

COUNTY OF EL DORADO

FACILITY USE AGREEMENT #355-O9911

FOURTH AMENDMENT

This FOURTH AMENDMENT TO FACILITY USE AGREEMENT (the "Amendment") is effective the _____ day of _____, 2014, between County of El Dorado, a political subdivision of the State of California ("County"), and Cellco Partnership, a Delaware General Partnership, dba Verizon Wireless, successor-in-interest to El Dorado Cellular, a California Corporation, dba Mountain Cellular ("Verizon Wireless").

RECITALS

A. County owns certain real property located at 1352/1360 Johnson Boulevard, South Lake Tahoe, County of El Dorado, State of California (the "Property"), and

B. County and Verizon Wireless, or their predecessors-in-interest, are parties to that certain Facility Use Agreement dated September 23, 1999, as amended by that certain Amendment I to Facility Use Agreement dated September 28, 2004 (the "First Amendment"), Amendment II dated December 12, 2006 (the "Second Amendment"), and Amendment III dated August 24, 2010 (collectively, the "Agreement"), whereby County granted Verizon Wireless the right to mount and maintain antennas and communications equipment on the Property.

C. County and Verizon Wireless desire to amend the Agreement to allow Verizon Wireless to modify certain additional equipment on the Property indicated on Exhibit "D-1" attached hereto and made by reference a part hereof.

AGREEMENT

NOW, THEREFORE, in consideration of the facts contained in the Recitals above, the mutual covenants and conditions below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. EQUIPMENT MODIFICATION. County hereby grants Verizon Wireless the right to remove, install, operate and maintain, at Verizon Wireless' sole cost and expense the following and as depicted on Exhibit "D-1" attached hereto and made a part hereof.

- Remove three (3) existing Verizon Wireless antennas, one (1) per sector and replace with three (3) new Verizon Wireless antennas, one (1) per sector on existing PPE mounts.

- Install two (2) new Verizon Wireless Raycap surge protectors, one (1) at equipment shelter and one (1) at antennas.
- Install three (3) new Verizon Wireless RRH units, one (1) per sector.
- Replace twelve (12) existing runs of 7/8” coaxial cables with twelve (12) new runs of 1-5/8” coaxial cables along existing cable route.
- Install one (1) new Verizon Wireless 1-5/8” hybrid cable along existing cable route.
- Install one (1) new Verizon Wireless RET cable along existing cable route.
- All Verizon Wireless antennas and equipment to be painted to match.

2. NOTICE. County’s notice address in Paragraph 4 of the original Agreement is hereby replaced with the following:

County of El Dorado
 Chief Administrative Office
 Facilities Division
 3000 Fairlane Court, Suite One
 Placerville, CA 95667
 Attention: Russell Fackrell, Facilities Manager
 Telephone: (530) 621-7596

3. Paragraph 16 of the original agreement is hereby replaced in its entirety with the following: ADMINISTRATOR. The County Officer or employee with the responsibility for administering this Agreement is Russell Fackrell, Facilities Manager, Chief Administrative Office, or successor.

4. CONTINUED EFFECT. Except as specifically modified by this Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect. In the event of a conflict between any term and provision of the Agreement and this Amendment, the terms and provisions of this Amendment shall control. In addition, except as otherwise stated in this Amendment, all initially capitalized terms will have the same respective defined meaning stated in the Agreement. All captions are for reference purposes only and shall not be used in the construction or interpretation of this Amendment.

CONTRACT ADMINISTRATOR:

By: _____
 Russell Fackrell, Facilities Manager
 Chief Administrative Office

Dated: _____

IN WITNESS WHEREOF, County and Verizon Wireless have caused this Fourth Amendment to be executed by each party's duly authorized representative effective as of the date first above written.

COUNTY:

County of El Dorado, a political subdivision of the State of California

By: _____

Name: _____

Title: _____

Date: _____

ATTEST:

James S. Mitrison, Clerk of the Board of Supervisors

By: _____

Date: _____

VERIZON WIRELESS:

Cellco Partnership, a Delaware General Partnership, dba Verizon Wireless

By: _____

Walter L. Jones, Jr.
Area Vice President Network

Date: _____