

DRAFT ORDINANCE NO. 2025-19

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING AN AMENDED LEASE AGREEMENT FOR A PORTION OF VETERANS MEMORIAL PARK PURSUANT TO ARTICLE VI, SECTION 1(G), OF THE CITY'S CHARTER, WHICH REQUIRES LEASES OF CITY-OWNED PROPERTY TO BE APPROVED BY ORDINANCE; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

WHEREAS, the City of Greenacres, Florida (the "City") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Article IV, Section 1(G) of the City's Charter, requires the City Council to approve the lease of any City-owned property by ordinance; and

WHEREAS, the City and Sprint Spectrum L.P., entered into a Lease Agreement and Memorandum of Agreement dated August 2, 2004, for Sprint Spectrum's use of a portion of the City's real property located at 2390 Purdy Lane, Greenacres, Florida 33463, for a cellular tower ("Lease"); and

WHEREAS, Sprint Spectrum L.P. assigned the Lease through various entities with the current tenant being SBA Steel II, LLC ("Tenant"); and

WHEREAS, on or about September 16, 2016, the City and the Tenant entered into a First Amendment to the Lease; and

WHEREAS, on or about January 18, 2023, the Tenant requested an easement to run fiber optics to the cellular communication tower from Purdy Lane South, and such easement was granted via a Second Amendment to the Lease; and

WHEREAS, the City and the Tenant now desire to enter into a Third Amendment to the Lease (which amendment is attached hereto at **Exhibit "A"**) for the purpose of clarifying and expanding the boundaries of the leased area, as further described in **Exhibit "A"**; and

WHEREAS, the City Council has reviewed this proposed Ordinance and has determined that this Ordinance serves a public purpose and is in the best interests of the public health, safety and/or welfare of the City.

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

SECTION 1. The foregoing recitals are hereby fully incorporated herein by reference as true and correct legislative findings of the City Council of the City of Greenacres.

SECTION 2. The City Council of the City of Greenacres hereby approves the Third Amendment to the Tower Lease Agreement and Memorandum of Agreement, which amendment is attached hereto as **Exhibit “A”**, and authorizes the proper execution of the same.

SECTION 3. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 5. Effective Date. The provisions of this Ordinance shall become effective immediately upon adoption.

[Signatures follow on the next page].

Passed on the first reading this _____ day of _____ 2025.

PASSED AND ADOPTED on the second reading this _____ day of _____ 2025.

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Susy Diaz, Deputy Mayor, District IV

Voted:
John Tharp, Council Member, District I

Voted:
Peter Noble, Council Member, District II

Voted:
Judith Dugo, Council Member, District III

Voted:
Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

EXHIBIT “A”

THIRD AMENDMENT TO LEASE AGREEMENT AND MEMORANDUM OF AGREEMENT