

RESOLUTION NO. 08-03-15

**A RESOLUTION OF THE TOWN COMMISSION OF
THE TOWN OF LAKE PARK, FLORIDA
AUTHORIZING AND DIRECTING THE MAYOR TO
EXECUTE A FIRST AMENDMENT TO THE LEASE
AND OPTION AGREEMENT WITH T-MOBILE USA,
INC. FOR THE CONSTRUCTION OF A
COMMUNICATIONS TOWER AT THE LAKE PARK
HARBOR MARINA; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, The Town entered into a "Site Lease With Option" (Lease) with T-Mobile, LLC, whereby T-Mobile LLC is permitted, at its option to lease certain real property described and attached to Exhibit A of the Lease (the Property) at the Town's Marina for the development of facilities necessary to operate its communications system; and

WHEREAS, pursuant to paragraph 15 of the Lease, T-Mobile, LLC has assigned the ground lease to R G Towers, LLC; and

WHEREAS, pursuant to the terms of the Lease, the Tenant of the Property is permitted to co-locate other communication facilities on the Property; and

WHEREAS, Tenant, after inspection of the Property has requested an amendment to the Lease so that additional ground space can be made available to it in anticipation of co-locating additional communication facilities on the Property.

NOW THEREFORE the Landlord and Tenant have agreed to amend the Lease, as follows:

Section 1. The recitals are incorporated herein.

Section 2. A new Exhibit A, a copy of which is attached hereto and incorporated herein, containing the legal description of the Property is hereby substituted for the Exhibit A attached to the original Lease. All references in the Lease to Exhibit A shall now mean and refer to the new Exhibit A attached hereto.

Section 3. A new Exhibit B, a copy of which is attached hereto and incorporated herein which is the site plan depicting that portion of the Property where the Antenna Facilities together with all necessary ground space and easements for access thereto and utilities is hereby substituted for Exhibit B to the original.

Section 4. All provisions of the Lease not amended herein shall remain in effect.

Section 5. This Resolution shall be effective upon adoption.

IN WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

LANDLORD:

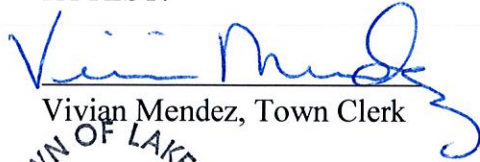
Town of Lake Park, Florida

By: 

Name: James DuBois

Title: Mayor

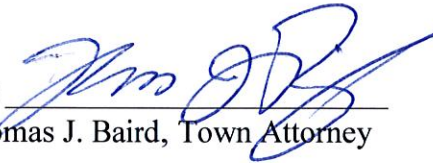
ATTEST:



Vivian Mendez, Town Clerk


TOWN OF LAKE PARK
(SEAL)
SEAL
FLORIDA

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Thomas J. Baird, Town Attorney

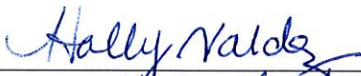
TENANT:

R G Towers, LLC,

By: 
Title: CEO

WITNESS


Name: Erin Entrekin



Name: Holly Valdez

The foregoing Resolution was offered by Commissioner Rapoza, who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and upon being put to a roll call vote, the vote was as follows:


	AYE	NAY
MAYOR JAMES DUBOIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER ERIN FLAHERTY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER MICHAEL O'ROURKE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER KATHLEEN RAPOZA	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Town Commission thereupon declared the foregoing Resolution NO. 08-03-15 duly passed and adopted this 4 day of March, 2015.

TOWN OF LAKE PARK, FLORIDA

BY: 
JAMES DUBOIS
MAYOR

ATTEST:


VIVIAN MENDEZ
TOWN CLERK



Approved as to form and legal sufficiency:


BY: 
THOMAS J. BAIRD
TOWN ATTORNEY

Exhibit A

PARENT TRACT (PER SHORT LEGAL DESCRIPTION, PALM BEACH COUNTY
PROPERTY APPRAISERS)

21-42-43, PT OF GOV LT 4 EOF LAKE SHORE DR & W OF TOWN BULK HEAD LINE
LYG BETWEEN ELY EXTENSION OF N LINE OF LT 17 BLK 115 KELSEY CITY &
ELY EXTENSION OF N LINE OF SILVER BEACH RD & TR OF SOVEREIGNTY LAND
IN TIIF DEED NO 22899 & NO 24018

PROPOSED 12.5'X16' T-MOBILE LEASE AREA (AS REQUESTED BY CLIENT)

A PARCEL OF LAND LYING WITHIN PLAT OF BULKHEAD LINE, PLAT BOOK 27,
PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE TOWN OF LAKE PARK
TRACT ALSO BEING THE SOUTHEAST CORNER OF THE BANKERS LIFE &
CASUALTY CO. TRACT AS SHOWN ON SAID PLAT OF BULKHEAD LINE, THENCE
S85°22'45"W, ALONG THE NORTH LINE OF SAID TOWN OF LAKE PARK TRACT
AND THE SOUTH LINE OF SAID BANKERS LIFE & CASUALTY CO. TRACT, A
DISTANCE OF 121.55 FEET; THENCE S04°37'15"E, DEPARTING THE NORTH LINE
OF SAID TOWN OF LAKE PARK TRACT AND THE SOUTH LINE OF SAID BANKERS
LIFE & CASUALTY CO. TRACT, A DISTANCE OF 329.07 FEET; THENCE
S04°50'27"E, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; THENCE
CONTINUE S04°50'27"E, A DISTANCE OF 16.00 FEET; THENCE S85°09'33"W, A
DISTANCE OF 12.50 FEET; THENCE N04°50'27"W, A DISTANCE OF 16.00 FEET;
THENCE N85°09'33"E, A DISTANCE OF 12.50 FEET TO THE POINT OF
BEGINNING.

SAID PROPOSED 12.5'X16' T-MOBILE LEASE AREA CONTAINING 200 SQUARE
FEET.

PROPOSED 25'X30' RG TOWERS, LLC LEASE AREA (AS REQUESTED BY CLIENT)

A PARCEL OF LAND LYING WITHIN PLAT OF BULKHEAD LINE, PLAT BOOK 27,
PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE TOWN OF LAKE PARK
TRACT ALSO BEING THE SOUTHEAST CORNER OF THE BANKERS LIFE &
CASUALTY CO. TRACT AS SHOWN ON SAID PLAT OF BULKHEAD LINE, THENCE
S85°22'45"W, ALONG THE NORTH LINE OF SAID TOWN OF LAKE PARK TRACT
AND THE SOUTH LINE OF SAID BANKERS LIFE & CASUALTY CO. TRACT, A
DISTANCE OF 121.55 FEET; THENCE S04°37'15"E, DEPARTING THE NORTH LINE
OF SAID TOWN OF LAKE PARK TRACT AND THE SOUTH LINE OF SAID BANKERS
LIFE & CASUALTY CO. TRACT, A DISTANCE OF 329.07 FEET TO THE POINT OF
BEGINNING; THENCE S04°50'27"E, A DISTANCE OF 30.00 FEET; THENCE
S85°09'33"W, A DISTANCE OF 25.00 FEET; THENCE N04°50'27"W, A DISTANCE OF

Exhibit A

30.00 FEET; THENCE N85°09'33"E, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

SAID PROPOSED 25'X30' RG TOWERS, LLC LEASE AREA CONTAINING 750 SQUARE FEET.

PROPOSED 12' WIDE NON-EXCLUSIVE T-MOBILE ACCESS EASEMENT (AS REQUESTED BY CLIENT)

A STRIP OF LAND LYING WITHIN PLAT OF BULKHEAD LINE, PLAT BOOK 27, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE TOWN OF LAKE PARK TRACT ALSO BEING THE SOUTHEAST CORNER OF THE BANKERS LIFE & CASUALTY CO. TRACT AS SHOWN ON SAID PLAT OF BULKHEAD LINE, THENCE S85°22'45"W, ALONG THE NORTH LINE OF SAID TOWN OF LAKE PARK TRACT AND THE SOUTH LINE OF SAID BANKERS LIFE & CASUALTY CO. TRACT, A DISTANCE OF 121.55 FEET; THENCE S04°37'15"E, DEPARTING THE NORTH LINE OF SAID TOWN OF LAKE PARK TRACT AND THE SOUTH LINE OF SAID BANKERS LIFE & CASUALTY CO. TRACT, A DISTANCE OF 329.07 FEET; THENCE S04°50'27"E, A DISTANCE OF 30.00 FEET; THENCE S85°09'33"W, A DISTANCE OF 25.00 FEET; THENCE N04°50'27"W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N04°50'27"W, A DISTANCE OF 2.02 FEET; THENCE S85°09'33"W, A DISTANCE OF 27.99 FEET; THENCE N05°17'04"W, A DISTANCE OF 220.87 FEET; THENCE S85°35'16"W, A DISTANCE OF 176.07 FEET TO THE EAST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE (A 60' RIGHT-OF-WAY BY PLAT); THENCE N05°11'15"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 12.00 FEET; THENCE N85°35'16"E, DEPARTING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE 188.05 FEET; THENCE S05°17'04"E, A DISTANCE OF 220.78 FEET; THENCE N85°09'33"E, A DISTANCE OF 28.08 FEET; THENCE S04°50'27"E, A DISTANCE OF 14.02 FEET; THENCE S85°09'33"W, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

SAID PROPOSED 12' WIDE NON-EXCLUSIVE T-MOBILE ACCESS EASEMENT CONTAINING 5,267 SQUARE FEET, MORE OR LESS.

PROPOSED 5' WIDE NON-EXCLUSIVE T-MOBILE UTILITY EASEMENT (AS REQUESTED BY CLIENT)

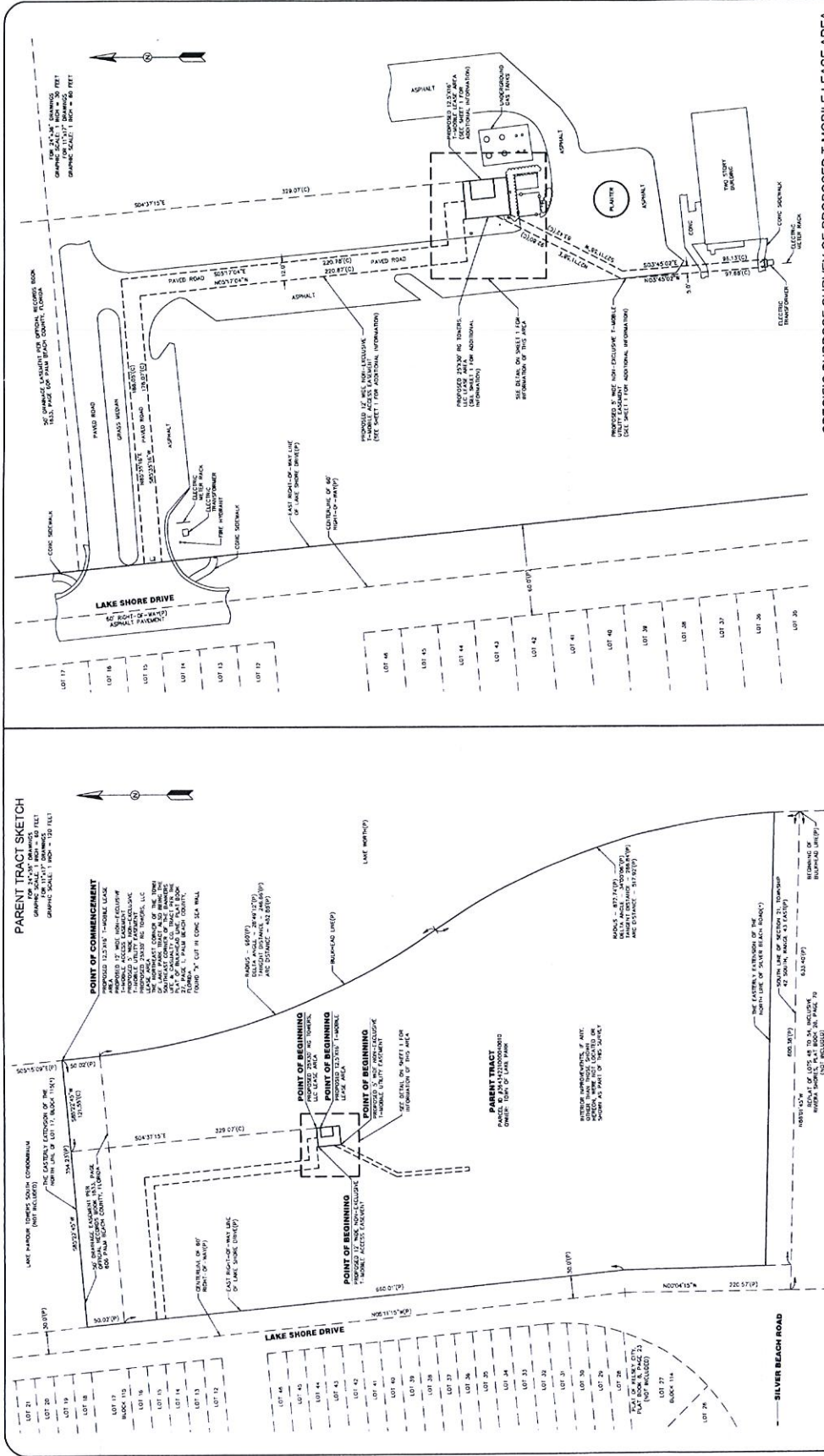
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COMMENCE AT THE NORTHEAST CORNER OF THE TOWN OF LAKE PARK TRACT ALSO BEING THE SOUTHEAST CORNER OF THE BANKERS LIFE & CASUALTY CO. TRACT AS SHOWN ON SAID PLAT OF BULKHEAD LINE, THENCE S85°22'45"W, ALONG THE NORTH LINE OF SAID TOWN OF LAKE PARK TRACT AND THE SOUTH LINE OF SAID BANKERS LIFE & CASUALTY CO. TRACT, A

Exhibit A

DISTANCE OF 121.55 FEET; THENCE S04°37'15"E, DEPARTING THE NORTH LINE OF SAID TOWN OF LAKE PARK TRACT AND THE SOUTH LINE OF SAID BANKERS LIFE & CASUALTY CO. TRACT, A DISTANCE OF 329.07 FEET; THENCE S04°50'27"E, A DISTANCE OF 30.00 FEET; THENCE S85°09'33"W, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE S27°11'58"W, A DISTANCE OF 83.42 FEET; THENCE S03°45'02"E, A DISTANCE OF 96.13 FEET; THENCE S84°21'43"W, A DISTANCE OF 5.00 FEET; THENCE N03°45'02"W, A DISTANCE OF 97.68 FEET; THENCE N27°11'58"E, A DISTANCE OF 92.80 FEET; THENCE S04°50'27"E, A DISTANCE OF 9.42 FEET TO THE POINT OF BEGINNING. SAID PROPOSED 5' WIDE NON-EXCLUSIVE T-MOBILE UTILITY EASEMENT CONTAINING 925 SQUARE FEET, MORE OR LESS.

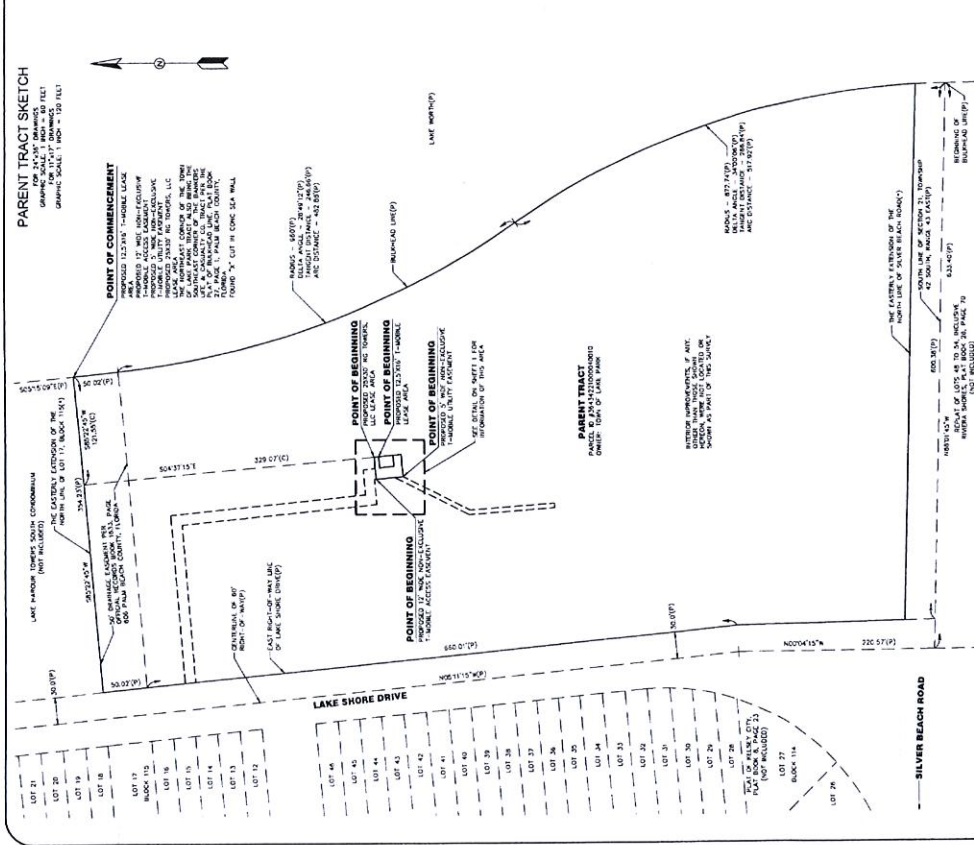
Exhibit B



SPECIFIC PURPOSE SURVEY OF PROPOSED T-MOBILE LEASE AREA

DRAWING INFORMATION:		SITE INFORMATION:	
FIELD DATE:	07-24-2014	LAKE PARK MARINA	
DRAWN DATE:	12-10-2014	105 LAKE SHORE DRIVE LAKE PARK, FL 33408	
CHECK DATE:	12-11-2014	PROJECT NUMBER: 140779.02	
SEC. - TWP. - RGE.:	21-49S-43E	SURVEY SHEET 2 OF 2	

THIS SURVEY IS NOT VALID OR COMPLETE WITHOUT SHEETS 1 & 2 BEING BOUND TOGETHER. SEE SHEET ONE FOR SURVEYORS SIGNATURE AND SEAL, SURVEYORS NOTES, DESCRIPTIONS, DETAIL OF LEASE COMPOUND AREA, LINE TABLE, LEGEND, AND VICINITY MAP.



PREPARED FOR:

REVISIONS

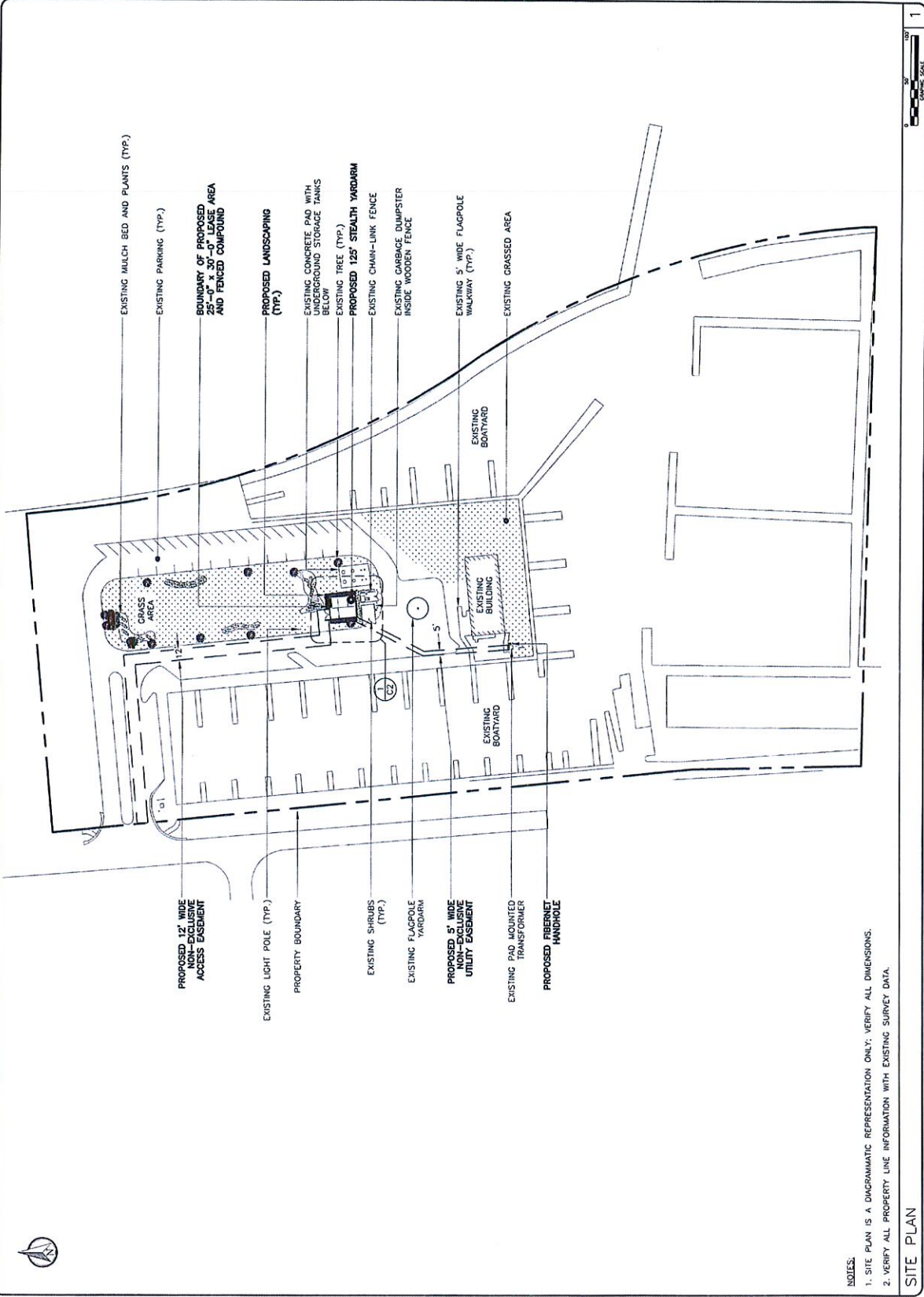
T-Mobile stick together

1300 CONCORD TERRACE, SUITE 200
SUNRISE, FL 33323

CALTROP
13087 TELECOM PARKWAY
TAMPA, FL 33617
FLORIDA LICENSED BUSINESS 7901

Exhibit B

REV.	DATE	DESCRIPTION
0	1/17/15	FOR PERMIT
PROJECT NO.: 14-1004.01		
DRAWN BY: J. PARRINO		CHECKED BY: M. PARRINO
THIS DRAWING IS COPYRIGHTED AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE OWNER.		
 3400 LAKEVIEW DRIVE WILMINGTON, N.C. 28407 CERTIFICATE OF AUTHORIZATION 27214		
 2141 ALLENDALE AVE. SOUTH SUITE 100 WILMINGTON, N.C. 28407		
 No. 08312 STATE OF FLORIDA PROFESSIONAL ENGINEER		
DATE OF SUBMISSION: 2/26/15		
LAKE PARK MARINA		SHEET NAME
SFL13		SHEET NUMBER
105 LAKE SHORE DRIVE LAKE PARK, FL 33403		
SHEET NAME		
SITE PLAN		
SHEET NUMBER		C1



NOTES:
 1. SITE PLAN IS A DIAGRAMMATIC REPRESENTATION ONLY. VERIFY ALL DIMENSIONS.
 2. VERIFY ALL PROPERTY LINE INFORMATION WITH EXISTING SURVEY DATA.

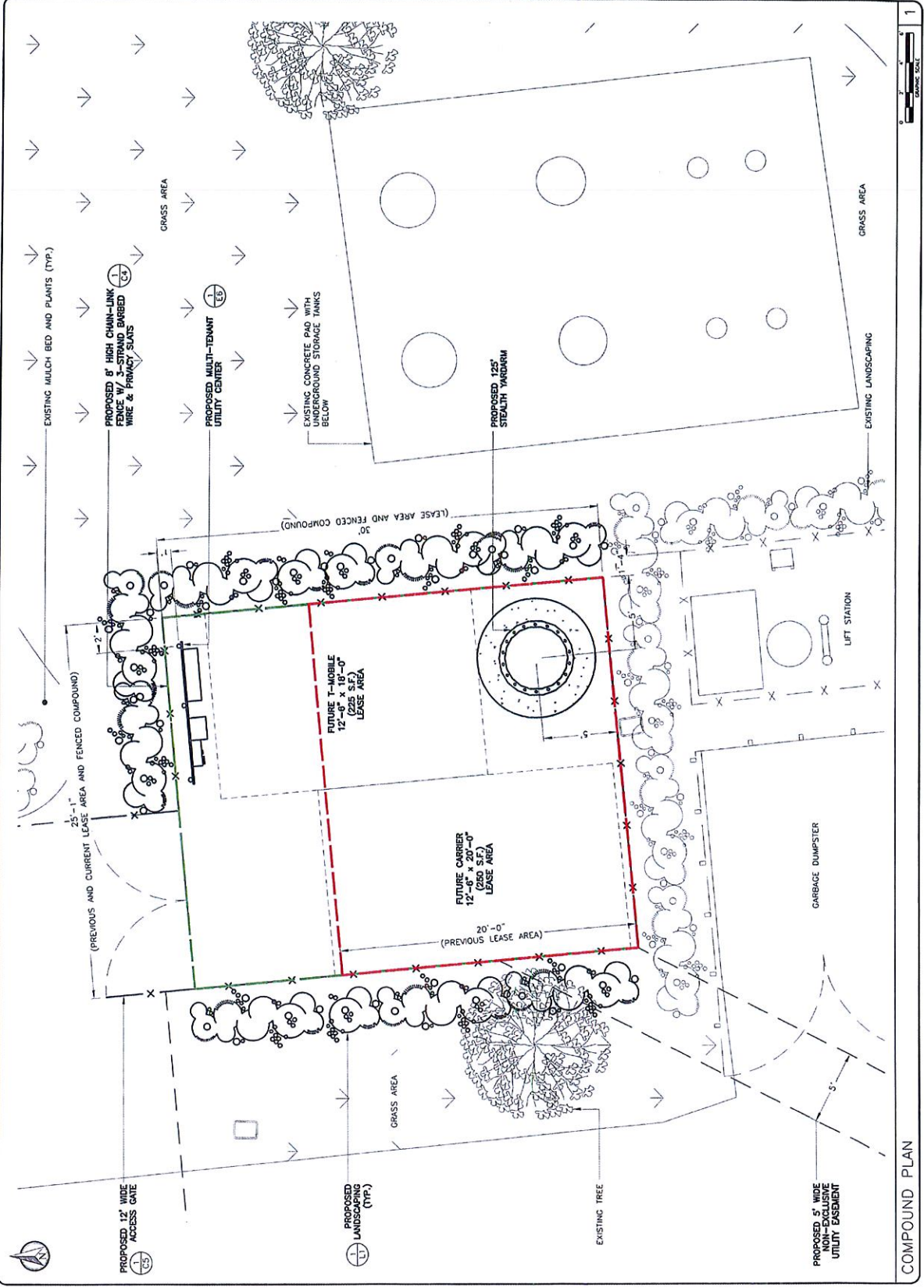
SITE PLAN



1

Exhibit B

REV. A	DATE 12/18/14	DESCRIPTION PRELIMINARY FOR PERMIT
REV. D	1/14/15	
PROJECT NO.: 14-1004-01		
DRAWN BY: F. PARRADO		
CHECKED BY: M. ABBEY		
<p style="font-size: small;">THE DRAWING IS CONSIDERED AS THE SOLE PROPERTY OF THE OWNER. IT IS HEREBY AGREED THAT THE OWNER WILL REPRODUCE OR USE OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THE OWNER.</p>		
 <p style="font-size: x-small;">3605 MARCO DR. SUITE 205 TAMPA, FL 33627 CERTIFICATE OF AUTHORIZATION 1914</p>		
 <p style="font-size: x-small;">2141 ALBERTA AVE. SUITE 400 TAMPA, FL 33617</p>		
 <p style="font-size: x-small;">MICHAEL A. PHILLIPS No. 68312 STATE OF FLORIDA PROFESSIONAL ENGINEER DATE OF SIGNATURE: 1/14/15</p>		
LAKE PARK MARINA		SHEET NAME
SFL13		COMPOUND PLAN
LAKESHORE DRIVE LAKE PARK, FL 33005		SHEET NUMBER
		C2



COMPOUND PLAN

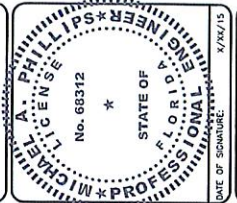
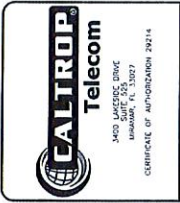
1

Exhibit B

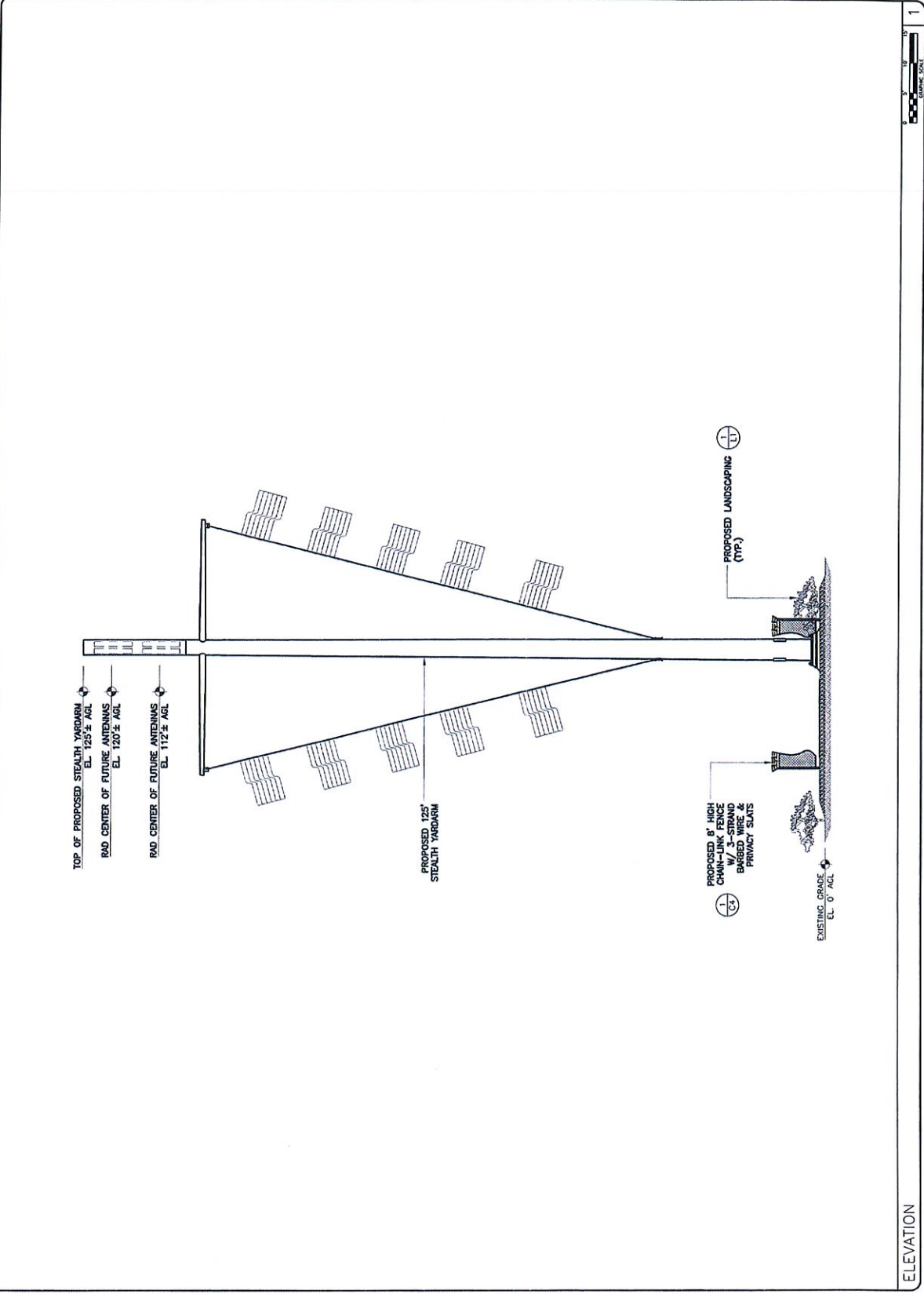
REV	DATE	DESCRIPTION
A	12/18/14	PRELIMINARY
0	1/14/15	FOR PERMIT

PROJECT NO.: 14-1004-D1
 DRAWN BY: F. PARRAO
 CHECKED BY: M. ABBEDUTO

THIS DRAWING IS CONSIDERED AND IS THE SOLE PROPERTY OF THE ENGINEER. IT IS PRODUCED SOLELY FOR USE BY THE CLIENT AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.



LAKE PARK MARINA	SHEET NAME
SFL13	ELEVATION
100 LAKE SHORE DRIVE LAKE PARK, FL 33403	SHEET NUMBER
	C3



ELEVATION 1