

1 FOURTH AMENDMENT TO COMMUNICATIONS SITE LEASE NO. 29538
2 **29538**

3 THIS FOURTH AMENDMENT TO COMMUNICATIONS SITE LEASE NO.
4 29538 is made and entered, in duplicate, as of JAN 13 2023, ~~2022~~, for reference
5 purposes only, pursuant to a minute order adopted by the City Council of the City of Long
6 Beach at its meeting on December 6, 2022, by and between NEW CINGULAR WIRELESS
7 PCS, LLC, a Delaware limited liability company ("Lessee"), and the CITY OF LONG
8 BEACH, a municipal corporation ("City").

9 WHEREAS, the parties executed Communications Site Lease No. 29538
10 dated February 16, 2006 (the "Lease") wherein City agreed to permit Lessee to operate a
11 tower facility on City property for a period of five (5) years; and

12 WHEREAS, the parties executed the First Amendment to Communications
13 Site Lease No. 29538 dated October 20, 2010 ("First Amendment"), wherein the term was
14 extended for an additional five (5) years and Lessee was given the right to extend the
15 Lease for two (2) additional periods of five (5) years each; and

16 WHEREAS, Lessee provided notice to City on September 22, 2015 and
17 November 10, 2020, wherein the term was extended for both of the two (2) additional five
18 (5) year terms; and

19 WHEREAS, the parties desire to provide additional extensions of the term;
20 NOW, THEREFORE, in consideration of the mutual terms and conditions in
21 the Lease, the parties agree as follows:

22 1. Section 3 of the Lease is hereby amended in its entirety to read as
23 follows:

24 "3. TERM. The term of this Lease shall commence on March 1, 2006,
25 and terminate on February 28, 2026. The Lease shall automatically renew for three (3)
26 additional periods of five (5) years each (each, a "Renewal Term", and together with the
27 Initial Term and other previous terms of this Lease, the "Term") unless Lessee terminates
28 this Lease by giving written notice to City not less than sixty (60) days prior to the expiration

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1 of the then-current Renewal Term. Notwithstanding the foregoing, either party may
2 terminate this Lease at any time during the Term on one hundred eighty (180) days written
3 notice to the other party. In the event Lessee terminates this Lease other than as a result
4 of a default by City, then the entire unpaid Annual Rent for the balance of the Renewal
5 Term shall be immediately due and payable to City.”

6 2. Section 27.1 of the Lease is hereby amended so that the notice
7 addresses for City and Lessee are as follows:

8 If to Lessor / City:

9 Director of Parks, Recreation & Marine
10 City of Long Beach
2760 Studebaker Road
11 Long Beach, CA 90808

12 With a required copy of such notice sent to:

13 City Manager
City of Long Beach
411 W. Ocean Blvd., 10th Floor
14 Long Beach, CA 90802”

15 If to Lessee:

16 New Cingular Wireless PCS, LLC
Attn: Network Real Estate Administration
17 RE: Site No. EL0082; Site Name: LB Senior Center (CA)
Fixed Asset No. 10068086
18 1025 Lenox Park Blvd. NE, 3rd Floor
Atlanta, GA 30319

19 With a required copy to:

20 New Cingular Wireless PCS, LLC
21 Attn: General Counsel - Network
RE: Site No. EL0082; Site Name: LB Senior Center (CA)
22 Fixed Asset No. 10068086
23 208 S. Akard Street
Dallas, TX 75202

24
25 3. Except as expressly modified herein, all of the terms, covenants, and
26 conditions contained in the Lease are ratified and confirmed and shall remain in full force
27 and effect.

28 ///

1 IN WITNESS WHEREOF, the parties have caused this document to be duly
2 executed with all formalities required by law as of the date first stated above.

3 NEW CINGULAR WIRELESS PCS, LLC, a
4 Delaware limited liability company
5 By: AT&T Mobility Corporation
6 Its: Manager

7 December 16, 2022

8 By Misty Snowden
9 Name Misty Snowden
10 Title Area Manager

11 _____, 2022

12 By _____
13 Name _____
14 Title _____

15 "LESSEE"

16 CITY OF LONG BEACH, a municipal
17 corporation

18 January 13, ²⁰²³~~2022~~

19 By Linda F. Iatum
20 City Manager

21 "CITY"

22 EXECUTED PURSUANT
23 TO SECTION 301 OF
24 THE CITY CHARTER.

25 This Fourth Amendment to Communications Site Lease No. 29538 is
26 approved as to form on December 21, 2022.

27 CHARLES PARKIN, City Attorney

28 By [Signature]
Deputy

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664