

RESOLUTION NO. 2023-12

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING A FOURTH AMENDMENT TO LEASE AGREEMENT, BETWEEN NCWPCS MPL 26-YEAR SITE TOWER HOLDINGS LLC (TENANT) THROUGH THE TENANT'S ATTORNEY-IN-FACT, CCATT, LLC AND THE CITY OF GREENACRES FOR THE LEASING OF TOWER SPACE FOR WIRELESS COMMUNICATIONS; AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENTS

WHEREAS, the Tennant has a Lease Agreement with the City, dated January 20, 1998, for the lease of the City property for the purpose of maintaining and operating a wireless communication facility (and/or other electronica signal transmission device or technology) (collectively, "Tower"); and

WHEREAS, the Tower is located at Veterans' Memorial Park, 6250 Purdy Lane, Greenacres, Florida, and the Lase provides for a non-exclusive access easement for the Tenant's access to the Tower; and

WHEREAS, the City is redesigning the Park and is providing an additional access easement to the Tower as set forth in **Exhibit A** which is attached hereto and incorporated herein (the "Access Premises") which additional access has been approved by CCATT; and

WHEREAS, CCATT requires access to and from the Tower for maintenance and other authorized activities; and

WHEREAS, to reduce the potential damage to the Access Premises caused by such maintenance and other activities and the downtime required to repair such damages, the parties wish to install a permeable paver grid system in the Access Premises; and CCATT requires access to and from the Tower for maintenance and other authorized activities; and

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WHEREAS, the City agrees to purchase and install the TrueGrid Pro Plus (TG 0020C) CMP permeable paver grid system ("System") as set forth in the quote attached as **Exhibit B** hereto which is incorporated herein ("Quote), and CCATT agrees to pay the City in advance for the purchase of such System in accordance with the Quote.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The City Council grants authorization for the execution of the Fourth Amendment to the Lease Agreement **Exhibit C** between the NCWPCS MPL-26 Year Site Tower Holdings LLC and the City of Greenacres.

Section 2. The City Council grants authorization to purchase the permeable paver grid system and CCATT agrees to pay the City in advance for the purchase of such System as identified IN **Exhibit D.**

SECTION 3. That the appropriate City officials are hereby authorized to execute all necessary documents required to effectuate the terms of the agreement.

SECTION 4. All resolutions in conflict herewith are hereby repealed.

SECTION 5. This resolution shall be effective April 17, 2023.

RESOLVED AND ADOPTED this 17TH day of April 2023

Joel Flores, Mayor

Voted:
Peter Noble, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Council Member, *District I*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney