

**RESOLUTION NO. 2024-031**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED EQUIPMENT TRANSFER AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE TERMINATION OF MEMORANDUM OF AGREEMENT WITH SPRINT SPECTRUM REALTY COMPANY, LLC TO FACILITATE THE TENANT'S EFFORTS TO VACATE THE PREMISES AND TERMINATE ANY AND ALL OF TENANT'S LEGAL INTERESTS IN THE LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City owns the telecommunications tower (Tower) within the City's Lakeside Park, located at 5555 Regency Lakes Boulevard, Coconut Creek, Florida 33073 (Property), and leased space to Sprint Spectrum Realty Company, LLC, successor-in-interest to Sprint Spectrum LP, successor-in-interest to Nextel South Corp. (Tenant); and

**WHEREAS**, the Tenant's lease has expired, however, the Tenant has not vacated the premises and currently has a holdover tenancy; and

**WHEREAS**, to facilitate the Tenant's efforts to vacate the premises, the Tenant and City agree that title to the Transferred Personal Property, as defined in the Equipment Transfer Agreement, attached hereto as Exhibit "A," shall pass to the City on the effective date of said agreement and the Transferred Personal Property shall not be removed by the Tenant; and

**WHEREAS**, the Tenant entered into a Communications Site Lease Agreement with the City, dated August 27, 1998, followed by two (2) subsequent amendments thereto, and two (2) Memorandums of Agreement that were recorded in the Official Records Books of Broward County, Florida; and

**WHEREAS**, the Tenant and City wish to formally terminate any and all of Tenant's legal interests in the City's Property through the recordation of an executed Termination of Memorandum of Agreement, attached hereto as Exhibit "B;" and

**WHEREAS**, the City Commission of the City of Coconut Creek, Florida, finds and determines that it is in the best interest of the residents of the City to execute the attached agreements; and

**WHEREAS**, the City Manager, or designee, is authorized to execute the Equipment Transfer Agreement (Exhibit "A"); and

**WHEREAS**, Section 302 b.2. of the City's Charter provides that the Mayor shall sign all instruments of writing relating or pertaining to real estate, and as this relates to the City's real property, City staff recommends that the Mayor execute the Termination of Memorandum of Agreement (Exhibit "B") that, once executed, must be recorded in the Official Records Books of Broward County, Florida.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF  
THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

**Section 2:** That the City Commission supports the Tenant's efforts to vacate the premises.

**Section 3:** That the City Manager, or designee, is hereby authorized to execute the Equipment Transfer Agreement, attached hereto as Exhibit "A."

**Section 4:** That the Mayor is hereby authorized to execute the Termination of Memorandum of Agreement, attached hereto as Exhibit "B," and City staff will ensure that the document is formally recorded in the Official Records Books of Broward County, Florida.

**Section 5:** That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

**Section 6:** That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 22<sup>nd</sup> day of February, 2024.

\_\_\_\_\_  
Joshua Rydell, Mayor

Attest:

\_\_\_\_\_  
Joseph J. Kavanagh, City Clerk

Rydell	<u>Aye</u>
Welch	<u>Aye</u>
Railey	<u>Aye</u>
Brodie	<u>Aye</u>
Wasserman	<u>Aye</u>

SS:ae  
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