

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Agreement No. A-12178

- a. Approve Amendment No. 1 to Wireless)
Communication Site Lease Agreement with)
New Cingular Wireless PCS, LLC, 1410)
Natividad Road, Salinas, California, to)
correct the legal description of real property)
and correct and establish a description of the)
Lease Area consistent with its actual location)
and square footage and location of installed)
equipment; and)
- b. Authorize the Contracts/Purchasing Officer)
to execute Amendment No. 1 to Wireless)
Communication Site Lease Agreement with)
New Cingular Wireless PCS, LLC, 1410)
Natividad Road, Salinas California.....)

Upon motion of Supervisor Parker, seconded by Supervisor Armenta, and carried by those members present, the Board hereby;

- a. Approved Amendment No. 1 to Wireless Communication Site Lease Agreement with New Cingular Wireless PCS, LLC, 1410 Natividad Road, Salinas, California, to correct the legal description of real property and correct and establish a description of the Lease Area consistent with its actual location and square footage and location of installed equipment; and
- b. Authorized the Contracts/Purchasing Officer to execute Amendment No. 1 to Wireless Communication Site Lease Agreement with New Cingular Wireless PCS, LLC, 410 Natividad Road, Salinas California.

PASSED AND ADOPTED on this 7th day of February, 2012, by the following vote, to-wit:

AYES: Supervisors Armenta, Supervisor Calcagno, Salinas, Potter and Parker


NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on February 7, 2012.

Dated: February 9, 2012

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy

**AMENDMENT NO. 1
TO WIRELESS COMMUNICATION SITE LEASE AGREEMENT
BETWEEN COUNTY OF MONTEREY AND NEW CINGULAR WIRELESS PCS, LLC**

THIS AMENDMENT NO. 1 to the WIRELESS COMMUNICATION SITE LEASE AGREEMENT between the County of Monterey, a political subdivision of the State of California (hereinafter, "LESSOR") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, (hereinafter, "LESSEE") is hereby entered into between the LESSOR and the LESSEE (collectively, the LESSOR and LESSEE are referred to as "THE PARTIES").

WHEREAS, LESSEE entered into a WIRELESS COMMUNICATION SITE LEASE AGREEMENT with LESSOR on June 7, 2006 (hereinafter "LEASE AGREEMENT"); and

WHEREAS, the executed LEASE AGREEMENT contains a legal property description and exhibit that described the leased area upon which the LESSEE's equipment was to be installed; and

WHEREAS, said legal property description contained inaccuracies which need to be corrected; and

WHEREAS, actual field conditions proved infeasible for the installation of LESSEE's telecommunications equipment exactly within the designated lease areas.

NOW, THEREFORE, the PARTIES agree to amend the LEASE AGREEMENT in order to: 1) correct the legal description of the real property and correct and establish a description of the LEASE AREA consistent with its actual location and square footage and accurate location of the installed equipment; and 2) update the Lessor's Notice information, as follows:

1. Amend Paragraph 1, "**PREMISES**," to read as follows:

1. **PREMISES**: LESSOR is the owner of that certain real property located at 1410 Natividad Road, Salinas, California, as more particularly described in Exhibit "A" attached hereto, and made a part hereof (the entirety of LESSOR's property is referred to hereinafter as the "Property"). LESSOR hereby leases to LESSEE a portion of said Property consisting of 481.65 square feet located on the Property for LESSEE's equipment (the Proposed AT&T Lease Area A, "Equipment Space") along with space for LESSEE's antennas (the Proposed AT&T Lease Area B, "Antenna Space"), as shown in Exhibit B, dated September 2011, attached hereto and made a part hereof. Subject to the requirements as set forth in Section 6 below, LESSEE shall have the non-exclusive right for ingress and egress, seven (7) days a week, twenty-four (24) hours a day, for the purpose of installation and maintenance of the demised premises, which Equipment Space, Antenna Space, and all connections and access are collectively referred to hereinafter as the "Premises."

LESSOR also grants to the LESSEE the right and sufficient space for the installation and maintenance of wires, cables, conduits, and pipes generally as shown in Exhibit "B" running from the Equipment Space to the Antenna Space and to install, maintain replace and repair wires, cables, conduits, and pipes from the Premises to the nearest appropriate utilities provider if LESSOR is not providing adequate power and telephone access in the Premises.

2. Amend Paragraph 15. "**NOTICES**" to update provision of any demand or notice to LESSOR and LESSEE is as follows:

To LESSOR:
Original to:
COUNTY OF MONTEREY
DEPARTMENT OF PUBLIC WORKS
FACILITIES-REAL PROPERTY
855 E LAUREL DR BLDG C
SALINAS CA 93905-1310

AND a "cc" (copy to):
COUNTY OF MONTEREY
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES
168 W ALISAL ST FL2
SALINAS CA 93901-2438

To LESSEE:
NEW CINGULAR WIRELESS PCS,
LLC
ATTN: NETWORK REAL ESTATE
ADMINISTRATION
RE: CELL SITE #: CN3531A
CELL SITE NAME: NATIVIDAD
MEDICAL CENTER (CA)
FIXED ASSET NO: 10101934
12555 CINGULAR WAY, SUITE 1300
ALPHARETTA, GA 30004

With a copy to AT&T Legal Department:
If sent via registered or certified mail to:
NEW CINGULAR WIRELESS PCS, LLC
ATTN: AT&T LEGAL DEPARTMENT
RE: CELL SITE #: CN3531A
CELL SITE NAME: NATIVIDAD MEDICAL CENTER (CA)
FIXED ASSET NO: 10101934
P O BOX 97061
REDMOND, WA 98073-9761
If sent via nationally recognized overnight courier to:

NEW CINGULAR WIRELESS PCS, LLC
ATTN: AT&T LEGAL DEPARTMENT
RE: CELL SITE #: CN3531A
CELL SITE NAME: NATIVIDAD MEDICAL CENTER (CA)
FIXED ASSET NO: 10101934
16331 NE 72ND WAY
REDMOND, WA 98052-7827

3. All other terms and conditions of the Agreement remain unchanged and in full force.
4. This Amendment No. 1 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this AMENDMENT NO. 1 TO THE WIRELESS COMMUNICATION SITE LEASE AGREEMENT as of the day and year written below:

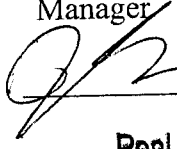
COUNTY OF MONTEREY

LESSEE*

By: _____
Contracts/Purchasing Officer

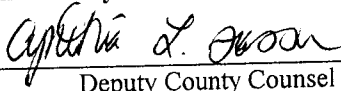
New Cingular Wireless PCS, LLC
LESSEE's Business Name

Date: _____

By: AT&T Mobility Corporation
Its: Manager

Jim Sidorick
Senior Manager
Real Estate & Construction
Its: _____
(Print Name and Title)

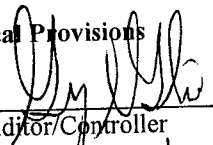
Date: 12/28/11

Approved as to Form and Legality
Office of the County Counsel

By: 
Deputy County Counsel

Date: 1-19-12

Approved as to Fiscal Provisions

By: 
Auditor/Controller

Date: 1-20-12

Approved as to Indemnity and Insurance Provisions

By: _____
Risk Management

Date: _____

*INSTRUCTIONS: IF LESSEE is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers. If LESSEE is a partnership, the name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. IF LESSEE is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement.

The "Property"

Property Address: 1410 Natividad Road
State: California
County: Monterey
City: Salinas

Parcel One Assessor's Parcel Number: 003-851-018-000
Parcel Two Assessor's Parcel Number: 003-851-019-000

LEGAL DESCRIPTION

Real property in the City of Salinas, County of Monterey, State of California, described as follows:

PARCEL ONE:

ALL THAT CERTAIN REAL PROPERTY AS SET FORTH IN THE DEED DATED SEPTEMBER 2, 1885, EXECUTED BY EUGENE SHERWOOD, TO THE COUNTY OF MONTEREY, A BODY POLITIC AND CORPORATE IN THE STATE OF CALIFORNIA, RECORDED IN THE OFFICE OF THE RECORDER OF MONTEREY COUNTY, STATE OF CALIFORNIA, ON SEPTEMBER 7, 1885 IN VOLUME 10 OF DEEDS, PAGE 332.

EXCEPTING THEREFROM PARCELS A AND B AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE RECORDER OF MONTEREY COUNTY, STATE OF CALIFORNIA, ON NOVEMBER 30, 1981 IN VOLUME 15 OF PARCEL MAPS, PAGE 14.

ALSO EXCEPTING THEREFROM PARCELS 1 AND 2 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE RECORDER OF MONTEREY COUNTY, STATE OF CALIFORNIA, ON AUGUST 8, 1983 IN VOLUME 15 OF PARCEL MAPS, PAGE 162.

FURTHER EXCEPTING THEREFROM ALL THAT PORTION OF SAID LAND LYING SOUTHEASTERLY OF THE NORTHWESTERLY LINE OF CONSTITUTION BOULDEVAR, AND NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF EAST LAUREL DRIVE.

PARCEL TWO:

ALL THAT CERTAIN REAL PROPERTY AS DESCRIBED IN THE DEED TO THE COUNTY OF MONTEREY, A BODY POLITIC AND CORPORATE, RECORDED APRIL 5, 1946 IN BOOK 879, AT PAGE 345, OFFICIAL RECORDS, AND AS DESCRIBED IN THAT CERTAIN DEED TO THE COUNTY OF MONTEREY, A BODY POLITIC AND CORPORATE, RECORDED NOVEMBER 5, 1958 IN BOOK 1907 AT PAGE 170, OFFICIAL RECORDS.

EXCEPTING THEREFROM ALL THAT REAL PROPERTY AS DESCRIBED IN THE DEED TO SALINAS, A MUNICIPAL CORPORATION, RECORDED NOVEMBER 9, 1987, IN REEL 2166, AT PAGE 534, OFFICIAL RECORDS.

AND FURTHER EXCEPTING THEREFROM ALL THAT CERTAIN REAL PROPERTY AS DELINEATED ON THAT PARCEL MAP FILED IN THE OFFICE OF THE RECORDER OF THE STATE OF CALIFORNIA DECEMBER 17, 1985 IN VOLUME 16 OF PARCEL MAPS, AT PAGE 121.

APN: 003-851-018-000 and 003-851-019-000

Proposed AT&T Lease Area "A" (Equipment Space)

Being a portion of County Hospital Annex, annexed to the City of Salinas as shown by map on file in Volume 6, page 113, records of Monterey County, more particularly described as follows:

Beginning at Point "A" as mentioned herein: thence S62'14'36"E, 6.67 Feet; thence to a point hereinafter referred to as Point "B"; thence S27'45'24"W, 25.33 Feet; thence N62'14'36"W, 13.33 Feet to a point hereinafter referred to as Point "C"; thence N27'45'24"E, 25.33 Feet; thence S62'14'36"E, 6.67 Feet to the point of beginning.
Containing: 337.65 square feet of land.

Proposed AT&T Lease Area "B" (Antennae Space)

Being a portion of County Hospital Annex, annexed to the City of Salinas as shown by map on file in Volume 6, page 113, records of Monterey County, more particularly described as follows:

Commencing at Point "C" as mentioned herein: thence S20'11'24"W, 4.94 to the point of beginning; thence S62'42'36"E, 12.00 Feet; thence N62'14'36"E, 12.00 Feet; thence S27'45'24"W, 12.00 Feet; thence N62'14'36"W, 12.00 Feet; thence N27'45'24"E, 12.00 Feet to the point of beginning.
Containing: 144.00 square feet of land.