

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

all



FORM APPROVED COUNTY COUNSEL
BY: PATRICIA MUNROE DATE: 8/20/12

FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:
August 29, 2012

SUBJECT: Public Safety Enterprise Communications Project First Amendment to License Agreement, Joshua Tree

RECOMMENDED MOTION: That the Board of Supervisors ratify the attached First Amendment to License Agreement for the Joshua Tree Public Safety Enterprise Communications site and authorize the Chairman of the Board to execute the same on behalf of the county

BACKGROUND: On November 24, 2009, the Board approved a license agreement with American Towers LLC. This First Amendment to License Agreement revises the commencement date to March 1, 2011. The license and subsequent construction were covered by a Final Environmental Impact Report (FEIR) approved by the Board of Supervisors on September 2, 2008.

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: PSEC Budget	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

BY: Jennifer L. Sargent

By: Kevin Crawford 4/29/12
Kevin Crawford, Chief Information Officer
Riverside County Information Technology

- Dep't Recomm.: Consent
- Per Exec. Ofc.: Consent
- Policy Policy

Prev. Agn. Ref.: 3.52 of 9/2/08; 3.60 of 11/24/09

District: N/A

Agenda Number:

3.18

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FIRST AMENDMENT TO LICENSE AGREEMENT

This First Amendment (the "First Amendment") to that certain License Agreement dated November 24, 2009 by and between American Towers, Inc. and The County Riverside (the "Agreement"), is made and entered into as of the latter signature date hereof, by and between American Towers LLC, a Delaware limited liability company, as successor in interest to American Towers, Inc. (the "Licensor") and The County of Riverside, a political subdivision of the State of California (the "Licensee") (collectively, the "Parties").

RECITALS

WHEREAS, Licensor owns a certain communications tower and leases a certain parcel of land located at 4M South Southwest of Joshua, Joshua Tree, CA 92252-3000 more commonly known to Licensor as the JOSHUA, CA and Licensee as the Joshua Tree tower site (the "Tower Facility"); and

WHEREAS, Licensor and Licensee entered into the Agreement for the use of a certain portion of the Tower Facility; and

WHEREAS, Licensor and Licensee now desire to modify the Commencement Date of the Agreement.

NOW THEREFORE, in consideration of the foregoing promises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

- 1) Licensor and Licensee agree and acknowledge that the Commencement date as defined in the section entitled "Fees & Term" on page 1 of the Agreement shall be deleted and replaced with: "March 1, 2011."
- 2) Licensor and Licensee agree and acknowledge that all future payments of the License Fee shall be made to the Licensor at the following remittance address:

American Tower Corporation
Lockbox 7501
PO Box 7247
Philadelphia, PA 19170-7501

- 3) Capitalized terms contained herein, unless otherwise defined, are intended to have the same meaning and effect as that set forth in the Agreement.
- 4) All other terms and provisions of the Agreement remain in full force and effect.

Licensor Site Name/Number: JOSHUA CA, CA / 89329

Licensor Contract Number: 00267281

Licensee Site Name/Number: Joshua Tree / JT001

IN WITNESS WHEREOF, the Parties hereto have set their hands to this First Amendment to that certain License Agreement as of the day and year written below:

LICENSOR:
American Towers LLC, a Delaware limited liability company

LICENSEE:
The County of Riverside, a political subdivision of the State of California

By:  _____

By: _____

Name: Richard Rossi

Name: John Tavaglione

Title: Vice President, Contract Management Title: Chairman, Board of Supervisors

Date: 2-6-12

Date: _____

ATTEST:
Kecia Harper-Ihem
Clerk of the Board

By: _____

APPROVED AS TO FORM:

Pamela J. Walls
County Counsel

By:  _____

Patricia Munroe
Deputy County Counsel