

**PORT OF PALM BEACH DISTRICT
REQUEST FOR DISCUSSION AND
COMMISSION ACTION**

**NEW BUSINESS
ITEM H-4**

PREPARED BY: Jarra Kaczvara
Senior Director, Business Development & Communications

July 19, 2018

**SUBJECT: Cancellation of Memorandum of Lease
New Cingular Wireless PCS, LLC dba AT&T**

BACKGROUND INFORMATION: AT&T has held an agreement with the Port since 1991 and their MOB rooftop agreement since 2000. With the MOB demolition and cell tower project on the horizon, the Port needs to terminate the New Cingular Wireless PCS (AT&T) Agreement for the MOB rooftop.

The cell tower project still does not have a building permit issued by the City of Riviera Beach. However, the Port is working with AT&T and they are moving forward to de-commission the MOB rooftop and remove the equipment. AT&T is also in the process of commissioning a Cell-On-Wheels (COW) to provide area cellular service in lieu of the AT&T rooftop service. The Port is contractually obligated to provide AT&T the Cancellation of Memorandum of Lease to New Cingular Wireless PCS, LLC dba AT&T as attached hereto, and will issue this once the COW is up on air which is anticipated to occur prior to the July board meeting.

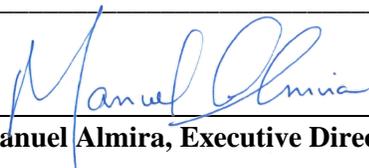
AT&T will continue running the COW until the cell tower is constructed at the Port by Vertex. At that time, they will relocate to the cell tower.

ADDITIONAL INFORMATION ATTACHED: No _____ Yes X

FINANCIAL IMPACT: \$1,295/month decrease
Monthly income totals per source: \$2,645 MOB / \$1,350 COW

RECOMMENDATION: Port Staff Respectfully Requests Consideration and Approval of the Cancellation of Memorandum of Lease for New Cingular Wireless PCS, LLC dba AT&T, by the Board of Commissioners.

Respectfully Submitted By:


Manuel Almira, Executive Director

DATE ACTION TAKEN:	_____	Motion By:	_____
Approved:	_____	Seconded By:	_____
Disapproved:	_____	Unanimous:	Yes _____ No _____
Deferred To:	_____	By:	_____
Incorporated into Minutes:	_____		

Cell Site: WP017/Riviera Beach
Lease ID: N001253
Site Address: 4 East Port Rd, Riviera Beach, FL 33419

**Cancellation
Of
Memorandum of Lease**

PORT OF PALM BEACH DISTRICT, a special district and political subdivision of the State of Florida (hereinafter referred to as the "DISTRICT"), and New Cingular Wireless PCS, LLC, d/b/a Cingular Wireless, a Delaware Limited Liability Company (as successor in interest to AT&T Wireless Services of Florida, Inc. d/b/a AT&T Wireless Services) (hereinafter referred to as the, "Tenant") confirm that that certain Lease Agreement dated September 22, 2000 (sometimes referred to as "Rooftop Lease"), and amended same by First Amendment to Lease Agreement signed by Tenant on December 13, 2005, and as thereafter may have been amended from time to time ("Lease") has been canceled, and shall be of no further force or effect, and any Memorandum of Lease that may have been filed in the public records is canceled and of no further force or effect as of July 20, 2018.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the date first above written.

WITNESSES:

DISTRICT:
PORT OF PALM BEACH DISTRICT

Printed Name of
Witness: _____

BY _____

Printed Name of
Witness: _____

Cell Site: WP017/Riviera Beach
Lease ID: N001253
Site Address: 4 East Port Rd, Riviera Beach, FL 33419

LESSEE:
New Cingular Wireless Pcs, LLC, d/b/a
Cingular Wireless, A Delaware Limited
Liability Company

BY _____

Printed Name of
Witness: _____

Printed Name of
Witness: _____

STATE OF FLORIDA]
COUNTY OF PALM BEACH]

The foregoing instrument was acknowledged before me this ___ day of _____, 2018 by _____, who is personally known to me or who produced Florida Driver's license _____ as identification, as _____ of PORT OF PALM BEACH DISTRICT, a Political Subdivision of the State of Florida.

[SEAL]

NOTARY PUBLIC
My commission expires:

Cell Site: WP017/Riviera Beach

Lease ID: N001253

Site Address: 4 East Port Rd, Riviera Beach, FL 33419

STATE OF FLORIDA]
COUNTY OF PALM BEACH]

The foregoing instrument was acknowledged before me this __ day of _____, 2018 by _____, who is personally known to me or who produced Florida Driver's license as identification, as _____ of New Cingular Wireless Pcs, LLC, d/b/a Cingular Wireless, A Delaware Limited Liability Company.

[SEAL]

NOTARY PUBLIC

My commission expires: