

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2012-203

RESOLUTION AUTHORIZING THE CITY OF CORAL GABLES TO ENTER INTO A FIRST AMENDMENT TO LEASE AGREEMENT WITH T-MOBILE SOUTH LLC WITH REGARD TO CITY-OWNED PROPERTY LOCATED AT 11911 OLD CUTLER ROAD, CORAL GABLES, FLORIDA.

WHEREAS, the City of Coral Gables (“Landlord”) and the predecessor in interest to T-Mobile South LLC d/b/a T-Mobile (“Tenant”) entered into a Lease Agreement dated February 17, 2005 (“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 (“Property”); and

WHEREAS, Tenant desires to make certain modifications and add to its antennas and equipment installed at the Property, and Landlord consents to such modifications; 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 effective October 1, 2012, 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 First Amendment to Lease Agreement; and

WHEREAS, Tenant provided a Tower Analysis Report from Pate Engineering, Inc., dated October 2, 2012, which the City relies on, indicating that Tenant’s proposed equipment may be safely installed; 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 First Amendment to Lease Agreement with T-Mobile South LLC is hereby approved in substantially the form attached hereto.

SECTION 3. That the City Commission does hereby authorize the City Manager to execute the First 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 in order to implement the intent of this resolution.

SECTION 4. That this resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS THIRTIETH DAY OF OCTOBER, A.D., 2012.
(Moved: Kerdyk / Seconded: Quesada)
(Yeas: Cabrera, Kerdyk, Quesada, Anderson, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: C-8)

APPROVED:


JIM CASON
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY