RESOLUTION

APPROVING A FIRST AMENDMENT TO THE TOWER COMMUNICATIONS SITE LEASE AGREEMENT WITH METROPPCS MASSACHUSETTS, LLC RELATIVE TO ITS WIRELESS COMMUNICATIONS SITE LOCATED IN MINE FALLS PARK (10 WHIPPLE STREET)

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. 1”, in substantially the same form as the attached, to the “Tower Communications Site Lease Agreement” with MetroPCS Massachusetts, LLC for modifications to its wireless communications site located on the city’s cell tower at Mine Falls Park (10 Whipple Street).
LEGISLATIVE YEAR 2012

RESOLUTION: R-12-067

PURPOSE: Approving a first amendment to the Tower Communications Site Lease Agreement with MetroPCS Massachusetts, LLC relative to its wireless communications site located in Mine Falls Park (10 Whipple Street)

SPONSOR(S): Mayor Donnalee Lozeau

COMMITTEE ASSIGNMENT:

FISCAL NOTE: The amendment provides for a $500 per month rent increase to the city.

ANALYSIS

This resolution approves a first amendment to the Tower Communications Site Lease Agreement between MetroPCS Massachusetts, LLC and the City of Nashua. The Lease Agreement is for a wireless communications site located on the city’s cell tower at Mine Falls Park (10 Whipple Street). Under the proposed amendment, the lessee will be performing modifications to their site facilities and have agreed to increase their monthly rent by $500.00.

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

Approved as to form: Office of Corporation Counsel

By: [Signature]

Date: August 9, 2012
AMENDMENT NO. 1

This First Amendment to the Lease Agreement (the "Amendment") is made this ______ day of __________, 2012, by and between City of Nashua, New Hampshire, a municipal corporation in the State of New Hampshire ("Lessor").

WITNESSETH

WHEREAS, Lessor and Lessee entered into a Lease Agreement on October 7, 2008 (the "Agreement") for the placement of a wireless communications facility within Lessor's Real Property located at 1/4th Sheet E, Lot 1487, commonly known as Mine Falls Park, located in the City of Nashua, County of Hillsborough, State of New Hampshire and having an address of 10 Whipple Street.

WHEREAS, Lessor and Lessee desire and intend to amend and supplement the Agreement as provided herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant, agree and bind themselves to the following modifications to the Agreement:

1. Whereas, Lessee will be performing modifications to Lessee's Facilities located on the Premises by installing Two, additional, (1H) microwave dishes to its existing sector frame and One additional, (2G) microwave dish at a Rad Center of 172' (to be pipe mounted directly to Monopole), and related equipment including conduit and fiber, as depicted in the attached site plan Exhibit A-1. Exhibit A shall be deleted and replaced with Exhibit A-1 attached hereto

2. In consideration of the proposed modifications the rent will increase by Five Hundred dollars ($500.00) a month, effective on the date that Lessee installs the Modifications and payable with the next Rent payment.

3. This Amendment may be executed in counterparts, each of which shall be deemed an original document, but all of which will constitute a single document.

4) This Amendment shall not be binding on or constitute evidence of a contract between the parties hereto until such time as a counterpart of this document has been executed by each party and a copy thereof delivered to each other party of this Amendment.

5) Except as specifically amended herein, the remaining terms of the Agreement shall remain unmodified, binding upon Lessor and Lessee and remain in full force and effect.

6) No future amendment or modification to the Agreement shall be valid unless made in writing and signed in and signed by the appropriate parties who have attested and executed the amendment or modification.
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on this
day of _____________, 2012.

LESSOR

City of Nashua, NH,
a municipal corporation in the State of New Hampshire

By: ____________________________

Title: ____________________________

Date: ____________________________

LESSHEE:

MetroPCS Massachusetts, LLC, a
Delaware limited liability company

By: ____________________________

Title: ____________________________

Date: ____________________________
2' MW DISH (ANT2 0.6HP)

**Site #:** MAN0017A

**LEASE EXHIBIT**

**Date:** 1/21/12

**Revision:** 1

**UDB No.:** 12-624

**Address:** 300 WHEELER STREET

**City:** Nashua, NH 03060

**Status:** LE-4
RESOLUTION 8-12-067
Approving a first amendment to the Tower Communications Site Lease Agreement with MetroPCS Massachusetts, LLC relative to its wireless communications site located in Mine Falls Park (10 Whipple Street)

IN THE BOARD OF ALDERMEN
1st Reading  AUGUST 14, 2012
Referred to:
FINANCE COMMITTEE AND THE BOARD OF PUBLIC WORKS

2nd Reading  OCTOBER 9, 2012
3rd Reading  
4th Reading  

Other Action  
Passed  OCTOBER 9, 2012
Indefinitely Postponed  
Defeated  

Attest  
President  

Approved  MAYOR  
October 11, 2012