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JUN 28 2007

ORDINANCE NO. 3917

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN VERIZON WIRELESS LLC AND THE CITY OF CHANDLER FOR WIRELESS TELECOMMUNICATIONS FACILITIES AT THE SNEDIGAR SPORTSPLEX

WHEREAS, the City of Chandler and Verizon Wireless (VAW) LLC, dba Verizon Wireless (hereinafter "VZW") entered into an Agreement authorized pursuant to Ordinance No. 3353 which was a wireless telecommunications use agreement; and

WHEREAS, the parties have agreed to amend the terms of the agreement to provide for a larger antenna to be used by VZW pursuant to the terms of this agreement and for VZW to pay the City pursuant to an amended fee structure;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AS FOLLOWS:

SECTION I: That the Mayor of the City of Chandler is herewith authorized to execute Amendment No. 1 to Agreement authorized pursuant to Ordinance No. 3353, a wireless telecommunications use agreement between VZW and the City of Chandler.

SECTION II: That the various City officers and employees be and they are hereby authorized and directed to perform all acts necessary to give effect to this Ordinance.

SECTION III: This Ordinance shall become effective thirty days from and after its final adoption: provided, however, that the agreement hereby granted shall not become effective unless and until VZW has accepted said agreement as provided herein and has carried out such other terms and conditions as may be required before said agreement shall become effective.

INTRODUCED AND TENTATIVELY ADOPTED by the City Council of the City of Chandler, Maricopa County, Arizona, this ___ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2007.

ATTEST:

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3917 was duly passed and adopted by the City Council of the City of Chandler, at a regular meeting held on the ____ day of _____, 2007 and that a quorum was present thereat.

City Clerk

Published:

APPROVED AS TO FORM:

plm

AMENDMENT NO. ONE

**TO WIRELESS TELECOMMUNICATIONS USE AGREEMENT AND
ENCROACHMENT PERMIT BETWEEN VERIZON WIRELESS (VAW) LLC, DBA
VERIZON WIRELESS AND THE CITY OF CHANDLER AT SNEDIGAR SPORTSPLEX**

This Amendment Number One is to the Wireless Telecommunications Use Agreement and Encroachment Permit between Verizon Wireless (VAW) LLC, dba Verizon Wireless (hereinafter "VZW"), and the City of Chandler (hereinafter "the City"), dated August 23, 2002 (hereinafter "Agreement").

WHEREAS, on July 26, 2002, the City Council approved Ordinance 3353, authorizing the City to enter into a Wireless Telecommunications Use Agreement and Encroachment Permit for VZW to install communication facilities at the Snedigar Sportsplex, and

WHEREAS, this Agreement allowed for a 5-year extension of the Agreement upon the mutual agreement of the parties, and

WHEREAS, both the City and VZW wish to exercise the option to extend the Agreement by 5 (five) years and to establish a new base rate, and

NOW THEREFORE, the parties agree as follows:

1. Section 5.1 of the Agreement is amended to provide an extension of five years as authorized pursuant to the Agreement from August 23, 2007 to August 22, 2012.
2. Section 4.3.1 of the Agreement is amended to provide, as of September 1, 2007, an increase in the rent from Five Hundred and Fifty-Two and 00/100 Dollars (\$552.00) per month ("Rent") to One Thousand Six Hundred Twenty-Six and 00/100 Dollars (\$1,626.00) per month ("Rent"). Other terms of Section 4.3.1 remain unchanged.
3. All other terms and conditions of the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this ____ day of _____, 2007.

CITY OF CHANDLER:

MAYOR

APPROVED AS TO FORM:

City Attorney
pkw

ATTEST:

City Clerk

Verizon Wireless (VAW) LLC,
dba Verizon Wireless

Keith A. Surratt

BY: Keith A. Surratt

TITLE: West Area Vice President, Network

ATTEST: (If corporation)

ATTACHED

Secretary

SEAL

STATE OF ARIZONA)
)
COUNTY OF MARICOPA)

ACKNOWLEDGMENT

I, Kristi L Lee, a Notary Public for said County and State, do hereby certify that Keith A. Surratt personally came before me this day and acknowledged that he is the West Area Vice President - Network, of Verizon Wireless (VAW) LLC, and that he, as West Area Vice President - Network, being authorized to do so, executed the foregoing Amendment on behalf of Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless.

WITNESS my hand and official Notarial Seal, this 21st day of May, 2007.



Kristi L Lee
Notary Public

My Commission Expires: 6/14/2010