

RESOLUTION NO. 26-20

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, APPROVING THE FIRST AMENDMENT TO SITE AGREEMENT FOR WATER TOWER/LEASE BETWEEN THE TOWN OF DUNDEE AND T-MOBILE SOUTH LLC; AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT; AUTHORIZING IMPLEMENTATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee (the "Town") is a Florida municipal corporation vested with home rule authority pursuant to the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, and Article VIII, Section 2 of the Florida Constitution; and

WHEREAS, pursuant to Chapter 166, Florida Statutes, the Town possesses governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, on June 21, 2000, the City of Dundee (now known as the Town of Dundee) entered into a Site Agreement for Water Tower/Lease with APT Tampa/Orlando, Inc., predecessor in interest to T-Mobile South LLC, for the lease and use of certain water tower property located within the Town for telecommunications purposes; and

WHEREAS, T-Mobile South LLC (the "Tenant") is the lawful successor in interest to the original leaseholder and desires to continue leasing the subject premises pursuant to the terms and conditions of the original agreement, as amended; and

WHEREAS, the Town and Tenant desire to enter into a First Amendment to Site Agreement for Water Tower/Lease to extend the lease term for an additional five (5) years, commencing January 1, 2026, and terminating December 31, 2030; and

WHEREAS, under the First Amendment, monthly rent payable to the Town shall be One Thousand Seven Hundred Forty-Four Dollars and Seventy-Two Cents (\$1,744.72), beginning January 1, 2026, with **annual** rent increases of three and one-half percent (3.5%) beginning January 1, 2027, and each year thereafter; and

WHEREAS, the Town Commission finds that approval of the First Amendment is

Resolution 26-20
FIRST AMENDMENT TO SITE AGREEMENT
FOR WATER TOWER/LEASE

in the best interests of the Town and promotes the public health, safety, and welfare by allowing continued telecommunications service and generating recurring revenue for the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. Incorporation of Recitals. The above-referenced factual recitals (WHEREAS clauses) and referenced exhibit(s) are incorporated herein as true and correct statements which form a factual and material basis for the passage of this Resolution, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the passage of this Resolution.

Section 2. Approval of First Amendment. The Town Commission hereby approves the First Amendment to Site Agreement for Water Tower/Lease between the Town of Dundee and T-Mobile South LLC, attached hereto as Exhibit "A" and incorporated herein by reference.

Section 3. Implementations. The Town Manager, Town Clerk, and Town Attorney are hereby authorized to take all actions necessary to implement the purposes of this Resolution.

Section 4. Conflicts.
All resolutions in conflict herewith are repealed to the extent of such conflict.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Resolution is held invalid or unconstitutional by a court or administrative body of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

Section 6. Administrative Correction of Scrivener's Errors. The administrative correction of typographical and/or scrivener's errors in this Resolution, which do not affect the intent of this Resolution, may be authorized by the Town Manager or designee, without further action by the Town Commission, by filing a corrected or re-codified copy with the Town Clerk."

Section 7. Effective Date. This Resolution shall take effect immediately upon passage.

DULY INTRODUCED, PASSED, AND ADOPTED by the Town Commission of the Town of Dundee, Florida, at a duly noticed public meeting assembled on the 7th day of July 2026.

Resolution 26-20
FIRST AMENDMENT TO SITE AGREEMENT
FOR WATER TOWER/LEASE

TOWN OF DUNDEE, FLORIDA

Joe Garrison, Mayor

ATTEST WITH SEAL:

Erica Anderson, Town Clerk

Approved as to form:

Markeishia Smith, Town Attorney