ENROLLED ORDINANCE 175-94

5TH AMENDMENT TO LEASE AGREEMENT WITH NEW CINGULAR WIRELESS AT THE HEALTH AND HUMAN SERVICES SMOKESTACK

WHEREAS, Waukesha County owns a smokestack (the "Structure") at the Health and Human Services location, 500 Riverview Lane, the City of Waukesha, Waukesha County, State of Wisconsin (the "Site"); and

WHEREAS, New Cingular Wireless PSC, LLC ("New Cingular Wireless") currently leases space on the Structure and at the Site for operation of a cellular communications facility pursuant to a Lease Agreement dated December 1, 1998, as amended; and

WHEREAS, New Cingular Wireless desires to replace, modify or relocate various equipment, antennas and/or feedlines on the Communications Facility in order to update aged equipment; and

WHEREAS, the County is willing to permit the upgrades, and otherwise amend the Lease with New Cingular Wireless without requiring an increase in rent.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Fifth Amendment to Lease Agreement between the County and New Cingular Wireless PSC, LLC for use of the Health and Human Services smokestack as a cellular tower and surrounding lands is hereby approved.

BE IT FURTHER ORDAINED that the Director of Emergency Preparedness or his designee is authorized to execute the Fifth Amendment to Lease Agreement and any other documents necessary to effectuate the intent thereof.

File Number: 175-0-094

5TH AMENDMENT TO LEASE AGREEMENT WITH NEW CINGULAR WIRELESS AT THE HEALTH AND HUMAN SERVICES SMOKESTACK

Presented by:
Judiciary & Law Enforcement Committee
KMUM
Peter M. Wolff, Chair
Nathael A howley
Michael A. Crowley
Absent
Tyler J. Foti
Akatine M. Howard
Christine M. Howard
Warlere Marie Johnson Darlene M. Johnson
Jacob LaFontain
Larry Nelson
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:
Date: 3/26/2021, Margaret Waytinan, County Clerk
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:
Approved:
Vetoed:
Date: 4 1/2021 , Sallfra
Paul Farrow, County Executive

Market: WISIL

Cell Site Number: WI0159

Cell Site Name: Downtown Waukesha Fixed Asset Number: 10011988

FIFTH AMENDMENT TO LEASE AGREEMENT

THIS FIFTH AMENDMENT TO LEASE AGREEMENT ("Fifth Amendment"), dated as of the latter of the signature dates below, is by and between Waukesha County, Wisconsin, a quasi-municipal corporation, having a mailing address of 515 W. Moreland Blvd., Waukesha, WI 53188 ("County") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 1025 Lenox Park Blvd NE, 3rd Floor, Atlanta, GA 30319 ("Lessee").

WHEREAS, County and Lessee entered into a Lease dated December 1, 1998, as amended by that certain First Amendment to Lease dated June 26, 2012, as further amended by that certain Second Amendment to Lease dated June 5, 2015, as further amended by that certain Third Amendment to Lease dated October 19, 2018, and as further amended by that certain Fourth Amendment to Lease Agreement dated June 11, 2020 whereby County leased to Lessee certain Premises, therein described, that are a portion of the Property located at 500 Riverview Avenue, Waukesha, WI 53188 for use as a cellular communications facility ("Agreement"); and

WHEREAS, among other things, the Agreement requires that modifications and improvements to the Communication Facility desired by Lessee that would result in additional equipment, change space requirements or change configuration, placement or number of antennas or feedlines are subject to the County's prior approval, and may result in demand for increased rent or other modification of Agreement terms; and

WHEREAS, Lessee desires to change, modify or relocate various equipment, antennas and/or feedlines on the Communication Facility, which the County is willing to approve so long as the Agreement is otherwise amended as required hereby, and;

WHEREAS, County and Lessee, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County and Lessee agree to amend the Agreement as follows:

1. Additional Equipment Modification. County consents to the installation and operation of the additional antennas, associated cables and equipment described on the attached Exhibit B-3 (the "Additional Equipment"). County's execution of this Fifth Amendment will signify County's approval of Exhibit B-3. Exhibit B-3 hereby replaces Exhibit B-2 to the Agreement.

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Referred on: 03/04/21 File Number: 175-O-094 Referred to: JU 3

- 2. Other Terms and Conditions Remain. In the event of any inconsistencies between the Agreement and this Fifth Amendment, the terms of this Fifth Amendment shall control. Except as expressly set forth in this Fifth Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Fifth Amendment.
- 3. Capitalized Terms. All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Fifth Amendment on the dates set forth below.

"COUNTY"

Waukesha County, Wisconsin, a quasimunicipal corporation

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"LESSEE"

New Cingular Wireless PCS, LLC, a Delaware limited liability company By: AT&T Mobility Corporation

Its: Manager

By:
Name:

Andrew T. Flowers

St Real Estate & Construction Manager

Date:

1/1/2021

[ACKNOWLEDGEMENTS APPEAR ON NEXT PAGE]

LESSEE ACKNOWLEDGEMENT

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COUNTY OF	
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Notary Public	
Printed Name:	
My Commission Expires:	

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Referred on: 03/04/21

File Number: 175-O-094

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From Atat Office: 930 National Parkway, Schaumburg, 1L 60173

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SITE NAME: DOWNTOWN WAUKESHA SITE NUMBER: W10159

PROJECT:

LTE 5G (5G 850)

PROJECT DESCRIPTION

REPLACE (3) SBNHH-1D65C ANTENNAS W/ (3) NNH4-65B-R6H4 ANTENNAS ON POS. 2.
REPLACE (3) RRUS-11 B12 W/ (3) RRUS 4449 B5/B12 ON POS. 2.
INSTALL (1) #8 AWG DC POWER TRUNKS.
INSTALL (6) 20A BREAKERS.
INSTALL (1) 6630 FOR 5G.



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> REV. DATE 04/30/20 04/30/20

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MASTEC SA PROJECT MANAGER			DATE:
MASTEC SA SPECIALIST:			DATE
MASTEC COMPLIANCE MANAGER			DATE
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PACE IDIF	RRCHIDASSES
STRUCTURE TYPE:	140~SELF SUPPORT
LATRODE	22,0215722
CONGITUDE;	-86.2035887
GROUND ELEVATION:	911" AIASL
JURESOICHON:	Walnesha county
PARCEL ID:	WAKC10000 883

PRG	PROJECT DIRECTORY
SITE ADDRESS;	500 RIVERVIEW AVENUE WAUNGESHA, WI 53189 (WAUNGESHA COUNTY)
APPLICANT:	ATAT MOBILITY CGRP. 930 NATIONAL PARKWAY SCHAIMBLIRG, IL 80173
TOWER OWNER:	AMERICAN TOWER 116 HUSTINGTON ARE, 11TH FLOOR BOSTON, MA 02116 PHONE: (877) 282-7483
PROJECT MANAGER:	MASTEC NETWORK SOLUTIONS 135° E. IRVING PACK RD ITASCA, 1: 88143 LAUSA, REHRAMN PHONE; (515) 534–949
SITE DESIGN:	MASTEC ENGINEERING SOT ARPORT BLYD, SUITE 111 MOSTSOLLE, LOC 27550 CONTACT RAPHAEL MOYAMED PHONE: (012) 874-5895

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*MasTec

SITE ID: WI0159

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FA LOCATION: 10011988 TOWER OWNER ID:

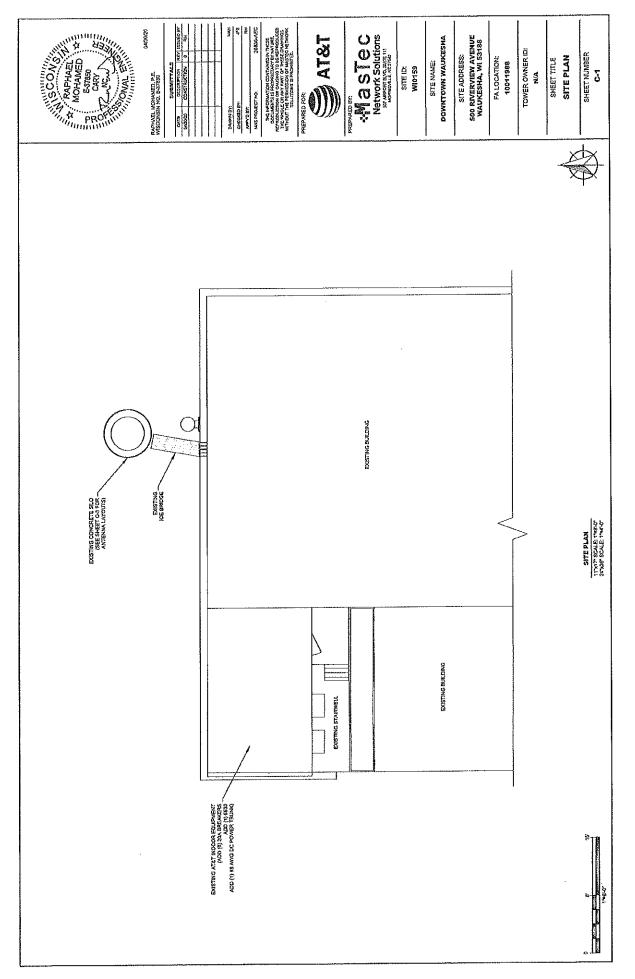
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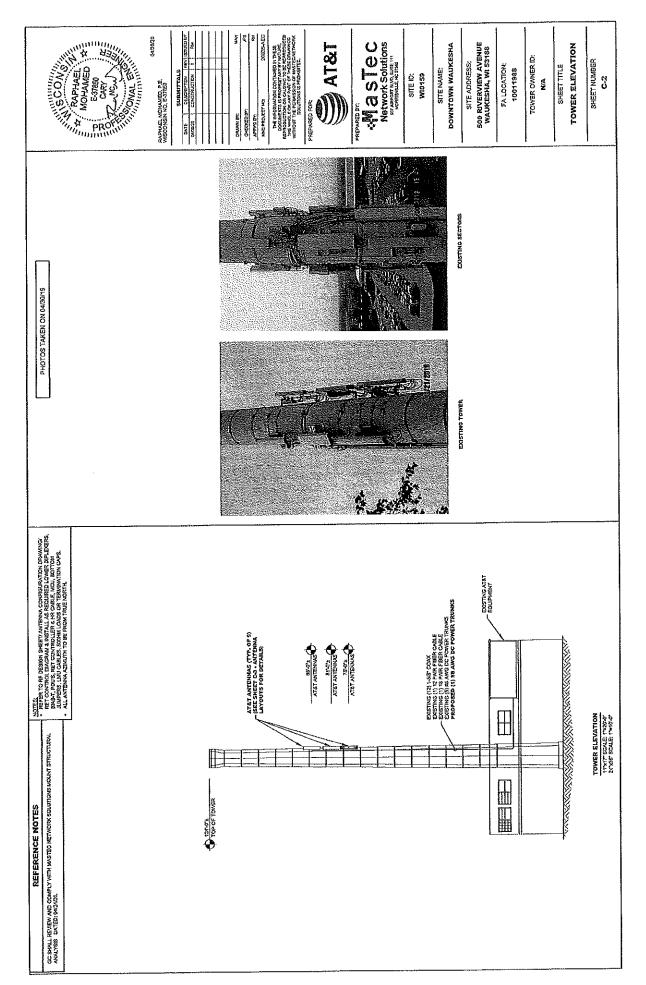
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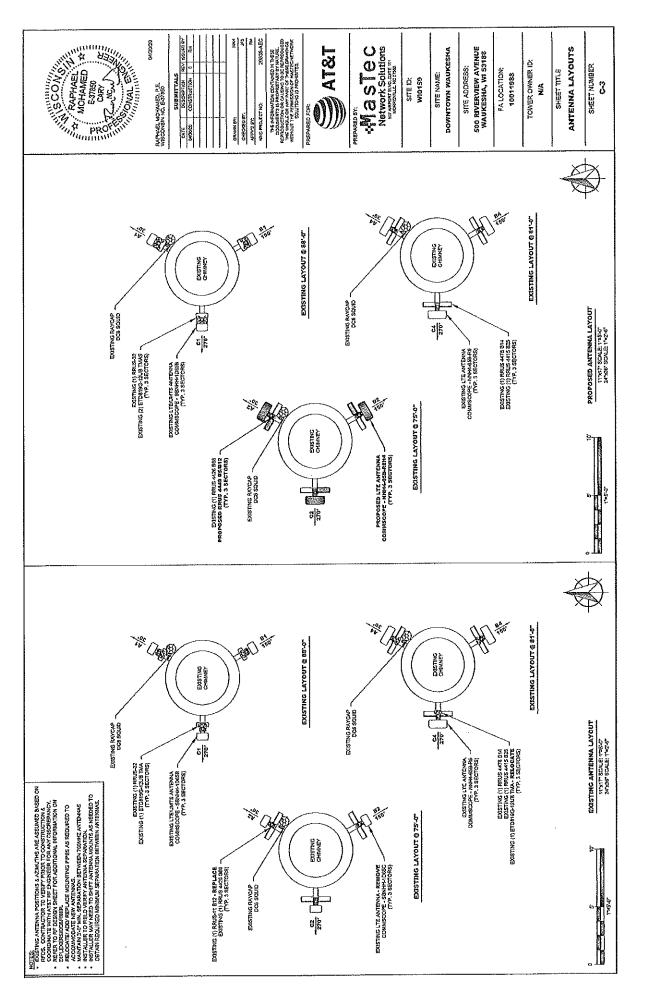
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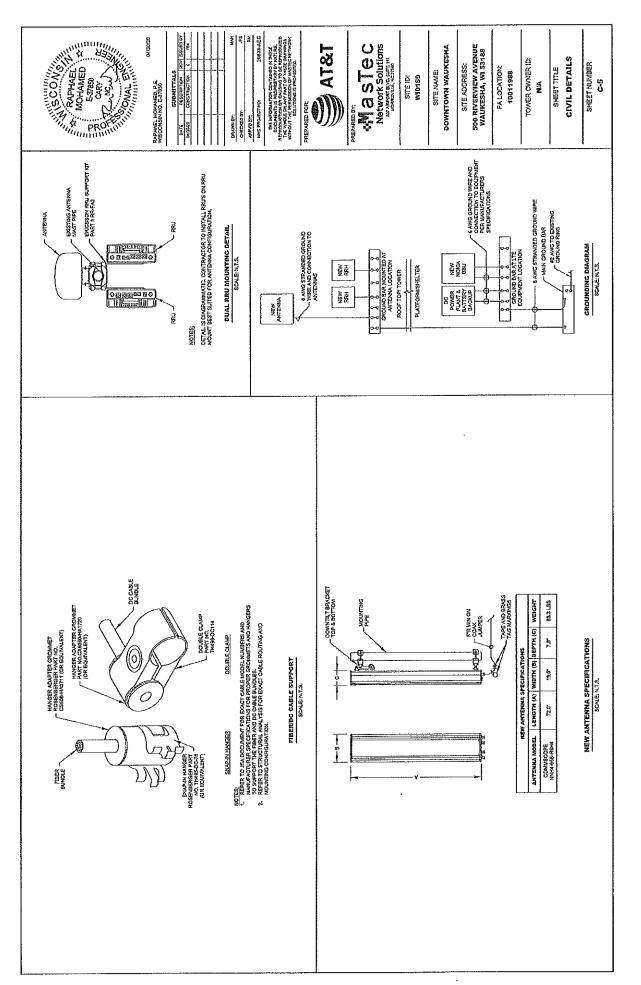
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Referred on: 03/04/21

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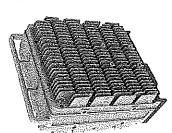
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	CCAX NOTES 1. MIRMAL SERVICES RETWEEN ANTENNAS IS ST'IF CONTRACTOR CAN NOT MARTAIN MAINLAW DISTANCE CONTACT ENGINEER FOR SOLUTION / ATTENUTE DESIGN. COAX CABLE ELECTH SHOWN IS APPROXIMATE, CONTRACTOR IS REQUIRED TO MARE ACTIVAL FIELD WEASHREMENT PRIOR TO PURCHASE AND US RESPONSIBLE FOR SAME. C. COAX CABLE SHALL BE SANSED! SPONTED WITH HOSTING GIFP AT APPROPANCE POARTS PER JAMMENCTURER REQUIREMENTS. A. COAX CABLE SHALL BE SANSED! SOME COARDERCEAS AND SECREDIADMENT.	SITE IO: WIGTS9 SITE IO: WIGTS9 SITE NANE: DOWNTOWN WAUKESHA
		SITE ADDRESS: 500 RIVERVIEW AVENUE WALKESHA, WI 53188 FA LOCATION: 10011988
		TOWER OWNER ID: NA SHEET TITLE GENERAL NOTES
		SHEET NUMBER GN-1

Passed By Majority Vote

Ordinance 175-0-094

Ordinance 175-O-094: 5th Amendment To Lease Agre...

AYE	D13 - Decker
AYE	D12 - Wolff
AYE	D11 - Howard
AYE	D10 - Swan
AYE	D9 - Heinrich
AYE	D8 - Michalski
AYE	D7 - LaFontain
AYE	D6 - Walz
AYE	D5 - Dondlinger
AYE	D4 - Batzko
AYE	D3 - Morris
AYE	D2 - Zimmermann
AYE	D1 - Foti

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