

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SBA TOWERS V, LLC, a Florida
limited liability company, as successor
in interest to original plaintiff SBA
TOWERS II, LLC, a Florida limited
liability company,

Case No. 2:10-cv-13925-AJT-MJH

Hon. Terrence G. Berg

Plaintiff,

vs.

CITY OF NOVI, a Michigan municipal
corporation,

Defendant.

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FIRST AMENDMENT TO CONSENT JUDGMENT

SBA Towers II, LLC and the City of Novi are parties to a Consent Judgment entered by the Court on May 10, 2011 regarding the construction and operation of a communications tower (the “Tower”) on property described on **Exhibit A** hereto; the Tower has been constructed and currently includes communications equipment

owned and utilized by AT&T; Plaintiff having assigned all of its right, title and interest in and to the Tower to SBA Towers V, LLC, effective as of January 1, 2014 (hereinafter referred to as “Plaintiff”); the parties having agreed to amend the Consent Judgment (the “First Amendment”) to accommodate changes to the Tower for the installation of new and modern communications equipment by AT&T; and the Court being otherwise familiar in the premises,

THE COURT HEREBY FINDS AND IT IS ORDER AND ADJUDGED
as follows:

1. **Substitution of Plaintiff and Amendment of Caption.** SBA Towers V, LLC, as the assignee and successor in interest to original plaintiff SBA Towers II, LLC, and current owner of the Property covered by the Original Consent Judgment, shall be substituted as a party-plaintiff in place of SBA Towers II, LLC. The Clerk shall make the appropriate entries in the Court records to revise the caption of the lawsuit to substitute SBA Tower V, LLC as the Plaintiff in this action.

2. **Tower Height Modification.** The height of the Tower, which was limited to 150’ in the Consent Judgment, may be extended to a height of 162’, and the maximum height of any associated communications equipment (e.g., antennas) shall not exceed 166’, as depicted and described on the Elevation Drawing T-1, dated May 17, 2022, attached hereto as **Exhibit B**.

3. **Successors and Assigns.** All of the provisions of this First Amendment shall be deemed to run with the land and shall be binding upon and inure to the benefit of Plaintiff and the City, and each of their respective heirs, successors, assigns, purchasers and transferees, and reference in this First Amendment to Plaintiff and/or the City shall also mean and refer to its rights and obligations under this First Amendment.

4. **Recording.** This First Amendment shall run with the Property and a copy of this First Amendment, or an affidavit making reference to this First Amendment, may be recorded by any party with the Register of Deeds for Oakland County.

5. **Public Health, Safety and Welfare.** Plaintiff and the City acknowledge and represent that the terms and conditions of this First Amendment are fair and reasonable and that the land uses authorized herein and the locations of same are appropriate and reasonable under all of the circumstances present and that this First Amendment is consistent with the public health, safety and welfare of the community.

6. **Continuing Validity of Original Consent Judgment.** Except as specifically amended by this First Amendment all of the terms and conditions of the original Consent Judgment shall remain in full force and effect.

IT IS SO ORDERED AND ADJUDGED.

Dated: _____

Honorable Terrence G. Berg

Approved for entry as to form and substance:

CITY OF NOVI, a Michigan municipal
corporation

By:_____

Name:_____

Its: Mayor

And

By:_____

Name:_____

Its: Clerk

SBA TOWERS V, LLC, a Florida limited
liability company

By:_____

Name:_____

Its: _____

By: _____
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