

ORDINANCE NO. 2025-022

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 BY AND BETWEEN THE CITY OF COCONUT CREEK AND NEW CINGULAR WIRELESS PCS, LLC, SUCCESSOR IN INTEREST TO AT&T WIRELESS SERVICES OF FLORIDA, INC., WHICH PROVIDES FOR MODIFICATION OF THE EQUIPMENT ON THE TOWER AT LAKESIDE PARK, SUBJECT TO ALL OTHER TERMS AND CONDITIONS PROVIDED THEREIN; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; 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, and leases space to several tenants via lease agreements; and

WHEREAS, on April 8, 1999, the City Commission authorized the Mayor to execute the original lease agreement ("Agreement") with AT&T Wireless Services of Florida, Inc. for the purpose of maintaining a communications tower and related equipment at the City's Tower at Lakeside Park; and

WHEREAS, on February 8, 2008, the City approved the First Amendment to the Agreement, authorizing New Cingular Wireless PCS, LLC, a Delaware limited liability company, successor in interest to AT&T Wireless of Florida, Inc., to amend the initial term for sixty (60) months, commencing January 1, 2008, and automatically renewing for up to five (5) additional sixty (60) month terms and expand the permitted use in exchange for other assurances, as stated therein; and

WHEREAS, New Cingular Wireless PCS, LLC desires to amend the Agreement a second time to modify the equipment on the tower, modify its equipment within the existing leased space, as well as clarify the ground lease, the non-exclusive aerial easement for the tenant's connection to the tower, and the utility easement; and

WHEREAS, pursuant to the Agreement, the rent will increase to \$55,464.00; 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 Second Amendment to the Agreement with New Cingular Wireless PCS, LLC at Lakeside Park; 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 is an amendment to an existing lease of the City's real property, City staff recommends that the Mayor execute same.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

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. The Second Amendment to the Agreement between the City of Coconut Creek, Florida and New Cingular Wireless PCS, LLC (Original Lease Dated April 8, 1999) is attached hereto as "Exhibit 1," along with its attachments, and is incorporated herein and made a specific part of this ordinance.

Section 2: Amendment to Lease. That the City Commission hereby authorizes the Second Amendment to the Agreement that modifies the equipment on the tower and provides other terms and conditions as more specifically described in the Second Amendment to the Agreement by and between the City of Coconut Creek and New Cingular Wireless PCS, LLC, attached hereto as "Exhibit 1."

Section 3: Charter Requirement. That the Mayor is hereby authorized to execute said Second Amendment to the Agreement on behalf of the City.

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 _____ DAY OF _____, 2025.

PASSED SECOND READING THIS _____ DAY OF _____, 2025.

Jacqueline Railey, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Railey	_____	_____
Wasserman	_____	_____
Welch	_____	_____
Rydell	_____	_____
Brodie	_____	_____