



Legislation Details (With Text)

**File #:** ORD 2017-052      **Name:** Third Amendment to T-Mobile Lease Agreement

**Type:** Ordinance      **Status:** Passed

**File created:** 11/1/2017      **In control:** City Commission

**On agenda:** 1/11/2018      **Final action:** 1/11/2018

**Title:** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE THIRD AMENDMENT TO THE LEASE AGREEMENT WITH T-MOBILE SOUTH, LLC, WHICH PROVIDES FOR THE CONTINUED LEASING OF CITY LAND FOR A COMMUNICATIONS TOWER AND A MODIFICATION AND INCREASE IN THE AMOUNT OF T-MOBILE’S EQUIPMENT ON THE TOWER. (SECOND READING)(PUBLIC HEARING)

**Sponsors:**

**Indexes:** Agreement, Cell Towers, Lease, Ordinance, T-Mobile, Telecommunications

**Code sections:**

**Attachments:** 1. ORDINANCE 2017-052-T-Mobile Lease Third Amdmt, 2. EXHIBIT A-Third Amendment to T-Mobile Lease Agrmt, 3. EXHIBIT B-Legal Description-T-Mobile Lease Agrmt, 4. EXHIBIT C-Original T-Mobile Lease Agrmt, 5. EXHIBIT D-First Amendment to T-Mobile Lease Agrmt, 6. EXHIBIT E-Second Amendment to T-Mobile Lease Agrmt

Date	Ver.	Action By	Action	Result
1/11/2018	1	City Commission		
12/14/2017	1	City Commission		

AGENDA ITEM REPORT

**TITLE:**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE THIRD AMENDMENT TO THE LEASE AGREEMENT WITH T-MOBILE SOUTH, LLC, WHICH PROVIDES FOR THE CONTINUED LEASING OF CITY LAND FOR A COMMUNICATIONS TOWER AND A MODIFICATION AND INCREASE IN THE AMOUNT OF T-MOBILE’S EQUIPMENT ON THE TOWER. (SECOND READING)(PUBLIC HEARING)

**BACKGROUND:**

**This item was approved on First Reading at the December 14, 2017, City Commission Meeting.**

On May 8, 2008, the City Commission authorized the Mayor to execute the original Lease Agreement (“Agreement”) with T-Mobile South, LLC (“T-Mobile”) for the purpose of maintaining a communications tower and related equipment at the City’s Winston Park, located at 5201 NW 49 Avenue, Coconut Creek, Florida. The agreement provides for a term of ten (10) years from the effective date with two (2) automatic five (5) year renewals (unless T-Mobile advises the City of its intent not to renew at least six (6) months prior to the end of the current term).

On November 13, 2008, the City Commission authorized the Mayor to execute the First Amendment

to the Lease Agreement (“First Amendment”), which provided for a modification to the exhibits to the agreement.

On July 14, 2016, the City Commission authorized the Mayor to execute the Second Amendment to the Lease Agreement (“Second Amendment”), which provided for a modification and increase to the amount of T-Mobile’s equipment on the tower in exchange for an increase in rent.

**DISCUSSION:**

Currently, T-Mobile desires to amend the Lease Agreement a third time (“Third Amendment”) to increase its equipment on the communications tower without increasing the tenant’s loading factor on the tower.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.

**FISCAL IMPACT:** N/A