

RESOLUTION NO. R-2016-349

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED THIRD AMENDMENT TO TOWER SITING AGREEMENT, BETWEEN METROPCS FLORIDA, LLC, AND THE CITY OF HOLLYWOOD, FOR A WIRELESS COMMUNICATIONS SYSTEM AT 2600 HOLLYWOOD BOULEVARD RENEWING ITS TERM AND ADDING AN ADDITIONAL RENEWAL TERM.

WHEREAS, Resolution No. R-2004-350, approved on October 20, 2004, authorized the execution of a Tower Siting Agreement ("Agreement") between MetroPCS California / Florida, Inc. and the City of Hollywood for the location of wireless communications equipment on the rooftop of City Hall at 2600 Hollywood Blvd.; and

WHEREAS, Resolution No. R-2012-219, approved on July 18, 2012, authorized the execution of a First Amendment to the Tower Siting Agreement between MetroPCS, LLC, successor in interest by assignment from MetroPCS California/Florida, Inc., providing for an increase from three to six antennae; and

WHEREAS, Resolution No. R-2014-061, approved on March 19, 2014, authorized the execution of a Second Amendment to the Tower Siting Agreement between MetroPCS, LLC, providing for twelve roof top antennae; and

WHEREAS, the R-2004-350 Tower Siting Agreement allowed for one additional ten-year renewal, and the initial term expired on November 1st, 2014; and

WHEREAS, MetroPCS is proposing a renewal for ten years, effective November 1, 2014, and amending the Agreement to provide another renewal term of ten years; and

WHEREAS, the IT Department and Financial Services Department have reviewed the requested changes and recommend approval;


NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD FLORIDA:

Section 1: That it hereby approves and authorizes the execution, by the appropriate City Officials, of the attached Third Amendment to Tower Siting Agreement, between MetroPCS Florida, LLC and the City of Hollywood, together with such non-material changes as may subsequently be agreed to by the City Manager and approved as to form and legality by the City Attorney.

A RESOLUTION TO EXECUTE THE THIRD AMENDMENT TO TOWER SITING AGREEMENT, BETWEEN METROPCS FLORIDA, LLC, AND THE CITY OF HOLLYWOOD, FOR A WIRELESS COMMUNICATIONS SYSTEM AT 2600 HOLLYWOOD BOULEVARD RENEWING ITS TERM AND ADDING AN ADDITIONAL RENEWAL TERM.

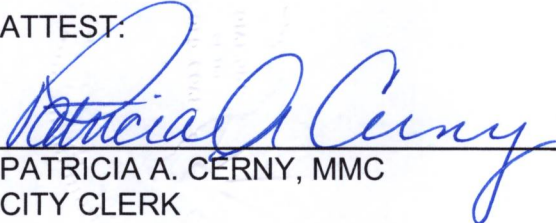
Section 2: That this resolution shall be in full and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 14 day of Dec, 2016.



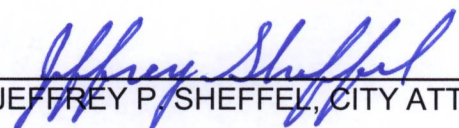
JOSH LEVY, MAYOR

ATTEST:



PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the
City of Hollywood, Florida, only.



JEFFREY P. SHEFFEL, CITY ATTORNEY

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**THIRD AMENDMENT TO
TOWER SITING AGREEMENT**

This Third Amendment to Tower Siting Agreement ("Third Amendment") is made this ___ day of _____, 2016, by and between the City of Hollywood ("City"), a Florida municipal corporation, and MetroPCS Florida, LLC ("MetroPCS"), a Delaware limited liability company, successor in interest by assignment to MetroPCS California/Florida, Inc.

WHEREAS, City and MetroPCS entered into a Tower Siting Agreement, dated November 1, 2004, which was amended by a First Amendment to Tower Siting Agreement on October 5, 2012, and a Second Amendment to Tower Siting Agreement on April 21, 2014 (collectively the "Agreement"); and

WHEREAS, City and MetroPCS wish to reaffirm the terms of the Agreement and amend the Agreement to include an additional renewal term.

Now Therefore, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and MetroPCS covenant and agree as follows:

AGREEMENT

1. The above recitals are true and correct, agreed to by City and MetroPCS, and are incorporated in this instrument as if such recitals were fully set forth herein.
2. City and MetroPCS hereby ratify that the Agreement was renewed for an additional ten (10) year term, with no changes to the financial terms, and commenced on November 1, 2014 immediately following the expiration of the existing Initial Term and is due to expire on October 31, 2024 (the "First Renewal Term").
3. City and MetroPCS agree that ninety (90) days prior to the expiration of the First Renewal Term, providing the Agreement is in full force and effect, they may begin negotiations for another renewal term of ten (10) years (the "Second Renewal Term"), with no changes to the financial terms of the Agreement and which will be contingent upon City Commission approval.

4. Except as amended hereby, the Agreement remains in full force and effect and is hereby ratified and confirmed.
5. This Third Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. Executed counterparts or copies of the Amendment delivered by electronic media or facsimile shall be valid as signed an original for all purposes.

[REMAINDER OF PAGE IS INTENTIONALLY LEFT BLANK.
SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, MetroPCS has caused this Third Amendment To Tower Siting Agreement to be signed in its name by its duly authorized representative, and the City Commission of Hollywood has caused this Third Amendment to be signed in its name by the Mayor, and duly attested to by the City Clerk, and approved as to form and sufficiency by the City Attorney, on the day and year first above written.

CITY

City of Hollywood,
a Florida municipal corporation

By: _____

Title: Mayor

ATTEST:

By: _____

Patricia A. Cerny, MMC
Title: City Clerk

**APPROVED AS TO FORM AND SUFFICIENCY
FOR THE USE AND RELIANCE OF THE
CITY OF HOLLYWOOD ONLY:**

By: _____

Jeffrey P. Sheffel, Esquire
Title: City Attorney

METROPCS

METROPCS FLORIDA, LLC,
a Delaware limited liability company

By: _____

Name: Harlan Kickhoefer
Title: Director, Network Eng. & Ops.
Date: _____