

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Approve the First Amendment to the License Agreement between Nextel South Corp., a Georgia corporation and Lee County for space on the County-owned tower located on Florida Gulf Coast University's campus.

2. WHAT ACTION ACCOMPLISHES: Approval of the First Amendment would increase the leased space an additional one hundred thirty (130) square feet and increase the rent paid to the County by One Hundred Fifty Dollars (\$150.00) monthly.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: 7 C7A		5. Meeting Date: 06-06-2006	
6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)		8. Request Initiated:
	Statute		Commissioner
	Ordinance		Department Independent
	Admin. Code		Division Public Safety
	Other		By: <i>Michael C. Bridges</i> Michael C. Bridges Deputy Director

9. Background:

In 2005, Nextel South Corp., a Georgia corporation, requested approval to place antennas for wireless telephonic communications on the Florida Gulf Coast University (FGCU) Tower, located at 10501 FGCU Blvd., S. Fort Myers, Florida.

Nextel now desires to increase the leased space and pay more rent, in accord with the increased space.

ATTACHMENTS: Six (6) Site License Agreements
Three (3) Memorandum of Agreements

10. Review for Scheduling:

Department Director -	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
<i>5-16-06</i>	<i>5-16-06</i>			<i>5-16-06</i>	Analyst	Risk	Grants	Mgr.
					<i>5/22/06</i>	<i>5/22/06</i>	<i>5/22/06</i>	<i>5/22/06</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

RECEIVED BY COUNTY ADMIN: <i>5-22-06</i> <i>Sam</i> COUNTY ADMIN FORWARDED TO: <i>5/19/06</i>	Rec. by CoAtty Date: <i>5/19/06</i> Time: <i>4:10pm</i> Forwarded To: <i>4:40pm</i> <i>5/19/06</i>
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**FIRST AMENDMENT
TO FLORIDA GULF COAST UNIVERSITY TOWER ANTENNA SITE LICENSE
AGREEMENT**

This First Amendment to License Agreement ("Amendment") is made as of this _____ day of _____ 2006, by and between Lee County, a political subdivision of the State of Florida with offices located at P.O. Box 398, Fort Myers, FL 33902-0398 (hereinafter referred to as "County") and Nextel South Corp., a Georgia corporation with offices located at 851 Trafalgar Court, Suite 300E, Maitland, Florida 32751 (hereinafter referred to as "Licensee")

WITNESSETH:

WHEREAS, County and Licensee entered into a certain Tower Antenna Site License Agreement dated September 27, 2005, (hereinafter referred to as the "Agreement"), for premises consisting of approximately Six hundred (600) square feet located at the Florida Gulf Coast University (FGCU) Tower 10501 FGCU Blvd, S., Fort Myers, FL 33965 (the "Premises"), space on the tower, and all access and utility easements, if any (hereinafter collectively referred to as the "Premises"); and

WHEREAS, County and Licensee agree that the Agreement provides that Licensee shall have the right to operate communications services at the Premises; and

WHEREAS, the parties now desire to modify and amend the Agreement in order to increase the square footage of the Premises, adjust the annual License fee, and update Licensee's notice addresses.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Paragraph 2 of the Agreement, Premises is amended to reflect the addition of leased space in the tower compound of approximately One hundred thirty (130) square feet for the installation of a generator and supporting equipment. The parties also agree that the costs for the installation of Licensee's generator shall be borne by Licensee.

2. Paragraph 3 of the Agreement, Rent is amended to reflect an increase of One Hundred Fifty Dollars (\$150.00) to the monthly License fee currently in effect as of the start of construction of the modifications under this Amendment.

3. Paragraph 10 of the Agreement is amended to update Licensee's notice addresses as follows:

Nextel South Corp.
851 Trafalgar Court, Suite 300E
Maitland, Florida 32751

ATTN: Property Manager

with a copy to:

Sprint

2001 Edmund Halley Drive

Reston, Virginia 20191-3436

ATTN: Regional Legal Services, Contracts Manager

4. Exhibit B to the Agreement is amended to include the attached Supplement to Exhibit B. Any and all references to Exhibit B shall hereinafter include Exhibit B-1 (supplemental).

5. Effective as of the date of this Amendment, Licensee has the right to do all work necessary to prepare, maintain and alter the Premises in accordance with this Amendment and as may be necessary for Licensee's business operations at the Premises. All alterations, changes and equipment modifications made pursuant to this Amendment shall be made in compliance with the terms, covenants and conditions of the Agreement, as hereby amended, and shall remain Licensee's personal property and are not fixtures. County and Licensee further affirm that title to the Licensee's Facilities (including any modifications made in accordance with this Amendment) shall be held by Licensee.

6. Miscellaneous.

(a) All capitalized terms used herein, unless otherwise defined herein, shall be defined in conformity with the terms and conditions of the Agreement.

(b) In case of any inconsistencies between the terms and conditions contained in the Agreement and the terms and conditions contained herein, the terms and conditions herein shall control. Except as set forth herein, all provisions of the Agreement remain unchanged and in full force and effect.

(c) Licensee shall have the right to record an amended Memorandum of Agreement in the official Records of the County where the Property is located. County agrees to execute an amended Memorandum of Agreement for recording upon request by Licensee.

(d) This Amendment may be executed in multiple counterparts, each copy of which shall be deemed an original document.

IN WITNESS WHEREOF, the parties have executed this instrument as a sealed instrument as of the day and year first written above.

County:

Lee County, a political subdivision of the
State of Florida

Licensee:

Nextel South Corp., a Georgia corporation

By: _____

Name: _____

Title: _____

Date: _____

Witnesses for _____:

Print Name: _____

Print Name: _____

By: David Wong

Name: David Wong

Title: Area Manager Site Development

Date: 5/2/06

Witnesses for David Wong:

Print Name: Joy Vera

Print Name: Kristen Bey

Market: Southwest

Area: Florida

Nextel Site: FL1761H San Carlos Park

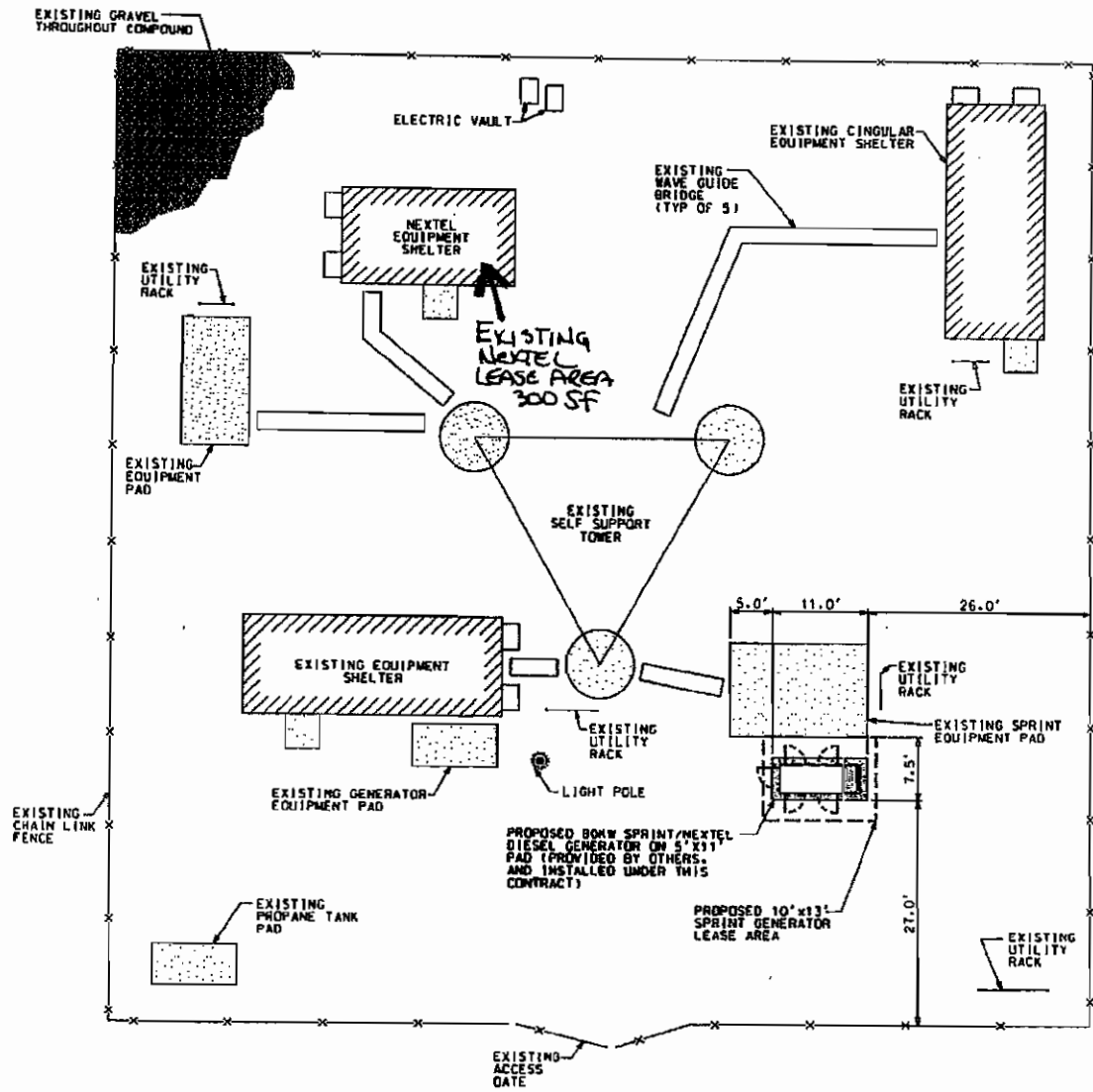
SUPPLEMENT TO EXHIBIT B
to FLORIDA GULF COAST UNIVERSITY TOWER ANTENNA SITE LICENSE Agreement
dated September 27, 2005

DESCRIPTION OF PREMISES

To the First Amendment to the Lease Agreement dated _____, by and between Lee County, a political subdivision of the State of Florida, and Nextel South Corp., a Georgia corporation as Lessee.

SEE ATTACHED

EXHIBIT B-1 (Supplemental)



COMPOUND DETAIL
SCALE: N.T.S.

<p>KCI TECHNOLOGIES ENGINEERS and PLANNERS</p> <p>KCI Technologies, Inc. 10150 HIGHLAND MANOR DRIVE, SUITE 120 TAMPA, FL 33610 (813) 740-2300 FLORIDA LICENSE NO.: EB0004898</p>	<p>Sprint</p> <p>NEXTTEL CORPORATION 4710 EISENHOWER BLVD. BLDG. D-1 TAMPA, FLORIDA 33609 (813) 806-4000</p>	DRAWING TITLE:	REVISION NO. 1	DRAWN BY: TT (REV 1 LV)
		SITE SKETCH	DATE ISSUED: 03-06-06	CHECKED BY: MB
PROJECT NAME:	SCALE: N.T.S.	APPROVED BY: DK	SHEET NO. 1 OF 1	
FLORIDA GULF COAST UNIVERSITY MI33XC048 SAN CARLOS PARK FL1761	A/E PROJECT NO: 1005474050			

**RECORDED AT REQUEST OF, AND
WHEN RECORDED RETURN TO:**
Nextel South Corp., a Georgia corporation
851 Trafalgar Court, 300E
Maitland, FL 32751
Attn: Property Manager

**MEMORANDUM OF FIRST AMENDMENT TO
FLORIDA GULF COAST UNIVERSITY TOWER ANTENNA SITE LICENSE AGREEMENT
FL1761H/ San Carlos Park**

This MEMORANDUM OF FIRST AMENDMENT TO FLORIDA GULF COAST UNIVERSITY TOWER ANTENNA SITE LICENSE AGREEMENT is entered into on this ____ day of _____, 2006, by Lee County, a political subdivision of the State of Florida, with an address at P.O. Box 398, Fort Myers, FL 33902-0398 (hereinafter referred to as "**County**") and Nextel South Corp., a Georgia corporation, with an office at 851 Trafalgar Court, Suite 300E, Maitland, FL 32751 (hereinafter referred to as "**Licensee**").

WHEREAS, Lee County and Nextel hereby modify the Memorandum of Agreement dated September 27, 2005 as follows:

The Exhibit B is hereby supplemented with Exhibit B-1 – attached hereto

In witness whereof, the parties have executed this Memorandum of Agreement as of the day and year first written above.

COUNTY:

Lee County, a political subdivision of the State of Florida

LICENSEE:

Nextel South Corp.,
a Georgia corporation

By: _____

Name: _____

Title: _____

Date: _____

By:  _____

Name: David Wong

Title: Area Manager Site Development

Date: 5/2/06

STATE OF Florida

COUNTY OF Lee

On _____, before me, _____, Notary Public, personally appeared _____, as _____ of _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

_____(SEAL)
Notary Public

My commission expires: _____

STATE OF FLORIDA

COUNTY OF ORANGE

On 5/2/06, before me, Kristen Beyer, Notary Public, personally appeared David Wong, Area Manager Site Development, Nextel South Corp., a Georgia corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Kristen Beyer (SEAL)
Notary Public

My commission expires: 10/22/06



Nextel Site Name: San Carlos Park
Nextel Site Number: FL1761H

**MEMORANDUM OF FIRST AMENDMENT TO FLORIDA GULF COAST UNIVERSITY TOWER
ANTENNA SITE LICENSE AGREEMENT**

EXHIBIT B-1

DESCRIPTION OF PREMISES

