

RESOLUTION NO. 2023-121

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A FIRST AMENDMENT TO COMMUNICATIONS TOWER LEASE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AMENDMENT ON BEHALF OF THE COUNTY.

RECITALS

WHEREAS, St. Johns County (“County”) owns a communication tower facility located at 3657 Gaines Road (“Tower”) which is an integral part of an interoperable communication system for use by local, state and federal public safety agencies; and

WHEREAS, St. Johns County and Verizon Wireless (“Verizon”) entered into a Communication Tower Lease Agreement (“Lease Agreement”) dated August 20, 2021, approved by Resolution No. 2021-343, with respect to the land and tower at 3657 Gaines Road; and

WHEREAS, the Communication Tower Lease Agreement dated August 20, 2021 states the parties shall execute an amendment to the Agreement that clearly states the exact date of commencement of the Lease Agreement; and

WHEREAS, entering into the proposed First Amendment to Lease Agreement, attached hereto as Exhibit “A”, incorporated by reference and made a part hereof, serves the best interests of the citizens of the County.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, as follows:

Section 1. The above Recitals are incorporated by reference into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. The Board of County Commissioners hereby approves the material terms and conditions of the First Amendment to Lease Agreement, and authorizes the County Administrator, or designee, to execute the Amendment in substantially the form attached hereto, and any future amendments to the Lease Agreement that do not substantially change the material terms and conditions of the Lease Agreement.

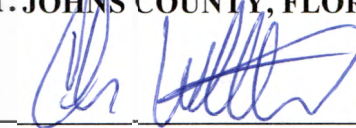
Section 3. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

Section 4. The Clerk of the Court of St. Johns County is instructed to record the original First Amendment to Lease Agreement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 18th day of April, 2023.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: _____



Christian Whitehurst, Chair

ATTEST: Brandon J. Patty,
Clerk of the Circuit Court & Comptroller

Crystal Smith
Deputy Clerk

Rendition Date APR 18 2023





**FIRST AMENDMENT TO
ST. JOHNS COUNTY
COMMUNICATIONS TOWER LEASE AGREEMENT**
(Lessee Site Name/No.: St. John Fire / LOC 554725)

THIS FIRST AMENDMENT TO COMMUNICATIONS TOWER LEASE AGREEMENT ("Amendment"), dated _____, 2023, is made by and between St. Johns County, a political subdivision of the State of Florida, having administrative offices located at 500 San Sebastian View, St. Augustine, Florida 32084 ("Lessor"), and Cellco Partnership d/b/a Verizon Wireless, with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 866-862-4404) ("Lessee").

WITNESSETH:

WHEREAS, Lessor and Lessee entered into a Communication Tower Lease Agreement ("Agreement") dated August 20, 2021, with respect to the land and tower located at 3657 Gaines Road, St. Augustine, Florida 32084 in St. Johns County, Florida ("Premises"); and

WHEREAS, the Agreement defines "Commencement Date" as the earlier to occur, (i) the date that Lessee is granted a building permit; or (ii) twelve (12) months following the Effective Date.

NOW THEREFORE, in consideration of the mutual representations herein contained, Lessor and Lessee agree as follows:

SECTION 1. The "Effective Date" of the Agreement is the date of full execution, or August 20, 2021.

SECTION 2. The "Commencement Date" of the Agreement is June 1, 2022; the first day of the first month following issuance of a Certificate of Completion for Electrical Permit No. 22205433 on May 10, 2022.

SECTION 3. The initial lease term will be five (5) years ("Initial Term") commencing on the Commencement Date of the Agreement, or June 1, 2022, with four (4) successive five (5) year options to renew.

SECTION 4. Except as specifically set forth above, this Amendment shall in no way modify, alter or amend the remaining provisions of the Agreement, all of which shall remain in full force and effect. To the extent that there is any conflict between the provisions of the Agreement and this Amendment, the provisions of this Amendment will govern and control.

IN WITNESS WHEREOF, the parties have caused the Amendment to be effective as of the last date written below.

WITNESSES:

"LESSOR"

St. Johns County, a political subdivision of the State of Florida

Name: _____

Name: _____

By: _____

Name: Hunter S. Conrad

Title: County Administrator

Date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____

Name: _____

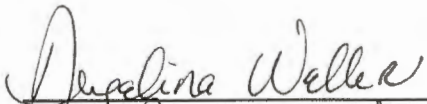
Title: _____

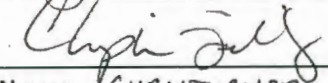
Date: _____

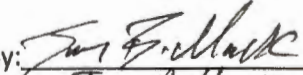
WITNESSES:

"LESSEE"

Cellco Partnership d/b/a Verizon Wireless


Name: ANGELINA WELER


Name: CHRISTOPHER FILLING

By: 

Name: Jay Bidlack

Title: SR. Real Estate Manager

Date: 1-4-2023



Gaines Road Cell Tower



March 13, 2023

Communication Tower Lease Agreement

**CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS**

Land Mngt. Systems
Real Estate Division
209-0764

Disclaimer:
This map is for reference use only.
Data provided are derived from multiple
sources with varying levels of accuracy.
The St. Johns County Real Estate Division
disclaims all responsibility for the accuracy
or completeness of the data shown herein.

