

AMENDMENT TO LICENSE AGREEMENT

THIS AMENDMENT TO LICENSE AGREEMENT (“Agreement”) is made as of this 21 day of June, 2024 by and between **MONTGOMERY COUNTY, MARYLAND**, with offices at 101 Monroe Street, Rockville, Maryland 20850, a body corporate and politic and a political subdivision of the State of Maryland (hereinafter referred to as the “COUNTY”), and the **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**, an interstate compact agency organized pursuant to Public Law 89-774, 80 Stat. 1324; Maryland Acts of General Assembly, Chapter 869-1965; Virginia Acts of Assembly, Chapter 2-1966; and Resolution of D.C. Board of Commissioners adopted November 15, 1966, with offices located at 300 7th Street, SW, Washington, DC, 20024 (hereafter referred to as “LICENSEE or WMATA”), (LICENSEE and the COUNTY hereafter referred to, together, as the “Parties”).

WHEREAS, the County holds a leasehold interest in a portion of the property located at 4301 Brookville Road, Brookville, MD 20833, pursuant to a certain Lease Agreement, by and between the County, as tenant, and Jane Nash Maller, trustee under the unrecorded Jane C. Nash Trust Agreement, as Property Owner (the “Lease Agreement”) where the County operates and maintains a wireless telecommunications facility that includes a telecommunications tower and other appurtenant equipment; and

WHEREAS, by License dated May 17, 2021, the County allowed WMATA to collocate its communications equipment on the County’s telecommunications tower upon term and conditions contained in the Agreement which was to terminate on May 16, 2023.

WHEREAS, Licensor and Licensee desire to amend the License to change the initial term, add extension options and update Licensee’s address.

WITNESSETH

NOW THEREFORE, for and in consideration of the fees hereinafter reserved and other good and valuable covenants and obligations as hereinafter contained, the Parties agree as follows:

1. Paragraph 2(a) of the License shall be replaced with the following language:

“This Agreement shall be effective as of the date executed by both Parties (“Effective Date”). The initial (“Term”) shall be five (5) years commencing on May 17, 2022 (“Rent Commencement Date”). Licensee shall have the right to extend the License beyond the Initial Term for three (3) additional five (5)-year terms. (i.e., 5/17/2027 through 5/16/2032; 5/17/2032 through 5/16/2037; 5/17/2037 through 5/16/2042)”; and a Final Term extension of three (3) years (i.e., 5/17/2042 through 5/16/2045). The Final Term is 3 years to coincide with the County Termination Date of the Lease with Jane Nash Maller, Trustee

2. Paragraph 2(b) of the License shall be replaced with the following language:

“LICENSEE shall pay the License Fee (“Rent”) in the amounts set forth on the rent schedule attached hereto and made a part hereof as **Exhibit D.**”

3. Paragraph 11 of the License shall be amended to replace WMATA’s notice address to read as follows:

“Licensee:

Vice President of Real Estate and Development
Washington Metropolitan Area Transit Authority
300 Seventh Street, SW, 4th Floor
Washington, DC 20024

With a copy to:

General Counsel
Washington Metropolitan Area Transit Authority
300 Seventh Street, SW
Washington, DC 20024

4. All other terms and conditions of the License not amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have set their hand and affixed their respective seals the day and year first above written.

WITNESS:

LICENSEE:

Washington Metropolitan Area Transit Authority

By: 

Print Name: Janelle Alladin-Rieman

By: 

Joel E. Blockowicz, Director
Office of Real Estate and
Development

Date: 2/2/23

WITNESS:

By: Monisola Brobbey
Print Name: Monisola Brobbey

Approved for legal form and legality:
Office of the County Attorney

By: Neal Anker
Neal Anker
Assistant County Attorney
Date: 6/14/2024

COUNTY:
Montgomery County, Maryland

By: Fariba Kassiri
Fariba Kassiri
Deputy Chief Administrative Officer

Date: 06/21/2024

Recommended:

By: Cynthia Brenneman
Cynthia Brenneman, Director
Office of Real Estate

Date: 06-13-2024