1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

FIRST AMENDMENT TO COMMUNICATIONS SITE LEASE No. 29538

29538

THIS FIRST AMENDMENT TO COMMUNICATIONS SITE LEASE No. 29538 ("Lease") is made and entered into as of October 20, 2010, for reference purposes only, by and between the CITY OF LONG BEACH, a municipal corporation ("City"), pursuant to minute order adopted by the City Council of the City of Long Beach at its meeting of February 14, 2006, and NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability company ("Lessee").

WHEREAS, in March of 2006 the parties executed Communications Site Lease No. 29538 dated February 16, 2006 wherein City agreed to permit Lessee to Operate a Tower Facility on City property for a period of five (5) years, and

WHEREAS, the parties now desire to extend the term for an additional five (5) years;

NOW THEREFORE, in consideration of the terms covenants, and conditions stated herein, the parties agree as follows:

- 1. Section 3 of Communications Site Lease No. 29538 is hereby amended in its entirety to read as follows:
- "3. TERM: The term of this Lease shall commence on March 1, 2006, and terminate on February 28, 2016. Lessee may extend the term of this Lease for two (2) additional periods of five (5) years each (individually a "Renewal Term") by giving written notice to City not less than ninety (90) days prior to the expiration of the Initial Term or a Renewal Term. Notwithstanding the foregoing, either party may terminate this Lease at any time during a Renewal Term on one hundred eighty (180) days written notice to the other party. In the event Lessee terminates this Lease other than as a result of a default by City, then the entire unpaid rent for the balance of the Initial Term or a Renewal Term, as the case may be, shall be immediately due and payable to City."
- 2. Section 27.1 of Communications Site Lease No. 29538 is hereby amended in its entirety to read as follows:

28

1	"27.1 All notices, requests, demands and communications hereunder will						
2	be given by first class certified or registered mail, return receipt requested, or by a						
3	nationally recognized overnight courier, postage prepaid, to be effective when property						
4	sent and received, refused or returned undelivered. Either party hereto may change the						
5	place for the giving of notice to it by thirty (30) days' prior written notice to the other.						
6	Notices will be addressed to the parties as follows:						
7	If to Lessee:						
8	New Cingular Wireless PCS, L.L.C. Attn: Network Real Estate Administration Re: Cell Site #: EL0082; Cell Site Name: Senior Center (CA)						
10	Fixed Asset No. 10068086 12555 Cingular Way, Suite 1300						
11	Alpharetta, GA 30004						
12	With a required copy of such notice sent to AT&T Legal at:						
13	New Cingular Wireless PCS, L.L.C.						
14 15	Attn: AT&T Legal Department Re: Cell Site #: EL0082; Cell Site Name: Senior Center (CA) Fixed Asset No. 10068086						
16	If sent via certified or registered mail:						
17	P. O. Box 97061 Redmond, WA 98073-9761						
18	,,,						
19	Or if sent via nationally recognized overnight courier:						
20	16331 NE 72 nd Way Redmond, WA 98052-7827						
21	, tod.mond, twi occopy to 27						
22	A copy sent to the Legal Department is an administrative step which alone						
23	does not constitute legal notice.						
24	If to Lessor:						
25	Director of Parks, Recreation & Marine City of Long Beach						
26	2760 Studebaker Road Long Beach, CA 90808						
27	///						

With a required copy of such notice sent to:

City Manager City of Long Beach 333 W. Ocean Blvd., 13th Floor Long Beach, CA 90802"

3. Except as expressly amended herein, all of the terms, covenants, and conditions of Communications Site Lease No. 29538, as amended, and to the extent not contrary to this First Amendment, shall remain unchanged and in full force and effect.

/// /// /// /// /// /// /// /// /// $/\!/\!/$ /// /// /// /// /// /// /// ///

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

///

///

///

28

1	IN WITNESS V	VHEREOF, the	parties	have	executed	this	FIRST
2	AMENDMENT with all of the for	malities required	l by law.				
3							
4			INGULAF are limited		LESS PCS	, LLC,	а
5		By: AT	**************************************				
6		Its: Ma	inager M /	$\overline{}$			
7	November 8, 2010	By: //	In 10	wi			
8	,,,,	Name:	MARK T	ZNez	A NSTOUCH	ر	
9		rue. Æ	EAL ESTAN	7 40		-	
10	November 8, 2010	Ву:	Mut	du			
11		; Name بر : Title		Z K	SERA S	RUTT	TON
12		LESSE	EAC EST F	ATE 3	VETU! CONSTR	40770,	∼
13							
ł		CITY C corpora		BEACH	l, a municip	al	
11/1							
14			0	Assis	tant City N	/lana	ger
15	2.11 , 20,1611	Ву:	A:	,	EXECUTED PU	RSUAN1	
ĺ	<u>Z·11</u> , 20,1611	By: Its:	City	,		RSUANT 301 OF	
15	<u>Z·11</u> ,201611	• • • • • • • • • • • • • • • • • • • •	City	,	EXECUTED PUI	RSUANT 301 OF	
15 16	The foregoing Firs	Its: CITY St Amendment to	Commun	Managications	EXECUTED PUI TO SECTION THE CITY CO	RSUANT 301 OF HARTER	
15 16 17		Its: CITY St Amendment to	Commun	Managications	EXECUTED PUI TO SECTION THE CITY CO	RSUANT 301 OF HARTER	
15 16 17 18	The foregoing Firs	Its: CITY St Amendment to	Commun	Managications	EXECUTED PUI TO SECTION THE CITY CO	RSUANT 301 OF HARTER	
15 16 17 18 19	The foregoing Firs	Its: CITY St Amendment to on this	Commun of NIV	Managications	EXECUTED PUI TO SECTION THE CITY CO S Site Lease _, 2010.	ASUANT 301 OF MARTER. P No. 2	
15 16 17 18 19 20	The foregoing Firs	Its: CITY St Amendment to on this	Commun of NIV	Managications	EXECUTED PUI TO SECTION THE CITY CO	ASUANT 301 OF MARTER. P No. 2	
15 16 17 18 19 20 21	The foregoing Firs	Its: CITY St Amendment to on this /5 day ROBER	Commun of NIV	Managications	EXECUTED PUI TO SECTION THE CITY CO S Site Lease _, 2010.	ASUANT 301 OF MARTER. P No. 2	
15 16 17 18 19 20 21 22	The foregoing Firs	Its: CITY St Amendment to on this	Commun of NIV	Managications	EXECUTED PURE SECTION CHE CITY	ASUANT 301 OF MARTER. P No. 2	
15 16 17 18 19 20 21 22 23	The foregoing Firs	Its: CITY St Amendment to on this /5 day ROBER	Commun of NIV	Manage Ma	EXECUTED PURE SECTION CHE CITY	ASUANT 301 OF MARTER. P No. 2	
15 16 17 18 19 20 21 22 23 24	The foregoing Firs	Its: CITY St Amendment to on this /5 day ROBER	Commun of NIV	Manage Ma	EXECUTED PURE SECTION CHE CITY	ASUANT 301 OF MARTER. P No. 2	