

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2016-

RESOLUTION AUTHORIZING ENTERING INTO A SECOND 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 ("Bellsouth Mobility") entered into a Lease Agreement dated March 25, 1993, as amended by that certain First Amendment to Lease Agreement dated August 21, 2012 (the "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 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 Cingular Wireless (the "Tenant"); and

WHEREAS, Tenant desires to change, modify or relocate the Communication Facility, which Landlord is willing to approve; and

WHEREAS, Landlord and Tenant desire to amend the Agreement to modify the notice section thereof; and

WHEREAS, Landlord and Tenant desire to amend the Agreement to permit Tenant to add, modify and/or replace its equipment; and

WHEREAS, Landlord and Tenant desire to adjust the rent in conjunction with the modifications to the Agreement contained herein; and

WHEREAS, Landlord and Tenant, in their mutual interest, wish to amend the Agreement as set forth in the Second Amendment to Lease Agreement; 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 Second 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 Second 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. That in the event New Cingular Wireless PCS, LLC fails to pay the legal fees reimbursement, as provided in Section 4 of the Second Amendment to Lease Agreement, the City Attorney and City Manager are authorized to rescind the City's approval of the Second Amendment to Lease Agreement provided in this Resolution.

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

PASSED AND ADOPTED THIS ___ DAY OF NOVEMBER 2016.

APPROVED:

JIM CASON
MAYOR

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

WALTER J. FOEMAN
CITY CLERK

CRAIG LEEN
CITY ATTORNEY