

ORDINANCE NO. 2025-032

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 BETWEEN THE CITY OF COCONUT CREEK AND NEW CINGULAR WIRELESS PCS, LLC, A WHOLLY OWNED SUBSIDIARY OF AT&T MOBILITY CORPORATION, WHICH PROVIDES FOR MODIFICATION OF EQUIPMENT ON THE TELECOMMUNICATIONS TOWER AT WINSTON PARK NATURE CENTER, SUBJECT TO ALL OTHER TERMS AND CONDITIONS PROVIDED THEREIN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City owns the telecommunications tower ("Tower") located within the City's Winston Park Nature Center, located at 5201 NW 49 Avenue, Coconut Creek, Florida 33073, and leases space to several tenants via lease agreements; and

WHEREAS, as of October 10, 2019, New Cingular Wireless PCS, LLC, wholly owned by AT&T Mobility Corporation, as its sole manager, (hereinafter "AT&T"), has had a valid lease agreement ("Lease Agreement") with the City to lease space on the Tower together with a portion of the City's land adjacent to the Tower to construct, maintain, and operate a communications facility; and

WHEREAS, on October 13, 2022, the City approved the First Amendment to the Lease Agreement, which permitted AT&T to install additional equipment at the site and increase the number of antennas on the Tower; and

WHEREAS, AT&T and the City desire to amend the Lease Agreement a second time to modify and increase the amount of AT&T equipment on the Tower, which will increase the load factor on the Tower; and

WHEREAS, pursuant to the Second Amendment to the Lease Agreement, the rent will increase to \$46,650.62; 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 Lease Agreement with AT&T at Winston Park Nature Center; 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, 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 Lease Agreement between the City of Coconut Creek, Florida and New Cingular Wireless PCS, LLC, a wholly owned subsidiary of AT&T Mobility Corporation, as its sole manager, (Original Lease Dated October 10, 2019) 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 Lease Agreement that modifies the antenna layout and provides other terms and conditions, as more specifically described in the Second Amendment to the Lease Agreement by and between the City of Coconut Creek and New Cingular Wireless PCS, LLC, a wholly owned subsidiary of AT&T Mobility Corporation, as its sole manager, attached hereto as "Exhibit 1."

Section 3: Charter Requirement. That the Mayor is hereby authorized to execute said Second Amendment to the Lease 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 7TH DAY OF AUGUST, 2025.

PASSED SECOND READING THIS _____ DAY OF _____, 2025.

Attest:

Jacqueline Railey, Mayor

Joseph J. Kavanagh, City Clerk

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