

Market: Georgia
Cell Site Number: 410-008
Cell Site Name: 1801 Kerry Street
Fixed Asset Number: 10017138

FIFTH AMENDMENT TO BUILDING, ROOFTOP, WATER TANK, AND MISCELLANEOUS STRUCTURE ANTENNA ATTACHMENT LEASE AGREEMENT

THIS FIFTH AMENDMENT TO BUILDING, ROOFTOP, WATER TANK, AND MISCELLANEOUS STRUCTURE ANTENNA ATTACHMENT LEASE AGREEMENT ("**Fifth Amendment**"), dated as of the latter of the signature dates below, is by and between Mayor and Aldermen of the City of Savannah, having a mailing address of P.O. Box 1027 Savannah, GA 31402 ("**Lessor**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 1025 Lenox Park Blvd. NE, 3rd Floor, Atlanta, GA 30319 ("**Lessee**").

WHEREAS, Lessor and Lessee entered into a Building, Rooftop, Water Tank and Miscellaneous Structure Antenna Attachment Lease Agreement dated April 17, 1998, as amended by that certain First Amendment to Building, Rooftop, Water Tank and Miscellaneous Structure Antenna Attachment Lease Agreement dated June 22, 2012, and amended by that certain Second Amendment to Building, Rooftop, Water Tank and Miscellaneous Structure Antenna Attachment Lease Agreement dated December 31, 2012, and amended by that certain Third Amendment to Building, Rooftop, Water Tank, and Miscellaneous Structure Antenna Attachment Lease Agreement dated October 3, 2016, and amended by that certain Fourth Amendment to Building, Rooftop, Water Tank and Miscellaneous Structure Antenna Attachment Lease Agreement dated July 3, 2018, whereby Lessor leased to Lessee certain Premises, therein described, located at 1801 Kerry Street, Savannah, GA 31407 in Chatham County, GA (collectively, "**Agreement**"), and

WHEREAS, Lessor and Lessee desire to amend the Agreement to reflect that Lessee shall be authorized to place certain additional equipment on the Property as listed below and set forth in Exhibit A-4 attached hereto and incorporated by this reference; and

WHEREAS, Lessor and Lessee desire to amend the Agreement to modify the notice section thereof; and

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

WHEREAS, Lessor and Lessee desire to amend the Agreement to adjust the Rent (as defined below) in conjunction with the modifications to the Agreement contained herein; and

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

1. **Rent.** Commencing on the first day of the month following the date that Lessee commences construction of the modifications set forth in this Fifth Amendment, or October 1, 2023 whichever should come first, Rent shall be increased by One Thousand and No/100 Dollars (\$1,000.00) per month above the amounts otherwise provided for in the Agreement for an Annual Rent of \$93,822.57.

2. **Equipment.** Exhibit A-3 shall be deleted in its entirety and replaced with **Exhibit A-4** attached hereto and incorporated into the Agreement as if fully set out therein. Effective upon the fully executed amendment, all references to the equipment in the Agreement shall refer to the equipment set forth in **Exhibit A-4**.

3. **Notices.** Section 17. of the Lease is hereby deleted in its entirety and replaced with the following:

NOTICES. All notices, requests and demands hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows.

If to Lessee: New Cingular Wireless PCS, LLC
Attn: Tower Asset Group - Lease Administration
Re: Cell Site #: 410-008, Cell Site Name: Victory Drive (GA),
Fixed Asset#: 10017138
1025 Lenox Park Blvd. NE, 3rd Floor
Atlanta, GA 30319

With copy to: New Cingular Wireless PCS, LLC
Attn: Legal Depart – Network Operations
Re: Cell Site #: 410-008, Cell Site Name: Victory Drive (GA)
Fixed Asset#: 10017138
208 S. Akard Street
Dallas, TX 75202-4206

A copy sent to the Legal Department is an administrative step which alone does not constitute legal notice.

If to Lessor: The City of Savannah
Legal Department
Attn: Jennifer Herman, Esq.
P.O. Box 1027
Savannah, GA 31402

With the required copy of legal notice sent to Lessor at the address above, a copy to The Mayor and Aldermen of the City of Savannah:

The Mayor and Aldermen of the City of Savannah
Attn: Real Property Services Department
P.O. Box 1027

Savannah, GA 31402

Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

4. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this Fifth Amendment, the terms of this Fifth Amendment shall control. Except as expressly set forth in this Fifth 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 Fifth 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 Fifth Amendment on the dates set forth below.

“LESSOR”

The Mayor and Aldermen of the City of Savannah

Signed, sealed and delivered
in the presence of:

Name: _____
Unofficial Witness

Name: _____
Notary Public

My Commission Expires: _____

By: _____
Name: Joseph A. Melder
Title: City Manager
Date: _____

[NOTARIAL SEAL]

“LESSEE”

Signed, sealed and delivered
in the presence of:

Name: Bessa L. Petrowski
Unofficial Witness

Name: Bekki W. Gowens
Notary Public

My Commission Expires: 11/22/22

New Cingular Wireless PCS, LLC,
a Delaware limited liability company
By: AT&T Mobility Corporation
Its: Manager
By: _____
Name: Leonard W. Lindros III
Title: Area Manager of Network Engineering
Date: 11/11/22

[NOTARIAL SEAL]



EXHIBIT A-4

Tower Equipment Mounted at 168 ft. RAD:

- (6) Commscope SBJAH4-1D65C-DL Panel Antennas
- (3) Commscope NNH4-65B-R6H4 Panel Antennas
- (3) Ericsson AIR6449 B77D Panel Antennas
- (3) Ericsson AIR6419 B77G Panel Antennas
- (3) Ericsson 4415 B25 units
- (3) Ericsson 4478 B12A units
- (3) Ericsson RRUS-32 units
- (3) Ericsson 4426 B66 units
- (3) Ericsson B14 4478 units
- (1) Raycap DC9-48-60-24-8C-EV Surge Suppressor
- (3) Raycap DC6-48-60-18-8F Surge Suppressor
- (1) Commscope WCS-IMFQ-AMT-43 Filter
- (5) 1-5/8" Coax Cables
- (5) 7/8" DC Power Cables
- (7) 1" DC Powers
- (2) 3/8" Fiber Cables
- (1) 3/8" RET Cable

Notes:

1. THIS EXHIBIT MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED BY LESSEE.
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.