

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

all



**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

<b>FINANCIAL DATA</b>	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

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

**C.E.O. RECOMMENDATION:** APPROVE

**County Executive Office Signature** BY: Jennifer L. Sargent

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Tavaglione seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

**Ayes:** Buster, Tavaglione, Benoit and Ashley  
**Nays:** None  
**Absent:** Stone  
**Date:** September 11, 2012  
**xc:** EDA, RCIT

Kecia Harper-Them  
Clerk of the Board  
By: Deputy

**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

FORM APPROVED COUNTY COUNSEL  
BY: PATRICIA MUNROE  
DATE: 8/30/12

40m.12  
Kevin Crawford, Chief Information Officer  
Riverside County Information Technology

By:  Policy  Policy  
 Consent  Consent

**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

By: \_\_\_\_\_

Name: Richard Rossi

Title: Vice President, Contract Management

Date: 2-6-12

LICENSEE:

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

By: \_\_\_\_\_

Name: John Tavaglione

Title: Chairman, Board of Supervisors

Date: \_\_\_\_\_

ATTEST:

Kecia Harper-Ihem

Clerk of the Board

By: \_\_\_\_\_

*Karen Boyton, Deputy*

APPROVED AS TO FORM:

Pamela J. Walls

County Counsel

By: \_\_\_\_\_

*Patricia Munroe*  
Patricia Munroe  
Deputy County Counsel

SEP 11 2012 3.18