

Cell Site No. MO1175
Cell Site Name: O'Fallon
Fixed Asset No. 10013945
Market: St. Louis
Address: 106 E. Washington St., O'Fallon, IL 62269

FIRST AMENDMENT TO COMMUNICATIONS SITE LEASE AGREEMENT

THIS FIRST AMENDMENT TO COMMUNICATION SITE LEASE AGREEMENT ("Amendment"), dated as of the latter of the signature dates below, is by and between the City of O'Fallon, Illinois, a municipal corporation, having a mailing address of 255 S. Lincoln, O'Fallon, IL 62269 (hereinafter referred to as "**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 (hereinafter referred to as "**Lessee**").

WHEREAS, Landlord and Lessee entered into a Communications Site Lease Agreement dated July 2, 2001, whereby Landlord leased to Lessee certain Premises, therein described, that are a portion of the Property located at 106 E. Washington St., O'Fallon, IL 62269 (the "**Agreement**"); and

WHEREAS, Landlord and Lessee desire to amend the Agreement to modify the notice section thereof; and

WHEREAS, Landlord and Lessee desire to amend the Agreement to permit Lessee to add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services and to authorize and provide compensation for the existing and approved Lessee's antennas and equipment, under this Amendment, notwithstanding any different equipment or location descriptions as may have been originally approved in the original Agreement Exhibits; and

WHEREAS, Landlord and Lessee, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Lessee agree as follows:

1. **Equipment.** Landlord and Lessee desire to amend the Agreement to specifically authorize Lessee's antennas, cabling and equipment as existing and proposed by the permit application on file with the City dated October 13, 2009 attached hereto as Exhibit A and made a part hereof, and including six (6) panel antennas and (9) Tower mounted amplifiers, located on the monopole at elevation 92' and above ("**Existing and Approved Equipment**"). Any modifications to Lessee's equipment may utilize the elevations of the monopole at 92' and above but not higher than the highest point of the Existing and Approved Equipment. Exhibits B and D of the Agreement are hereby amended to include the description of authorized location and Lessee's equipment as set forth in this Paragraph 1 and on Exhibit A and any contrary description in the Agreement is hereby repealed. In consideration of this Amendment, Lessee agrees that the Rent owed under the Agreement shall be increased by Five Hundred Dollars (\$500.00) per month ("**Supplemental Rent**"), and that the Supplemental Rent will be added to existing Rent due under

the Agreement, and such aggregate combined Rent shall then be the Rent owed and subject to increase at the commencement of each new Agreement term as otherwise provided for Rent increases in the Agreement. Payment of first Supplemental Rent for the first month (or pro rata portion thereof) after Effective Date of this Amendment shall be made not later than the date the next Rent payment is due under the Agreement, and thereafter the full Supplemental Rent shall be included in and submitted with each Rent payment when due.

2. **Notices.** The notice section of the Agreement is hereby deleted in its entirety and replaced with the following: **NOTICES.** All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows. As to Lessee, New Cingular Wireless PCS, LLC, Attn: Network Real Estate Administration Re: Cell Site #MO1175, Cell Site Name O'Fallon, FA No: 10013945 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004, , with a copy to New Cingular Wireless PCS, LLC, Attn: AT&T Legal Department, Re: Cell Site # MO1175, Cell Site Name O'Fallon, FA No: 10013945, 15 East Midland Avenue, Paramus, NJ 07652; and as to Landlord, City of O'Fallon, 255 S. Lincoln, O'Fallon, IL 62269. Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

3. **Emergency 911 Service.** In the future, without the payment of additional rent, and subject to applicable building permit or other regulatory requirements, Landlord agrees that Lessee may add, modify and/or replace equipment on the monopole (at or above 92' elevation but not higher than the existing equipment authorized herein) in order to be in compliance with any current or future federal, state or local mandated safety communications application, including but not limited to emergency 911 communication services. Such equipment shall be designed and mounted consistent with the appearance of existing equipment and shall minimize its visibility and visual degradation, unless otherwise approved by Landlord.

4. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this Amendment, the terms of this Amendment shall control. Except as expressly set forth in this Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Amendment. This Amendment shall be effective upon mutual execution by the parties ("**Effective Date**").

5. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

[SIGNATURES APPEAR ON THE NEXT PAGE]

IN WITNESS WHEREOF, the parties have caused this Amendment to be effective as of the last date written below.

WITNESSES:

"LANDLORD"

Print Name: _____

City of O'Fallon, Illinois,
a municipal corporation

Print Name: _____

By: _____

Print Name: _____


Its: _____


Date: _____

"LESSEE"


Print Name: Angela Adams

New Cingular Wireless PCS, LLC,
a Delaware limited liability company
By: AT&T Mobility Corporation
Its: Manager

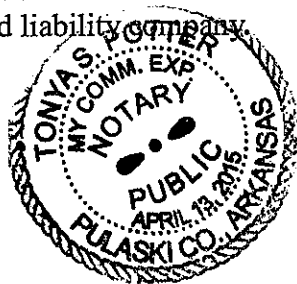

Print Name: Sam Parrell

By: 
Print Name: ~~James G. Stockett~~ DeAnn Wood
Its: ~~Manager REAC~~ Missouri/Kansas
Date: 10-26-09

LESSEE ACKNOWLEDGMENT

STATE OF Arkansas)
COUNTY OF Pulaski) ss:

On the 26th day of Oct, 2009, before me personally appeared DeAnn Wood ~~James G. Stodgett~~, and acknowledged under oath that he is the ^{Reg. Director} ~~MANAGER~~ REAC MOHS of AT&T Mobility Corporation, Manager of New Cingular Wireless PCS, LLC, a Delaware limited liability company, the limited liability company named in the attached instrument, and as such was authorized to execute this instrument on behalf of the limited liability company.



[Signature]
Notary Public: 2005040813
My Commission Expires: 4-13-2015

LANDLORD ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss:

I CERTIFY that on _____, 200____, _____ [name of representative] personally came before me and acknowledged under oath that he or she:

- (a) is the _____ [title] of City of O'Fallon, Illinois, the municipal corporation named in the attached instrument,
- (b) was authorized to execute this instrument on behalf of the municipal corporation and
- (c) executed the instrument as the act of the municipal corporation.

Notary Public: _____
My Commission Expires: _____

Exhibit A

APPLICATION FOR COMMERCIAL BUILDING PERMIT / CERTIFICATE OF ZONING COMPLIANCE

Planning & Zoning Department, O'Fallon City Hall
255 South Lincoln Avenue, 2nd Floor
O'Fallon, IL 62269 Phone (618)624-4500 #4

(Do not write in this space -- For office use only)

Date: _____ Zoning fee paid to City Clerk: _____
() Permit issue No. _____ \$ _____ Date: _____
() Permit denied _____ If denied, cause of denial: _____
() Application appealed No. _____
Variance or Special Permit No. _____

* * * * *

INSTRUCTIONS TO APPLICANTS: All information required by the application must be completed and submitted herewith. Applicants are encouraged to visit the Planning & Zoning Office for any assistance needed in completing this form. Upon completion of any proposed structure, a "Certificate of Occupancy" may be granted upon request.

1. Name of property owner(s): City of O'Fallon, IL Phone: 618-624-4500
Complete mailing address: 255 S. Lincoln Ave. O'Fallon, IL E-Mail:
2. Applicant's name: AT&T Mobility c/o Black & Veatch Corp. Phone: 248-594-9330
Complete mailing address: 30150 Telegraph Road, Suite 420 Bingham Farms, MI 48025 E-Mail: hiltzc@bv.com
3. Property interest of applicant (Owner, Contractor, etc.): lessee
4. Design professional name: Black & Veatch Corp. Phone: 913-687-9233
Contact name: George P. Xenos E-Mail: XenosG@bv.com
Design professional complete mailing address: 15450 S. Outer Forty Dr., Suite 200 Chesterfield, MO 63017
5. Property address (9-1-1 approved) of proposed construction: 108 E. Washington Street
Name and description of proposed type of business: Wireless communication facility - maintenance upgrade work
6. Legal description (parcel ID# and lot # & subdivision name): 04-29.4-120-001
7. Proposed construction or use: [X] Structural [] Electrical [] Plumbing [] HVAC
() New building (type of structure):
() Tenant finish
(X) Addition or alteration of existing building(s) (explain): Add 3 panel antennas with 6 coax lines, add 3 tower-mounted antenna amplifiers, and 6 duplexers.
Cost of improvement: \$ 6,000 Flood zone: Zone district:
Is proposed construction in an approved Planned Development? [] Yes [X] No
Existing 2003 ICC Building Code Use Group: Existing 2003 ICC Building Code Type of Construction:
Proposed 2003 ICC Building Code Use Group: Proposed 2003 ICC Building Code Type of Construction:
Total lot area in sq. ft.: N/A sq. ft. Total building gross area (all floors): 260 sq. ft.
Total lot area covered by all buildings (after construction): same/no change sq. ft.
Percent of lot coverage (lot area covered by all buildings divided by total lot area): N/A

(Over)

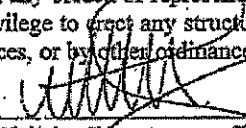
8. A site plan (drawn to approximate scale) shall be attached showing the following:
- a) Dimensions of the zoning lot;
 - b) Dimensions and use of all buildings;
 - c) Distance of each building from all zoning lot lines;
 - d) Distance of principal building from principal buildings on adjacent lot(s);
 - e) Location of driveways and off-street parking spaces (show distance from lot lines and overall dimensions);
 - f) Location of all easements (drainage and utility);
 - g) Any additional information as may be reasonably required by the Planning & Zoning Department and applicable requirements of Section 2.04(e).

9. Names, contact person, complete mailing address, and phone number of the following sub-contractors must be provided prior to issuance of the building permit:

- General Contractor: The Hooker Company, Inc. Rodney Hooker, 11344 Kline Dr.
Dallas, TX 75229, 214-986-7384 E-Mail: rodney.hooker@hookercompany.com
- Electrical Contractor: _____ E-Mail: _____
- HVAC/Mechanical Contractor: _____ E-Mail: _____
- Plumbing Contractor (please include IL State License #): _____ E-Mail: _____
- Fire Sprinkler Contractor: _____ E-Mail: _____

10. Six (6) complete sets of sealed site/civil plans and four (4) sealed building plans will be required at time of building permit application submittal. Once the building plans are approved and prior to issuance of the building permit, submittal of three complete sets of approved building plans will be required. One "Approved by the City of O'Fallon" stamped set of building plans will be returned at the time of building permit issuance.

11. Application is hereby made for a Temporary Certificate of Zoning Compliance, as required under the Zoning Ordinance of the City of O'Fallon, Illinois, for the erection, moving or alteration, and use of buildings and premises. In making this application the applicant represents all of the above statements and any attached maps and drawings to be a true description of the proposed new or altered uses and/or buildings. The applicant agrees that the permit applied for, if granted, is issued on the representations made herein and that any permit issued may be revoked without notice on any breach of representation or conditions. It is understood that any permit issued on this application will not grant right of privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the Zoning Ordinances, or by other ordinances, codes or regulations of O'Fallon, Illinois.

(Applicant) 
Matt Jarson, Agent for AT&T

TEMPORARY CERTIFICATE OF ZONING COMPLIANCE

The plans and specifications submitted with this Application are in conformity with the zone district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the appropriate city officials. Failure to comply with the above shall constitute a violation of the provisions of the City of O'Fallon Zoning Ordinance.

Dated: _____ Planning & Zoning Official, City of O'Fallon, Illinois

For office use only: Flood Plain Overlay Restrictions

CITY OF O'FALLON, ILLINOIS
SUBDIVISION ORDINANCE

FINAL SITE PLAN CHECK SHEET

Project Name MO1175 / O'Fallon, IL

City No. _____

Initial Submittal Yes No Revised application for maintenance upgrade
Resubmission # 1 project. Tower has existing permit.

Date October 13, 2009

After Approval of the Preliminary Site Plan, the Final Site Plan Submission shall include the following:

Owner			City Review	
Y	N		Y	N
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. One or more maps shall be submitted with the final development plan that shows the following. Each map shall contain all map submission requirements, and shall bear such professional certifications and seals as the City may require.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Finished grades or contours for the entire site (5- or 2-foot contour intervals may be required by the Director, depending on the site).	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. All proposed and existing adjacent public street rights-of-way with centerline location.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. All proposed and existing adjacent public street and public drive locations, widths, curb and cuts and radii.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Location, width and limits of all existing and proposed sidewalks.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Location, size and radii of all existing and proposed median breaks and turning lanes.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7. Distance between all buildings, between buildings and property lines and between all parking areas and property lines.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8. Location of all required building and parking set-backs.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9. Location, dimensions, number of stories and area in square feet of all proposed buildings.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. Area of land on plan in square feet or acres.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11. The location of all oil and gas wells on the property.	<input type="checkbox"/>	<input type="checkbox"/>

Project Name MO1175 / O'Fallon, IL

City No. _____

Date October 13, 2009

- | | | | |
|-------------------------------------|--|-----|-----|
| <input checked="" type="checkbox"/> | 12. Limits, location, size and material to be used in all proposed retaining walls. | ___ | ___ |
| <input checked="" type="checkbox"/> | 13. Location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas and docks. | ___ | ___ |
| <input checked="" type="checkbox"/> | 14. The location of adjacent developments, alignment and location of public and private driveways and streets, medians, and public and semi-public easements. | ___ | ___ |
| <input checked="" type="checkbox"/> | 15. Final storm water collection, detention and erosion control plans. | ___ | ___ |
| <input checked="" type="checkbox"/> | 16. Analysis of the capacity of the existing water and sanitary sewer systems. (i.e. show that they can handle development loads). | ___ | ___ |
| <input checked="" type="checkbox"/> | 17. Final water and sanitary sewer plans. | ___ | ___ |
| <input checked="" type="checkbox"/> | 18. Deeds of dedication for all rights-of-way or easements required as a result of preliminary development plan approval, if conveyance thereof is not to be made by plat or by the filing of the final development plan pursuant to this Section. | ___ | ___ |
| <input checked="" type="checkbox"/> | 19. A copy of all covenants and restrictions applicable to the development, if required by the terms of the preliminary development plan. | ___ | ___ |
| <input checked="" type="checkbox"/> | 20. Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency, if required by the terms of the approved preliminary development plan. | ___ | ___ |
| <input checked="" type="checkbox"/> | 21. Evidence of satisfaction of any conditions of the preliminary development plan approval that were conditions precedent to consideration of the final development plan. | ___ | ___ |
| <input checked="" type="checkbox"/> | 22. Water lines AWWA C900 SDR 18. | ___ | ___ |
| <input checked="" type="checkbox"/> | 23. Fire hydrants – painted OSHA yellow and one of the following types:
Mueller Superior Centurian A 423; Kennedy Guardian K81A; Clow Medallion. | ___ | ___ |
| <input checked="" type="checkbox"/> | 24. Use gate valves for waterlines $\leq 8"$. | ___ | ___ |
| <input checked="" type="checkbox"/> | 25. Use butterfly valves for waterlines $> 8"$. | ___ | ___ |

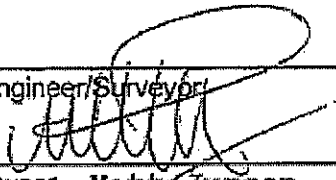
Project Name MO1175 / O'Fallon, IL City No. _____

Date October 13, 2009

- 26. Fire hydrants minimum 50 foot from building and must be able to reach all points of building within 400 foot of hydrant. _____
- 27. Bore utilities under collector streets. _____
- 28. Open cut permitted – no sand backfill, saw cut pavement, one traffic lane open at all times, minimum 6 inch asphalt patch, concrete patch, to be doweled to existing concrete pavement final patch to be placed 48-72 hours after utility is installed. _____
- 29. Variances are requested for this development (provide a list, description and justification for each variance requested on a separate sheet). _____
- BUILDING ITEMS:**
- 30. Location, height, intensity and type of outside lighting fixtures for buildings/parking lots. _____
- 31. Location, size, and type of material of all proposed monument or freestanding signs. _____
- 32. One or more illustrations shall be submitted with the final development plan showing building elevations including the following: _____
- 33. Elevations of all sides of proposed buildings including notation indicating building materials to be used on exteriors and roofs. _____
- 34. Size, location, color and materials of all signs to be attached to building exteriors. _____
- 35. Location, size and materials to be used in all screening of rooftop or ground-level mechanical equipment, trash and refuse collection areas and loading areas. _____
- 36. Building sections. _____
- 37. One or more illustrations shall be submitted with the final development plan showing dimensions and areas of all floors within proposed building. _____
- 38. One or more illustrations shall be submitted with the final development plan showing landscaping, tree preservation and planting and buffer yard plans as required. _____
- 39. One copy of the proposed plan, building elevations and landscaping, tree preservation, screening and planting and buffer yard plans shall be reduced onto 11-inch by 17-inch bond paper. _____

COMPLETED AND SUBMITTED BY:

Engineer/Surveyor _____ Date


Owner Matt Jurson _____ Date
Agent for AT&T Mobility

REVIEWED BY CITY OF O'FALLON

Engineering _____ Date

Planning _____ Date

Initial Submittal Date _____