



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** December 5, 2023

**SUBMITTED BY:** Terisha Cuebas, Town Manager's Office

**SUBJECT:** Consideration of Proposed Amendment No.5 to Tower Siting Lease Agreement between the Town of Highland Beach and Sprint/T-Mobile

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## **SUMMARY:**

History: In 1998, the Town Commission, entered into a lease agreement with Sprint to allow the install of mobile antennas on the Elevated Water Storage Tank. The terms of the agreement included but were not limited to the Town receiving a monthly rent payment and 3% increase in rent each year as well as Sprint is responsible to pay the electricity fees associated with powering the equipment. The lease has been renewed multiple times, over the years, which included amendments to the original agreement to accommodate an increase in rental fees to the Town based on improvements and modifications to the equipment and included an extension on the term of the lease.

Sprint, which has now been acquired by T-Mobile, has expressed the interest in renewing the current lease with the below terms:

- Terms: Automatically extend the lease for 5 years, at the expiration of the current term, and successive five (5) year terms.
- Rent: Sprint shall pay the Town Four Thousand Seven Hundred Eighty-Three and 62/100 Dollars (\$4,783.62) per month as Rent.
  - The current rent is \$3,718.00/month
- Annual increase: The rent will escalate by 3% on December 14, 2024, and each anniversary thereafter.

It is important to note, the Town Manager's office successfully negotiated the rent price, as the original proposal from T-Mobile did not reflect an increase in rent. The negotiated price was based on the current rent agreements in place between T-Mobile and neighboring municipalities.

At the August 1, 2023 Town Commission meeting, during the initial review of the proposed amendment, the Commission expressed the desire for the Town to have reciprocal non renewal terms, similar to those provided to Sprint/T-Mobile. The Town Attorney has successfully negotiated renewal terms, that are as follows:

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- Sprint may elect not to renew by providing the Town at least ninety (90) days' written notice prior to the expiration of the then current five year Renewal Term.
  - The Town may elect not to renew at any time by providing Sprint at least twenty-four months' prior written notice.
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**FISCAL IMPACT:**

Revenue funds for current lease agreement are included in the FY 2023-2024 budget.

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**ATTACHMENTS:**

Proposed Amendment No. 5 To Tower Siting Lease Agreement (Redlined Version)

Proposed Amendment No. 5 To Tower Sitting Lease Agreement (Clean Version)

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**RECOMMENDATION:**

Commission approval of Amendment No.5.