

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2021-

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA AUTHORIZING ENTERING INTO THE FIFTH AMENDMENT TO LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC WITH REGARD TO CITY OWNED PROPERTY LOCATED AT 11911 OLD CUTLER ROAD, CORAL GABLES, FLORIDA.

WHEREAS, Landlord, City of Coral Gables, Florida, (“Landlord”) and Bellsouth Mobility, LLC entered into a Lease Agreement dated March 25, 1993, as amended by that certain First Amendment to Lease Agreement dated August 21, 2012, Second Amendment to Lease Agreement dated November 30, 2016 and Third Amendment and Extension to Lease Agreement dated September 26, 2019, and Fourth Amendment to Lease Agreement dated June 19, 2020 (the “Lease Agreement”), with respect to certain Premises, therein described, that are a portion of the Property located at 11911 Old Cutler Road, Coral Gables, FL 33156 (the "Property"); and

WHEREAS, effective December 31, 2004, Bellsouth Mobility, LLC was merged with and into New Cingular Wireless PCS, LLC, a Delaware limited liability company, successor-in-interest to Bellsouth Mobility LLC, a Georgia limited liability company d/b/a AT&T Wireless (the “Tenant”); and

WHEREAS, Tenant desires to modify its Communications Facility on the tower, and the requested modification has been reviewed and approved by Landlord’s tower engineer consultant; and

WHEREAS, Landlord and Tenant desire to amend the Lease Agreement as provided in the attached Fifth Amendment to Lease Agreement (“Lease Amendment”); and

WHEREAS, the City Commission finds it is in the public interest to amend the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon the adoption hereof.

SECTION 2. That the Fifth Amendment to Lease Agreement with New Cingular Wireless PCS, LLC is hereby approved in substantially the form attached hereto as Exhibit "A."

SECTION 3. That the City Commission does hereby authorize the City Manager to execute the Fifth Amendment to Lease Agreement with such modifications to the form attached hereto as Exhibit "A" as may be approved by the City Manager and City Attorney and are necessary to implement the intent of this resolution.

SECTION 4. The City Commission authorizes the City Manager to invoice the Tenant costs incurred by the City that have not been paid by Tenant in connection with this Lease Amendment, including reasonable engineering and attorneys' fees, in accordance with Division 12, Section 2-1093 of the City Code and Section 3.5 of the Lease Amendment. The City Attorney and City Manager are authorized to rescind the City's approval of the Lease Amendment, withhold Landlord approvals required under the Lease Amendment, or take other appropriate action if such funds are not paid within 30 days of receipt of an appropriate invoice.

SECTION 5. That this Resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS 12TH DAY OF JANUARY, 2021.

APPROVED:

RAÚL VALDÉS-FAULI
MAYOR

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

BILLY Y. URQUIA
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY