

**TOWN OF SUPERIOR
RESOLUTION NO. R-37
SERIES 2023**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING AN AMENDMENT TO THE STRUCTURE LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. The Amendment to the Structure Lease Agreement between the Town and New Cingular Wireless PCS, LLC, is hereby approved in substantially the same form as attached hereto, subject to final approval by the Town Attorney.

ADOPTED this 26th day of June, 2023.



Mark Lacis, Mayor

ATTEST:



Lydia Yecke, Town Clerk



AMENDMENT TO STRUCTURE LEASE AGREEMENT

THIS AMENDMENT TO STRUCTURE LEASE AGREEMENT (the "Amendment") is made and entered into this 9th day of August, 2023 (the "Effective Date"), by and between the Town of Superior, a Colorado municipal corporation with an address of 124 East Coal Creek Drive, Superior, CO 80027, (the "TOWN"), and New Cingular Wireless PCS, LLC, with its principal place of business at 1025 Lenox Park NE, 3rd Floor, Atlanta, GA 30319 ("LESSEE").(each a "Party" and collectively the "Parties").

WHEREAS, on October 10, 2022, the Parties entered into the Structure Lease Agreement (the "Agreement"); and


WHEREAS, the Parties now wish to amend the Agreement to revise the "Premises" and the "Utility License," as those terms are defined therein, by replacing **Exhibit B** with a new **Exhibit B**, attached hereto. On the new Exhibit B, the "Premises" is identified as "Lease Site Description," the "Utility License" is identified as "Utility Easement Description," and the "Access License" is identified as "Access Easement Description."

NOW, THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Exhibit B** to the Agreement is hereby replaced with a new **Exhibit B**, attached hereto and incorporated herein by this reference.
2. In the event of any inconsistencies between the Lease and this Amendment, the terms of this Amendment shall control. Except as expressly set forth in this Amendment, all other provisions of the Agreement shall remain in full force and effect, without modification. Each reference in the Agreement to itself shall be deemed also to refer to this Amendment.
3. All capitalized terms used but not defined herein shall have the same meanings as defined in the Lease.

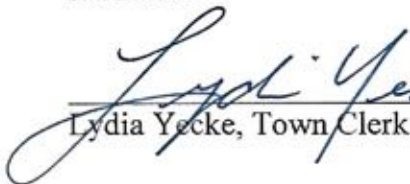
IN WITNESS WHEREOF, the Parties have executed this Amendment as of the Effective Date.

TOWN OF SUPERIOR, COLORADO



Mark Lacis, Mayor

ATTEST:



Lydia Yecke, Town Clerk



Cell Site Number: COL00156
Cell Site Name: Coalton Rd. & Rock Creek Pkwy. (CO)
Fixed Asset Number: 14638388

EXHIBIT "B"

DESCRIPTION OF PREMISES

LEASE SITE DESCRIPTION

BEGINNING AT POINT SOUTH 89°40'40" WEST 762.56 FEET AND NORTH 00°19'20" WEST 482.61 FEET FROM THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 69 WEST, 6TH P.M., HAVING A BASIS OF BEARING SOUTH 89°40'40" WEST 2633.72 FEET BETWEEN THE SOUTHEAST CORNER AND THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE NORTH 85°13'35" WEST 30.00 FEET; THENCE NORTH 04°46'25" EAST 42.00 FEET; THENCE SOUTH 85°13'35" EAST 30.00 FEET; THENCE SOUTH 04°46'25" WEST 42.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,260.00 SQUARE FEET OR 0.0289 ACRES, MORE OR LESS.

UTILITY EASEMENT DESCRIPTION

AN EASEMENT, 6.00 FEET IN WIDTH, BEING 3.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT POINT SOUTH 89°40'40" WEST 1070.75 FEET AND NORTH 00°19'20" WEST 97.27 FEET FROM THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 69 WEST, 6TH P.M., HAVING A BASIS OF BEARING SOUTH 89°40'40" WEST 2633.72 FEET BETWEEN THE SOUTHEAST CORNER AND THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE NORTH 09°44'05" WEST 118.61; THENCE NORTH 47°03'56"E 38.75 FEET; THENCE NORTH 83°22'34"E 95.70 FEET; THENCE N78°37'06"E 34.99 FEET; THENCE NORTH 20°52'46"E 104.23 FEET; THENCE NORTH 34°24'54"E 14.91 FEET; THENCE NORTH 05°33'50"E 77.27 FEET; THENCE SOUTH 84°26'10"E 75.09 FEET; THENCE NORTH 06°16'03" EAST 61.02 FEET; THENCE SOUTH 83°43'57" EAST 4.93 FEET TO THE POINT OF TERMINUS.

Cell Site Number: COL00156
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ACCESS EASEMENT LEGAL DESCRIPTION

A PORTION OF ROCK CREEK RANCH FILING NO. 20, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND RECORDED SEPTEMBER 17, 1996 AS RECEPTION NO. 1642994 IN THE OFFICE OF THE CLERK AND RECORDER OF BOULDER COUNTY, STATE OF COLORADO BEING A 12.00 FOOT WIDE STRIP, LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

ALL DISTANCES ARE BASED ON THE COLORADO STATE PLANE NORTH COORDINATE ZONE GRID. TO DERIVE GROUND DISTANCES DIVIDE BY 0.99971305

COMMENCING AT A FOUND 3.25" ALUMINUM CAP STAMPED "T1S R69W S30, S29, S31, S32 1997 PLS 12405" AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRIME MERIDIAN, FROM WHICH POINT A FOUND 3.25" ALUMINUM CAP STAMPED "T1S R69W S30/S31 ¼ 1997 PLS 12405" AT THE SOUTH QUARTER CORNER OF SAID SECTION BEARS SOUTH 89° 40' 40" WEST, 2633.72 FEET; THENCE ALONG THE SOUTH LINE OF SAID SECTION, NORTH 89° 40' 40" WEST, 1131.52 FEET; THENCE DEPARTING SAID LINE, NORTH 00° 19' 20" WEST, 136.48 FEET TO THE POINT OF BEGINNING; THENCE NORTH 11° 04' 29" EAST, 49.77 FEET; THENCE NORTH 47° 03' 56" EAST, 81.61 FEET; THENCE NORTH 83° 22' 34" EAST, 95.70 FEET; THENCE NORTH 34° 24' 54" EAST, 141.33 FEET; THENCE NORTH 02° 52' 59" EAST, 55.92 FEET; THENCE SOUTH 86° 50' 35" EAST, 54.12 FEET; THENCE NORTH 88° 04' 53" EAST, 33.49 FEET; THENCE NORTH 68° 01' 57" EAST, 25.14 FEET; THENCE NORTH 31° 04' 21" EAST, 24.36 FEET; THENCE NORTH 09° 35' 09" EAST, 25.90 FEET; THENCE NORTH 02° 52' 55" EAST, 17.23 FEET; THENCE NORTH 05° 55' 52" WEST, 19.86 FEET; THENCE NORTH 85°55'18" WEST, 10.86 FEET TO THE POINT OF TERMINUS.

THE SIDE LINES OF SAID STRIP ARE TO INTERSECT AT ALL ANGLE POINTS TO PROVIDE THE SPECIFIED WIDTH THROUGHOUT.