,122.50.

3. Memorandum of Lease. Either party will, at any time upon fifteen (15) days prior written notice from the other, execute, acknowledge and deliver to the other a recordable Memorandum

of Lease substantially in the form of the Attachment 1. Either party may record this memorandum at any time, in its absolute discretion.

4. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this Fourth Amendment, the terms of this First Amendment shall control. Except as expressly set forth in this Fourth Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Fourth Amendment.

5. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this First Amendment on the dates set forth below.

"LANDLORD"

COUNTY OF FORSYTH

By: _____

Name: _____

Date: _____

CITY OF WINSTON-SALEM

By: _____

Name: _____

Date: _____

"TENANT"

New Cingular Wireless PCS, LLC

By: AT&T Mobility Corporation
Its: Manager

By: Jason Martin

Name: Jason Martin
Title: Area Manager Construction &
Engineering

Date: 5-4-17

TENANT ACKNOWLEDGEMENT

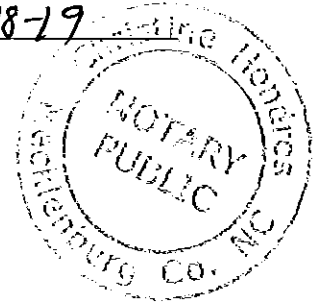
STATE OF NORTH CAROLINA)
) ss:
COUNTY OF MECKLENBURG)

On the 4th day of May, 2017 before me personally appeared Jason Martin, and acknowledged under oath that he is the Area Manager of Construction & Engineering of New Cingular Wireless PCS, LLC the Company named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Corporation.

Christine Hondros

Notary Public: Christine Hondros

My Commission Expires: 07-18-19



LANDLORD ACKNOWLEDGEMENT

STATE OF NORTH CAROLINA)
) ss:
COUNTY OF FORSYTH)

On the ___ day of ___, 2017 before me personally appeared ___, and acknowledged under oath that he/she is the ___ of County of Forsyth the Company named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Corporation.

Notary Public: _____

My Commission Expires: _____

LANDLORD ACKNOWLEDGEMENT

STATE OF NORTH CAROLINA)
) ss:
 COUNTY OF FORSYTH)

On the ____ day of _____, 2017 before me personally appeared _____, and acknowledged under oath that he/she is the _____ of City of Winston-Salem the Company named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Corporation.

 Notary Public: _____

My Commission Expires: _____

EXHIBIT 1-A

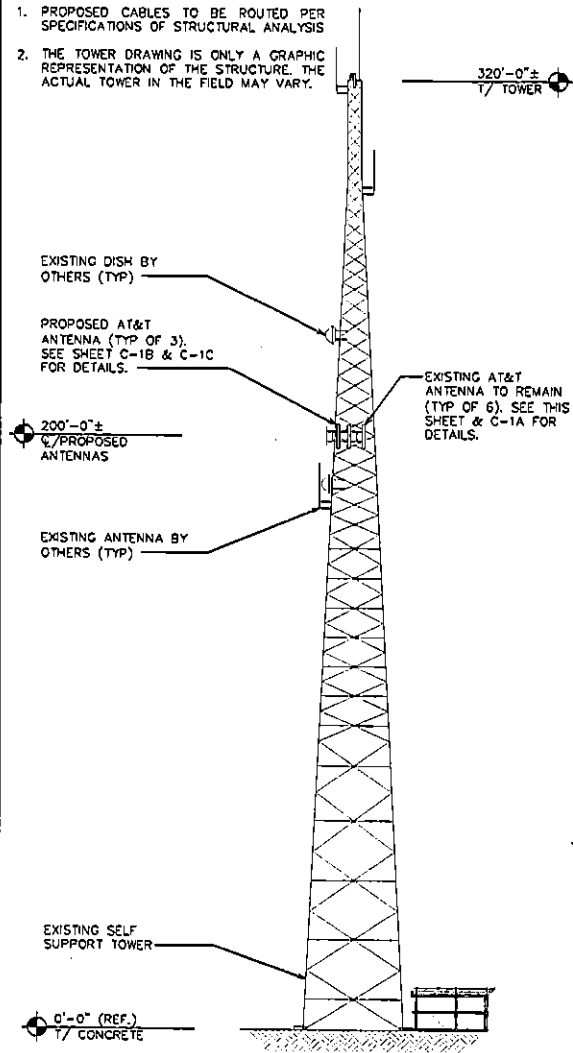
Notes:

1. THIS EXHIBIT MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED BY TENANT.
2. ANY SETBACK OF THE PREMISES FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES.
3. WIDTH OF ACCESS ROAD SHALL BE THE WIDTH REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES, INCLUDING POLICE AND FIRE DEPARTMENTS.
4. THE TYPE, NUMBER AND MOUNTING POSITIONS AND LOCATIONS OF ANTENNAS AND TRANSMISSION LINES ARE ILLUSTRATIVE ONLY. ACTUAL TYPES, NUMBERS AND MOUNTING POSITIONS MAY VARY FROM WHAT IS SHOWN ABOVE.

EXHIBIT 1-A

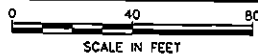
NOTES:

1. PROPOSED CABLES TO BE ROUTED PER SPECIFICATIONS OF STRUCTURAL ANALYSIS
2. THE TOWER DRAWING IS ONLY A GRAPHIC REPRESENTATION OF THE STRUCTURE. THE ACTUAL TOWER IN THE FIELD MAY VARY.



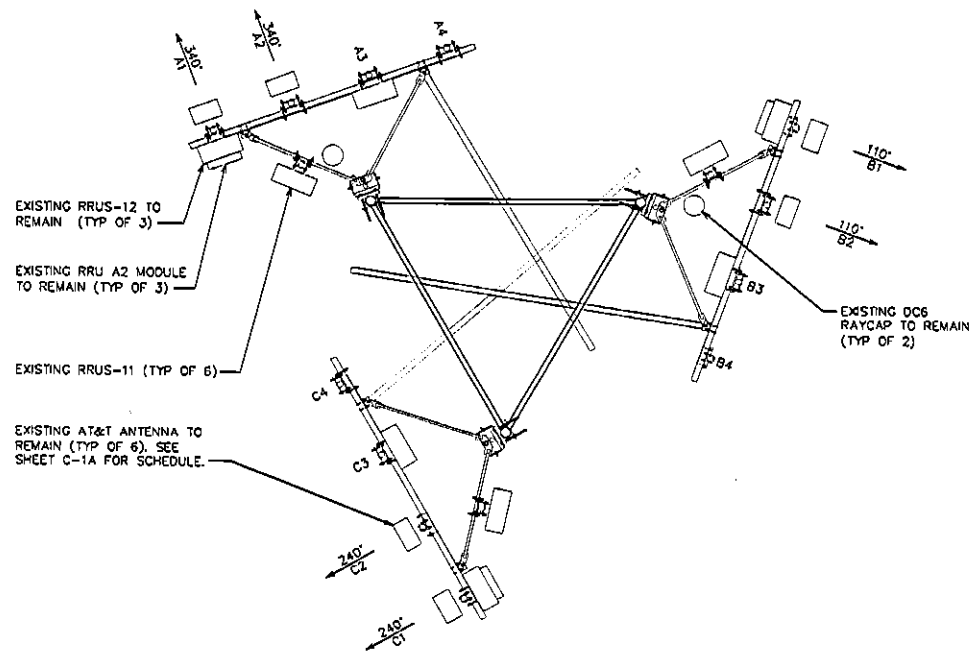
TOWER ELEVATION

SCALE: 1" = 40'



EXISTING ANTENNA ORIENTATION

SCALE: N.T.S.



PLANS PREPARED FOR:

 2002 PISGAH CHURCH ROAD, SUITE 300
 GREENSBORO, NC 27455

PLANS PREPARED FOR:

 1000 CENTRE GREEN WAY SUITE 300
 CARY, NC 27513

PROJECT INFORMATION:
AT&T #: 174-586
 2915 FAIRLAWN DRIVE
 WINSTON-SALEM, NC 27102
 (FORSYTH COUNTY)

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
 326 TRYON ROAD
 RALEIGH, NC 27603-3530
 OFFICE: (919) 661-6351
 www.tepgroup.net
 N.C. LICENSE # C-1794

SEAL:

 March 9, 2017

1	03-09-17	CONSTRUCTION
0	01-27-17	PRELIMINARY
REV	DATE	ISSUED FOR:

DRAWN BY: RCL CHECKED BY: RSM

SHEET TITLE:
TOWER ELEVATION & EXISTING ANTENNA LOADING

SHEET NUMBER: C-1	REVISION: 1 TEP p.13931.106602
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GENERAL NOTES:

1. THIS ANTENNA ORIENTATION PLAN IS A SCHEMATIC. THE CONTRACTOR SHALL VERIFY TOWER ORIENTATION AND FIELD COORDINATE REQUIRED ADJUSTMENTS TO ACHIEVE THE DESIRED ANTENNA AZIMUTHS.
2. ANTENNA CENTERLINE HEIGHT BASED ON TOP OF FOOTING ELEVATION.
3. ALL ANTENNAS, CABLES, AND MOUNTS SHALL BE INSTALLED IN ACCORDANCE WITH THE STRUCTURAL ENGINEER'S RECOMMENDATIONS IN A MANNER CONSISTENT WITH THE STRUCTURAL ANALYSIS REPORT.
4. ALL ANTENNA BRACKETS PER ANTENNA MANUFACTURER, OR EQUAL CONTRACTOR TO COORDINATE REQUIRED MECHANICAL DOWN TILT WITH AT&T.
5. ALL ANTENNA INFORMATION TO BE CONFIRMED WITH AT&T RF DESIGN PRIOR TO INSTALLATION.
6. TEP DID NOT PERFORM A STRUCTURAL ANALYSIS ON THE MOUNT OR THE TOWER. IT IS THE CARRIER'S RESPONSIBILITY TO ENSURE MOUNT AND TOWER CAN SUPPORT ADDITIONAL LOADS.
7. EXISTING LOADING INFORMATION PROVIDED BY MASTEC NETWORK SOLUTIONS. AT&T RFDS ID: 1305579.

EXISTING ANTENNA/CABLE SCHEDULE

ANT. MARK	SECTOR	EXISTING TECH.	MANUFACTURER/ MODEL #	AZIMUTH (TN)	RAD CENTER	ELEC. D-TILT	TMA MODEL	COAX/ CABLE	SURGE PROTECTION	RRU MODEL
A1	ALPHA	LTE 700 LTE AWS	COMMSCOPE SBNHH-1D65B	340°	200'	3° 6°		(1) FIBER (2) DC POWER	(1) DC6-48-60-18-8F	(1) RRUS-11 (1) RRUS-12 (1) RRUS A2 MODULE
A2	ALPHA	UMTS 1900	ANDREW HBXX-6516DS-VTM	340°	200'	2°				(1) RRUS-11
B1	BETA	LTE 700 LTE AWS	COMMSCOPE SBNHH-1D65B	110°	200'	4° 6°		(1) DC POWER	(1) DC6-48-60-18-8F	(1) RRUS-11 (1) RRUS-12 (1) RRUS A2 MODULE
B2	BETA	UMTS 1900	ANDREW HBXX-6516DS-VTM	110°	200'	4°				(1) RRUS-11
C1	GAMMA	LTE 700 LTE AWS	COMMSCOPE SBNHH-1D65B	240°	200'	7° 2°				(1) RRUS-11 (1) RRUS-12 (1) RRUS A2 MODULE
C2	GAMMA	UMTS 1900	ANDREW HBXX-6516DS-VTM	240°	200'	2°				(1) RRUS-11

EXHIBIT 1-A

PLANS PREPARED FOR:



2002 PISCAN CHURCH ROAD, SUITE 300
GREENSBORO, NC 27455

PLANS PREPARED FOR:



1000 CENTRE GREEN WAY, SUITE 300
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PROJECT INFORMATION:

AT&T #: 174-586

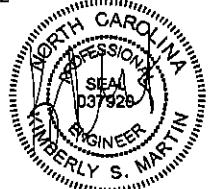
2915 FAIRLAWN DRIVE
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DRAWN BY: RCL CHECKED BY: KSM

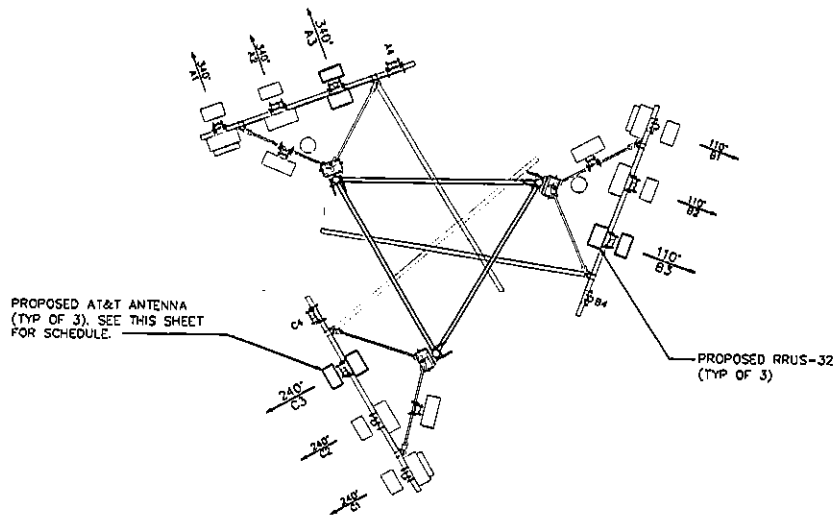
SHEET TITLE:

**EXISTING
ANTENNA/CABLE
SCHEDULE**

SHEET NUMBER:	REVISION:
C-1A	1
	TEP #: 43531.106602

EXISTING ANTENNA/CABLE SCHEDULE

SCALE: N.T.S



PROPOSED ANTENNA ORIENTATION

SCALE: N.T.S.

GENERAL NOTES:

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2. ANTENNA CENTERLINE HEIGHT BASED ON TOP OF FOOTING ELEVATION.
3. ALL ANTENNAS, CABLES AND MOUNTS SHALL BE INSTALLED IN ACCORDANCE WITH THE STRUCTURAL ENGINEER'S RECOMMENDATIONS IN A MANNER CONSISTENT WITH THE STRUCTURAL ANALYSIS REPORT.
4. ALL ANTENNA BRACKETS PER ANTENNA MANUFACTURER, OR EQUAL, CONTRACTOR TO COORDINATE REQUIRED MECHANICAL DOWN TILT WITH AT&T.
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6. TEP DID NOT PERFORM A STRUCTURAL ANALYSIS ON THE MOUNT OR THE TOWER. IT IS THE CARRIER'S RESPONSIBILITY TO ENSURE MOUNT AND TOWER CAN SUPPORT ADDITIONAL LOADS.
7. EXISTING LOADING INFORMATION PROVIDED BY MASTEC NETWORK SOLUTIONS, AT&T RFDS ID: 1395579.
8. CABLE LENGTH TAKEN FROM AT&T RFDS. CONTRACTOR TO VERIFY LENGTH PRIOR TO ORDERING MATERIALS.

PROPOSED ANTENNA/CABLE SCHEDULE

ANT. MARK	SECTOR	TECH.	EXISTING/ PROPOSED	MANUFACTURER/ MODEL #	AZIMUTH (TN)	RAD CENTER	ELEC. D-TILT	TMA MODEL	COAX/ CABLE	CABLE LENGTH	SURGE PROTECTION	RRU MODEL
A1	ALPHA	LTE 700 LTE AWS	EXISTING	COMMSCOPE SBNHH-10658	340°	200'	3' 6"		(1) FIBER (2) DC POWER	±225'	(1) DC6-48-60-18-8F	(1) RRUS-11 (1) RRUS-12 (1) RRUS A2 MODULE
A2	ALPHA	UMTS 1900	EXISTING	ANDREW HBXX-65160S-VTM	340°	200'	2'					(1) RRUS-11
A3	ALPHA	LTE WCS	PROPOSED	KMW EPBQ-652L8H8	340°	200'	-					(1) RRUS-32
B1	BETA	LTE 700 LTE AWS	EXISTING	COMMSCOPE SBNHH-10658	110°	200'	4' 6"		(1) FIBER, (1) DC POWER (1) DC POWER	±225'	(1) DC6-48-60-18-8F	(1) RRUS-11 (1) RRUS-12 (1) RRUS A2 MODULE
B2	BETA	UMTS 1900	EXISTING	ANDREW HBXX-65160S-VTM	110°	200'	4'					(1) RRUS-11
B3	BETA	LTE WCS	PROPOSED	KMW EPBQ-652L8H8	110°	200'	-					(1) RRUS-32
C1	GAMMA	LTE 700 LTE AWS	EXISTING	COMMSCOPE SBNHH-10658	240°	200'	7' 2"					(1) RRUS-11 (1) RRUS-12 (1) RRUS A2 MODULE
C2	GAMMA	UMTS 1900	EXISTING	ANDREW HBXX-65160S-VTM	240°	200'	2'					(1) RRUS-11
C3	GAMMA	LTE WCS	PROPOSED	KMW EPBQ-652L8H8	240°	200'	-					(1) RRUS-32

PROPOSED EQUIPMENT AND TECHNOLOGY IN BOLD

PROPOSED ANTENNA/CABLE SCHEDULE

SCALE: N.T.S.

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SCALE:

 KIMBERLY S. MARTIN
 March 9, 2017

1	03-09-17	CONSTRUCTION
0	01-27-17	PRELIMINARY
REV	DATE	ISSUED FOR:

DRAWN BY: RCL | CHECKED BY: KSM

SHEET TITLE:
PROPOSED ANTENNA LOADING

SHEET NUMBER: **C-1B** | REVISION: **1**
 TEP #: 43531.106602