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RESOLUTION NO. 2021-06

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL
AUTHORIZING THE MAYOR AND CLERK TO EXECUTE
THE FIRST AMENDMENT TO THE LICENSE AGREEMENT
WITH T-MOBILE SOUTH, LLC FOR CERTAIN
IMPROVEMENTS AND MODIFICATIONS TO THE LEASED
PREMISES AND ENHANCEMENTS TO SECURITY AND
ENTRY PROVISIONS CONTAINED IN THE PREVIOUS
AGREEMENTS FOR THE TELECOMMUNICATIONS
TOWER LOCATED AT 1100 WELLINGTON TRACE,
WELLINGTON, FLORIDA; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Landlord and Tenant's predecessor in interest entered into a non-exclusive Municipal Tower Site Lease dated February 12, 2002, whereby Tenant leased a portion of Landlord's property located at 1100 Wellington Trace, Wellington, Florida 33414 (the "Property"), on a non-exclusive basis, for placement of Antenna Facilities, together with all necessary space and easements for access and utilities, (collectively, the "Premises") as set forth more fully in the Lease Agreement; and

WHEREAS, as of January 1, 2006, T-Mobile South LLC became the successor in interest to Omnipoint Holdings, Inc. d/b/a VoiceStream wireless, and assumed all assets and liabilities of Omnipoint Holdings, Inc. d/b/a VoiceStream Wireless, including all obligations, responsibilities, and liabilities as set forth in the Lease; and

WHEREAS, Tenant desires to make certain improvements and modifications to the leased Premises and the parties desire to amend the Lease to address other matters.

NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S COUNCIL that:

SECTION 1. The foregoing recitals are hereby affirmed and ratified.

SECTION 2. The Wellington Council hereby approves and accepts the attached First Amendment to Municipal Tower Site Lease between the Village of Wellington and T-Mobile South LLC and hereby authorizes the Mayor and Clerk to execute the Agreement.

SECTION 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 9th day of February, 2021..

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2 **ATTEST:**

WELLINGTON

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5 By: _____
6 Chevelle D. Addie, Village Clerk

By: _____
Anne Gerwig, Mayor

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8 **APPROVED AS TO FORM**
9 **AND LEGAL SUFFICIENCY**

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12 By: _____
13 Laurie S. Cohen, Village Attorney

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16 W:\Departments\Legal\RESOLUTIONS\2021\2021-06 (T-Mobile South Amendment).doc