

ORDINANCE NO. 2017-032

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO THE LEASE AGREEMENT DATED AUGUST 10, 2006, BY AND BETWEEN THE CITY AND SPRINT SPECTRUM REALTY COMPANY, LLC, SUCCESSOR-IN-INTEREST TO SPRINT SPECTRUM L.P., PROVIDING FOR THE CONTINUED LEASING OF CITY LAND FOR A COMMUNICATIONS TOWER AND A MINOR MODIFICATION OF THE AMOUNT OF THE RELATED EQUIPMENT ON THE TOWER; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sprint Spectrum Realty Company, LLC, successor-in-interest to Sprint Spectrum L.P., (hereinafter "Sprint"), has an existing Lease Agreement with the City dated August 10, 2006 ("Lease"), to lease a portion of city-owned land from the City of Coconut Creek ("City") for the purpose of constructing and maintaining a communications tower and related equipment; and

WHEREAS, the parties amended the Lease on February 12, 2015, in order to permit Sprint to modify and increase Sprint's equipment on the Tower in exchange for increased rent payments to the City ("First Amendment"); and

WHEREAS, the parties desire to amend the Lease, and First Amendment thereto, by and through a Second Amendment to the Agreement ("Second Amendment") in order to clarify a new equipment change of less than three percent (3%) by Sprint that does not increase Sprint's loading factor or size/amount of space being leased; and

WHEREAS, the City Commission of the City of Coconut Creek, Florida, finds and determines it to be in the best interests of the residents of the City to enter into such Second Amendment to the Lease Agreement.

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

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That the City Commission has reviewed and hereby approves that certain Second Amendment to the Lease Agreement by and between the City of Coconut Creek and Sprint Spectrum Realty Company, LLC, successor-in-interest to Sprint Spectrum L.P., dated August 10, 2006, and the First Amendment thereof executed by the parties on February 12, 2015, and hereby authorizes the Mayor to execute said Second Amendment. The Second Amendment is attached hereto and made a part hereof as Exhibit “A.” The Second Amendment provides for the continued lease of city-owned land for a communications tower and permits Sprint to modify and increase its related equipment on the Tower without increasing its loading factor or the size/amount of space leased. A legal description of the property hereby leased is attached hereto and made a part hereof as Exhibit “B.” The original Lease Agreement dated August 10, 2006, is attached hereto as Exhibit “C,” and the First Amendment dated February 12, 2015, is attached hereto as Exhibit “D.”

Section 3: Recordation. That a copy of this Ordinance, along with Exhibit “A,” the Second Amendment, and Exhibit “B,” the legal description of the land hereby leased, is to be recorded in the Official Public Records Books of Broward County, Florida. A copy of Exhibits “C” and “D,” the original Lease Agreement and the First Amendment respectively, are not to be recorded.

Section 4: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5: Severability. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 6: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 27TH DAY OF JULY, 2017.

PASSED SECOND READING THIS 10TH DAY OF AUGUST, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>