

COMMUNICATION TOWER AGREEMENT

This **COMMUNICATION TOWER AGREEMENT** (this “Agreement”) is made and entered into as of the 6th day of June, 2023 (the “Effective Date”) by and between Vertical Bridge Developments VBTS, LLC, located at 750 Park of Commerce Dr #200, Boca Raton, FL (“Developer”), and **BEN HILL COUNTY, GEORGIA**, a body corporate and politic, acting by and through its Board of Commissioners (the “County”).

WHEREAS, telecommunication towers are only allowed in Ben Hill County, Georgia by special exception in the following zoning districts: General Farming, General Business, Wholesale Light Industrial, and Heavy Industrial; and

WHEREAS, Developer has applied for a special exception to construct and maintain a telecommunication tower at 556 Astor Rd (the “Tower”); and

WHEREAS, Developer desires to dedicate space on the Tower to the County for communications equipment required for public safety, and the County desires to accept the dedication of space on the Tower for communications equipment required for public safety; and

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developer and the County agree as follows:

1. This Agreement will remain in effect during the entire life of the Tower.
2. Developer dedicates space at the height of at least 180 feet on the Tower to the County for communications equipment required for public safety. Developer confirms that none of the proposed or future users of the Tower shall interfere with the County’s use of the Tower for public safety.
3. The County shall install or implement its equipment on the Tower at its own expense. There will be no cost or fee charged to the County by Developer or any other user for the County’s use of the Tower. The County will not be responsible for maintaining or repairing the Tower. The County will not be responsible for conducting or paying for any study(ies) regarding the installation or use of the County’s equipment on the Tower, including, but not limited to, a study of interference between communication equipment.
4. The County will utilize its space on the Tower for public safety purposes to benefit the citizens of Ben Hill County.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized representatives as of the date set forth above by causing their names and seals to be affixed hereto.

[signatures on following page]

DEVELOPER:

Vertical Bridge Developments VBTS, LLC

(seal)

Attest: _____

BUYER:

BEN HILL COUNTY, GEORGIA

Steve Taylor, Chairman
Board of Commissioners of Ben Hill County

(seal)

Attest: _____
Donna Prather, County Clerk