

# RESOLUTION

APPROVING A FIRST AMENDMENT TO THE SITE LEASE AGREEMENT WITH SPRINT SPECTRUM L.P. RELATIVE TO ITS WIRELESS COMMUNICATIONS SITE LOCATED IN MINE FALLS PARK

## CITY OF NASHUA

In the Year Two Thousand and Twelve

**RESOLVED** by the Board of Aldermen of the City of Nashua that the Mayor is authorized to enter into an "Amendment No. One to Site License Agreement", in substantially the same form as the attached, to the "Site Lease Agreement" with Sprint Spectrum Realty Company L.P. for modification of its installation of antennas and other equipment at its wireless communications site located on the city's cell tower at Mine Falls Park off Whipple Street.

## **LEGISLATIVE YEAR 2012**

**RESOLUTION:** 

R-12-077

**PURPOSE:** 

Approving a first amendment to the Site Lease Agreement with

Sprint Spectrum L.P. relative to its wireless communications

site located in Mine Falls Park

SPONSOR(S):

Mayor Donnalee Lozeau

COMMITTEE **ASSIGNMENT:** 

**FISCAL NOTE:** 

The amendment provides for a \$250 per month rent increase to

the city.

## **ANALYSIS**

This resolution approves a first amendment to the Site Lease Agreement between Sprint Spectrum L.P. and the City of Nashua. The Lease Agreement is for a wireless communications installation located on the city's cell tower at Mine Falls Park off Whipple Street. Under the proposed amendment, the lessee will be performing a modification of its installation of antennas and other equipment at the site and have agreed to increase their monthly rent by \$250.00.

This resolution should be referred to the Board of Public Works.

Approved as to form:

Office of Corporation Counsel

By: Dowly Clarke

Date: October 4, 2012

Site Name: Nashua Site ID #: BS43XC821

### AMENDMENT NO. ONE TO SITE LICENSE AGREEMENT

This Amendment No. One to SITE LICENSE AGREEMENT (this "Amendment"), effective as of the date last signed below ("Effective Date"), amends a certain Site License Agreement between Sprint Spectrum Realty Company, L.P., successor in interest to Sprint Spectrum L.P. ("Lessee"), and City of Nashua ("Lessor"), dated May 18, 2000 (the "Agreement").

#### **BACKGROUND**

WHEREAS, Lessee desires to modify its installation on the Premises by adding or swapping out antennas and other equipment to the Facilities, as more particularly described in Exhibit B-1 annexed hereto, and Lessee and Lessor desire to modify the provisions of the Agreement as provided below.

#### <u>AGREEMENT</u>

For good and valuable consideration the receipt and sufficiency of which are acknowledged, Lessor and Lessee agree as follows:

- 1. Modification to the Premises. Exhibit B to the Agreement is hereby amended to include the modifications identified on Exhibit B-1, a copy of which is attached and made a part hereof. Exhibit B-1 supplements Exhibit B to the Agreement, and shall not be deemed to supersede or otherwise modify Exhibit B or any part thereof except to the extent specifically set forth in Exhibit B-1. Upon full execution of this Amendment, Lessee is permitted to do all work necessary to prepare, maintain and alter the Premises to install or otherwise modify the Facilities, or use applicable term for "Facilities" as used in the Agreement, all as more fully described and contemplated in Exhibit B-1.
- 2. <u>Modification to Rent</u>. As additional consideration for the modification and other rights set forth in this Amendment, starting on the date that is 30 days after the start of construction of the modifications to the Facilities, the monthly rent will be increased by \$250.00.
- 3. <u>Notice Address</u>. The notice addresses in Section 21 of the Agreement or referenced therein for the party or parties listed below are hereby deleted in their entirely and replaced with the following:

To Lessor:

City of Nashua

Attention: Office of Corporation Counsel

PO Box 2019

Nashua, NH 03061-2019

With a mandatory copy to:

City of Nashua

Nashua Police Department Radio Systems Manager

PO Box 785

Nashua, NH 03061-0785

To Lessee:

Sprint/Nextel Property Services
Sprint Site ID: BS43XC821

Mailstop KSOPHT0101-Z2650

6391 Sprint Parkway

Overland Park, Kansas 66251-2650

With a mandatory copy to:

Sprint/Nextel Law Department Sprint Site ID: BS43XC821 Mailstop KSOPHT0101-Z2020

6391 Sprint Parkway

Overland Park, Kansas 66251-2020

Attn.: Real Estate Attorney

## 4. General Terms and Conditions.

- a. All capitalized terms used in this Amendment, unless otherwise defined herein, will have the same meaning as the terms contained in the Agreement.
- b. In case of any inconsistencies between the terms and conditions contained in the Agreement and the terms and conditions contained in this Amendment, the terms and conditions herein will control. Except as set forth below, all provisions of the Agreement are ratified and remain unchanged and in full force and effect.
- c. This Amendment may be executed in duplicate counterparts, each of which will be deemed an original.
- d. Each of the parties represents and warrants that it has the right, power, legal capacity and authority to enter into and perform its respective obligations under this Amendment.

\*\*\*SIGNATURES ON FOLLOWING PAGE\*\*\*

The parties have executed this Amendment as of the Effective Date.

Lessor: City of Nashua		Lessee: Sprint Spectrum Realty Company, L.P	
By:		Ву:	
Printed Name:		Printed Name:	
Title:		Title:	
Date:	(Date must be completed)	Date:	(Date must be completed)

#### Exhibit B-1

### **Equipment**

The following Equipment together with any associated wires, cables, pipes, related ancillary equipment and conduit attached thereto and supporting structures associated therewith shall be located on the Leased Premises.

- Up to Nine (9) panel antennas measuring approximately 6' in height mounted at the 150' tower height and one GPS antenna mounted on the Tower.
- Up to Two (2) microwave dish antennas mounted at the 150' tower height.
- Up to Six (6) RRH's mounted behind the antennas.
- Up to Three (3) cables measuring 1-1/4".
- Up to Eighteen (18) cables measuring 1-5/8".

RESOLUTION R-12-077	Endorsed by	
Approving a first amendment to		— MAYOR
the Site Lease Agreement with	7.0	TABACSKO
Sprint Spectrum L.P. relative to	/hl	→ DOWD
its wireless communications		MELIZZI-
site located in Mine Falls Park		GOLJA SHEEHAN
IN THE BOARD OF ALDERMEN	11 -11.1	PRESSLY
1 <sup>ST</sup> READING OCTOBER 9. 2012	75 10/9	CRAFFEY
Referred to:		
FINANCE COMMITTEE		
BOARD OF PUBLIC WORKS		_
2 <sup>nd</sup> Reading OCTOBER 25t; 2012		_
3 <sup>rd</sup> Reading		
4 <sup>th</sup> Reading		_
Other Action		<u> </u>
Passed OCTOBER 23, 2012		
Indefinitely Postponed		
Defeated		
Burn Burn	Vetoed:	_
Attest://///////////	Veto Sustained:	

Veto Overridden:

City Clerk

President

Attest:

City Clerk

President

Approved