Legislation Details (With Text)

File #:	18-417	**Version:** 1	**Name:**
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File created:	6/22/2018	**In control:**	City Commission
On agenda:	7/10/2018	**Final action:**	7/10/2018
Title:	AMENDMENT NO. 2 TO AT&T LEASE AGREEMENT		
Sponsors:	City Attorney Department		
Indexes:			
Code sections:			
Attachments:	1. Agenda Cover Report, 2. Legal Review Checklist form v. 5 Amend to ATT Police Tower Lease Agreement_, 3. Amendment No. 2 to ATT Lease Agreement, 4. First Amendment to Lease Agreement, 5. Lease Agreement with AT&T		

Date	Ver.	Action By	Action	Result
7/10/2018	1	City Commission	approved	

TO: **Mayor and Commissioners**
FROM: **R. Max Lohman, City Attorney**
DATE: **July 10, 2018**

AMENDMENT NO. 2 TO AT&T LEASE AGREEMENT

Recommended Action:
Motion to approve Amendment No. 2 to AT&T Lease Agreement.

Background:
On June 6, 2001, the City entered into a Lease Agreement with AT&T to lease a portion of the City's Police Tower located at 300 W. Atlantic Avenue. The Agreement was first amended in 2007 in order to extend the Agreement and modify the amount and terms of the Rent payable under the Agreement. The current term of the Agreement does not expire until 2021.

The City was contacted by AT&T regarding AT&T's need to gain access to the tower in order to maintain its equipment and make modifications and updates to same. While the original agreement does provide for access, based on current issues with overloading the tower as well as security concerns, this Amendment was necessary in order to outline the terms of AT&T's access the City's property. This Amendment would require approval by the City as to the individuals who will be performing the work on the tower as well as background checks. In addition, due to the City's concerns with overloading the tower, a structural analysis by an engineer is now required prior to access. This would be paid for by the Lessee, AT&T.

City Attorney Review:
Approved as to form and legal sufficiency.

Funding Source/Financial Impact:
N/A