

**RESOLUTION
NUMBER 2024-1**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, DECLARING CERTAIN REAL PROPERTY AS SURPLUS AND AUTHORIZING NON-COMPETITIVE DISPOSITION OF THAT SURPLUS PROPERTY IN ACCORDANCE WITH ORDINANCE NUMBER 2023-12; PROVIDING DIRECTIONS TO COUNTY STAFF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2022, the County determined it necessary to replace its existing legacy public safety voice radio system with a digital, Association of Public Safety Communications Officials (“APCO”) Project 25 (P25) compliant public safety communications system;

WHEREAS, since that time the County has retained consultants and contractors to provide design, engineering, installation, implementation, operation, training and maintenance services for this new P25 compliant public safety communications system (the “P25 Project”);

WHEREAS, the P25 Project has included an evaluation of the communications towers that serve the county’s existing public radio system to determine if those towers are adequate to accommodate the P25 Project needs;

WHEREAS, after such evaluation it was determined that the existing County owned tower located on Parcel ID number 0329300200 (the “Existing Tower”) near the Sheriff’s Office in the NW corner of the intersection NE 80th Avenue and NE 90th Street, Bronson, Florida, is not adequate to accommodate the P25 Project needs;

WHEREAS, at its regular meeting on November 21, 2023, the Board of County Commissioners (the “Board”) discussed whether to proceed with the County replacing the Existing Tower, or whether to allow a private company to demolish the Existing Tower and construct a new tower to serve the P25 Project needs, and the Board determined the latter approach was preferable; and

WHEREAS, at its regular meeting on December 19, 2023, the Board directed the County Attorney to prepare this resolution in accordance with Ordinance Number 2023-12 to declare certain county property as surplus and direct the non-competitive disposition of that property to serve the County’s P25 Project needs.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Levy County, Florida, that:

1. The following property is declared surplus: an approximately 80 foot by 120 foot area, together with non-exclusive easement areas, within the County owned

property identified as Property Appraiser Parcel ID Number 0329300200 near the Sheriff's Office in the NW corner of the intersection NE 80th Avenue and NE 90th Street, Bronson, Florida. The property is depicted on Exhibit "A" and labeled "Nextower Lease Parcel" and "Easement #1," "Easement #2" and "Easement #3" (the "Surplus Property.") The exact legal description of the surplus property may vary as determined by negotiations and survey and will be included in the lease and/or other real property documents described below.

2. The Surplus Property is to be disposed of non-competitively to serve the County's P25 Project in accordance with Sec. 2-304(b) of Ordinance Number 2023-12. The County Coordinator or his designee is directed to: negotiate a lease and other real property documents (such as a license agreement and easements) with NexTower Development Group II, LLC, a Delaware limited liability company, certified to do business in the state of Florida, with a principal address of 13577 NW 2nd Lane, Suite 20, Newberry, FL 32669.
3. The lease and other real property documents shall provide for the removal of the Existing Tower and the construction of a new tower to serve the P25 Project, and may allow NexTower to use the tower to serve other users/customers. The lease and other real property documents shall be presented to the Board at a regular or special meeting and shall not be binding and enforceable unless and until approved by the Board, signed by the Board Chair and approved by the County Attorney as to form and legal sufficiency.
4. This Resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED on February 6, 2024.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

Desiree Mills, Chair

ATTEST:

Danny J. Shipp, Clerk of Circuit Court
and Ex-officio Clerk to the Board of County
Commissioners

Danny J. Shipp, Clerk

Approved as to form and legal sufficiency

Nicolle M. Shalley, County Attorney