

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City Manager to Execute a First Amendment to a Building and Rooftop Lease Agreement between the City of Lowell (“City”) and Cellco Partnership d/b/a Verizon Wireless (“Verizon”), which Lease grants the right to Verizon to use rooftop space situated on property located at 11 Post Office Square (a/k/a 47 Father Morissette Boulevard), Lowell, MA (the “Property”), for the purpose of the installation, operation and maintenance of wireless communications equipment.

The City and Cellco Partnership d/b/a Verizon Wireless entered into a Building and Rooftop Lease Agreement which was made part of and incorporated into that certain Small Cell Agreement dated on April 20, 2021; and

The Parties agree to modify various sections of the original lease; and

BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

That the City Council hereby approves the First Amendment to a Building and Rooftop Lease Agreement between the City of Lowell and Cellco Partnership d/b/a Verizon Wireless, which Lease grants the right to Verizon to use rooftop space situated on property located at 11 Post Office Square (a/k/a 47 Father Morissette Boulevard), Lowell, MA (the “Property”), for the purpose of the installation, operation and maintenance of wireless communications equipment. Said First Amendment to Building and Rooftop Lease Agreement is attached hereto and marked “A”.

BE IT FURTHER VOTED:

That the City Manager be and she is hereby authorized to execute any and all documents that may be required in connection with said amendment.

SITE NAME: Lowell 20 MA
SITE NUMBER: 390124
ATTY/DATE: McLane/January 8, 2022

**FIRST AMENDMENT
TO
BUILDING AND ROOFTOP LEASE AGREEMENT**

THIS FIRST AMENDMENT TO BUILDING AND ROOFTOP LEASE AGREEMENT ("1st Amendment"), is made effective as of the later of the dates on which it is signed below by the parties hereto (the "Effective Date"), by and between the **City of Lowell**, a Massachusetts municipal corporation, with its principal offices located at 375 Merrimack Street, Lowell, Massachusetts 01852 ("Lessor"), and **Cellco Partnership**, a Delaware general partnership d/b/a Verizon Wireless with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 ("Lessee"; Lessor and Lessee are at times collectively referred to hereinafter as the "Parties" or individually as a "Party"), with reference to the following facts:

A. The Parties entered into a Building and Rooftop Lease Agreement dated April 20, 2021, (the "Lease") pursuant to which Lessee leases building and rooftop space situated on property located at 11 Post Office Square (a/k/a 47 Father Morissette Boulevard), Lowell, MA (the "Property"), for the purpose of the installation, operation and maintenance of wireless communications equipment.

B. The Lease term has not yet commenced, and Lessee now desires to make modifications to its authorized communications facility as set forth herein, and Lessor has reviewed and approved such modifications.

C. Lessor and Lessee mutually agree that Lessee shall pay increased rent to Lessor as compensation for the equipment modifications and desire to document the change in equipment and increased rent by means of this 1st Amendment.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein and in the Lease, the Parties, each intending to be legally bound hereby, agree to amend the Lease as follows:

1. Equipment. Lessee's authorized communications facility is modified as depicted on Exhibit B-1 attached hereto, which supersedes and replaces Exhibit B attached to the Lease. Lessor hereby approves such modifications and the communications facility as set forth on Exhibit B-1.

2. Rent. Paragraph 4(a) of the Lease is amended to change to opening annual rent from \$14,400 to \$24,000.

3. Definitions. All defined terms used in this 1st Amendment and not defined herein shall have the meanings set forth in the Lease.

4. Inconsistencies. In the event of any inconsistency or discrepancy between the Lease and this 1st Amendment, the 1st Amendment shall control.

5. **Ratification.** Except as amended by this 1st Amendment, the Parties agree that the Lease remains in full force and effect and is hereby ratified and confirmed.

6. **Execution.** This 1st Amendment may be executed in one or more counterparts, and signatures exchanged among the Parties electronically (e.g., by fax, scan, or photocopy) shall each be deemed an original, but all together shall constitute one instrument.

IN WITNESS WHEREOF, the parties hereto have executed this 1st Amendment on the dates set forth below.

LESSOR:
City of Lowell, a municipal corporation

By: _____
Name: _____
Title: _____
Date: _____

LESSEE:
Cellco Partnership d/b/a Verizon Wireless

By: _____
Name: _____
Title: _____
Date: _____

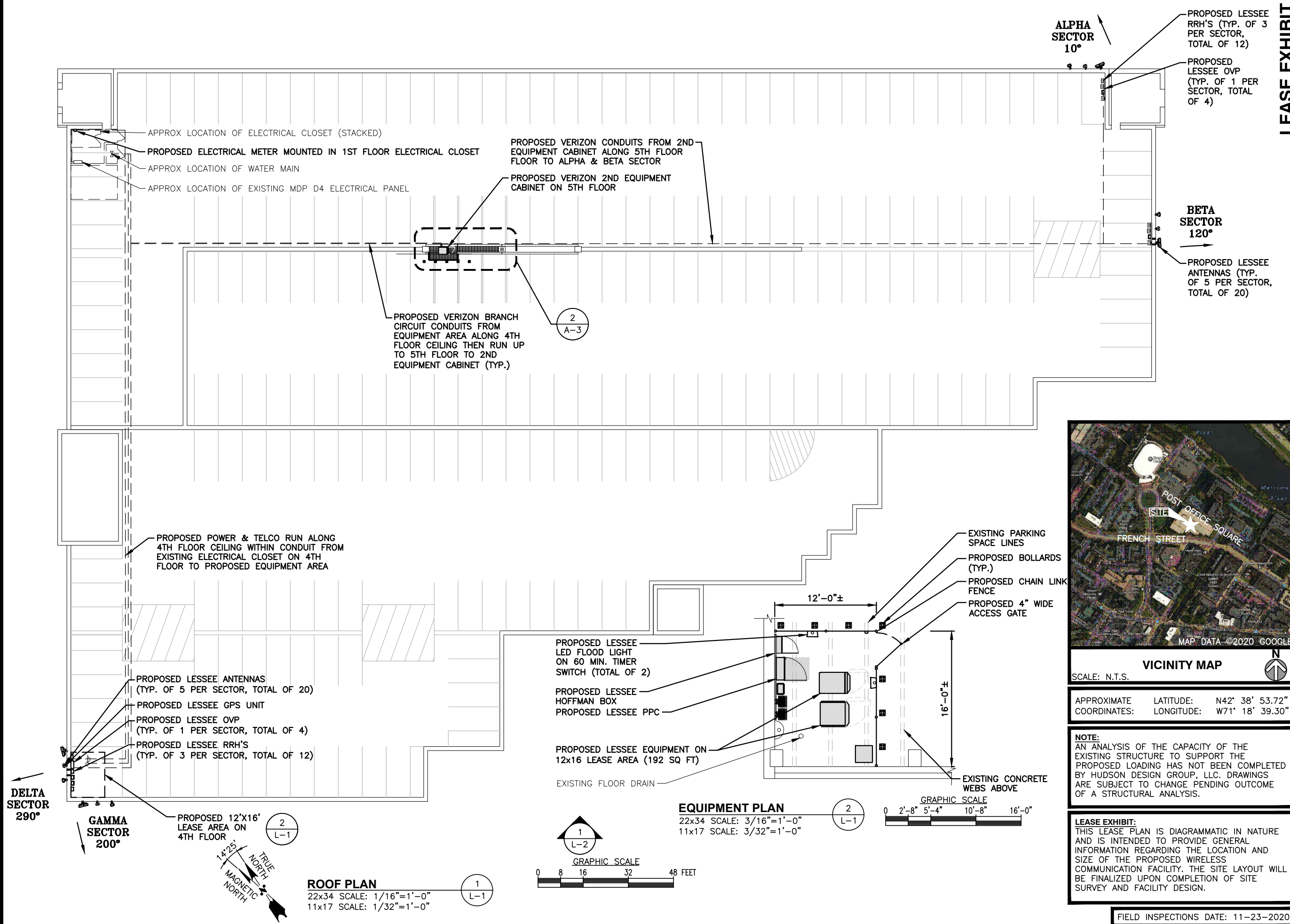
SITE NAME: Lowell 20 MA
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ATTY/DATE: McLane/January 8, 2022

Exhibit B-1

Attached three-page Lease Exhibit (Sheets L-1 through L-3), titled “Lowell 20 MA (SC76-F)”, last revised 10/06/2021, prepared for Verizon Wireless by Hudson Design Group, LLC.

LEASE EXHIBIT

HG HUDSON Design Group LLC
 45 BEECHWOOD DRIVE N. ANDOVER, MA 01845 TEL: (978) 557-5553 FAX: (978) 336-5586



CHECKED BY: JX

APPROVED BY: DPH

SUBMITTALS

REV.	DATE	DESCRIPTION	BY
4	2/16/22	REVISED PER COMMENTS	JH
3	12/07/20	REVISED PER NEW RFDS	SF
2	03/06/18	ADDED SECOND CABINET	HH
1	11/17/17	LEASE EXHIBIT	RB
0	08/01/17	LEASE EXHIBIT	SF

SITE NAME:
LOWELL 20 MA (SC76-F)

SITE ADDRESS:
 11 POST OFFICE SQUARE
 LOWELL, MA 01852

SHEET TITLE
ROOF PLAN

SHEET NUMBER
L-1

FIELD INSPECTIONS DATE: 11-23-2020

PROPOSED ANTENNA INFORMATION

SECTOR	STATUS	AZIMUTH	CABLE LENGTH
ALPHA	PROPOSED	10°	640'
BETA	PROPOSED	120°	585'
GAMMA	PROPOSED	200°	50'
DELTA	PROPOSED	290°	50'

NOTE: CABLE LENGTH = EXACT LENGTH PLUS 25'.
CONTRACTOR TO VERIFY CABLE LENGTH PRIOR TO ORDERING.

APPROXIMATE COORDINATES: LATITUDE: N42° 38' 53.72"
LONGITUDE: W71° 18' 39.30"

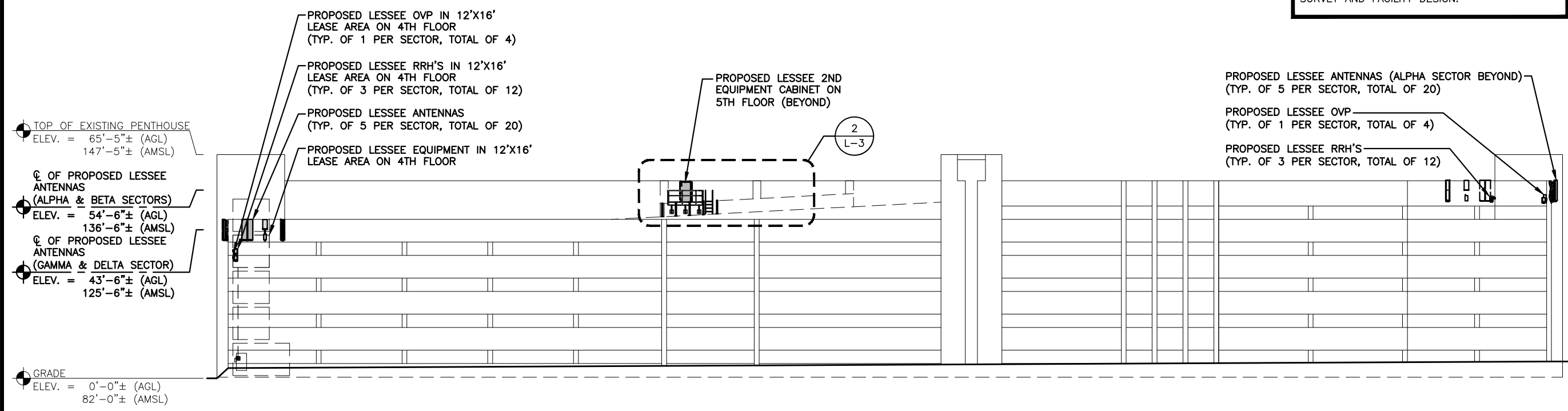
NOTE:
AN ANALYSIS OF THE CAPACITY OF THE EXISTING STRUCTURE TO SUPPORT THE PROPOSED LOADING HAS NOT BEEN COMPLETED BY HUDSON DESIGN GROUP, LLC. DRAWINGS ARE SUBJECT TO CHANGE PENDING OUTCOME OF A STRUCTURAL ANALYSIS.

LEASE EXHIBIT:
THIS LEASE PLAN IS DIAGRAMMATIC IN NATURE AND IS INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION AND SIZE OF THE PROPOSED WIRELESS COMMUNICATION FACILITY. THE SITE LAYOUT WILL BE FINALIZED UPON COMPLETION OF SITE SURVEY AND FACILITY DESIGN.

LEASE EXHIBIT

HG
HUDSON
Design Group LLC

45 BEECHWOOD DRIVE TEL: (978) 557-5553
N. ANDOVER, MA 01845 FAX: (978) 336-5586



ELEVATION

22x34 SCALE: 1/16"=1'-0"
11x17 SCALE: 1/32"=1'-0"

GRAPHIC SCALE

0 8 16 32 48 FEET

CHECKED BY: JX

APPROVED BY: DPH

SUBMITTALS

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0	08/01/17	LEASE EXHIBIT	SF

SITE NAME:
LOWELL 20 MA
(SC76-F)

SITE ADDRESS:
11 POST OFFICE SQUARE
LOWELL, MA 01852

SHEET TITLE
ELEVATION

SHEET NUMBER
L-2

FIELD INSPECTIONS DATE: 11-23-2020

PROPOSED ANTENNA INFORMATION

SECTOR	STATUS	AZIMUTH	CABLE LENGTH
ALPHA	PROPOSED	10°	640'
BETA	PROPOSED	120°	585'
GAMMA	PROPOSED	200°	50'
DELTA	PROPOSED	290°	50'

NOTE: CABLE LENGTH = EXACT LENGTH PLUS 25'. CONTRACTOR TO VERIFY CABLE LENGTH PRIOR TO ORDERING.

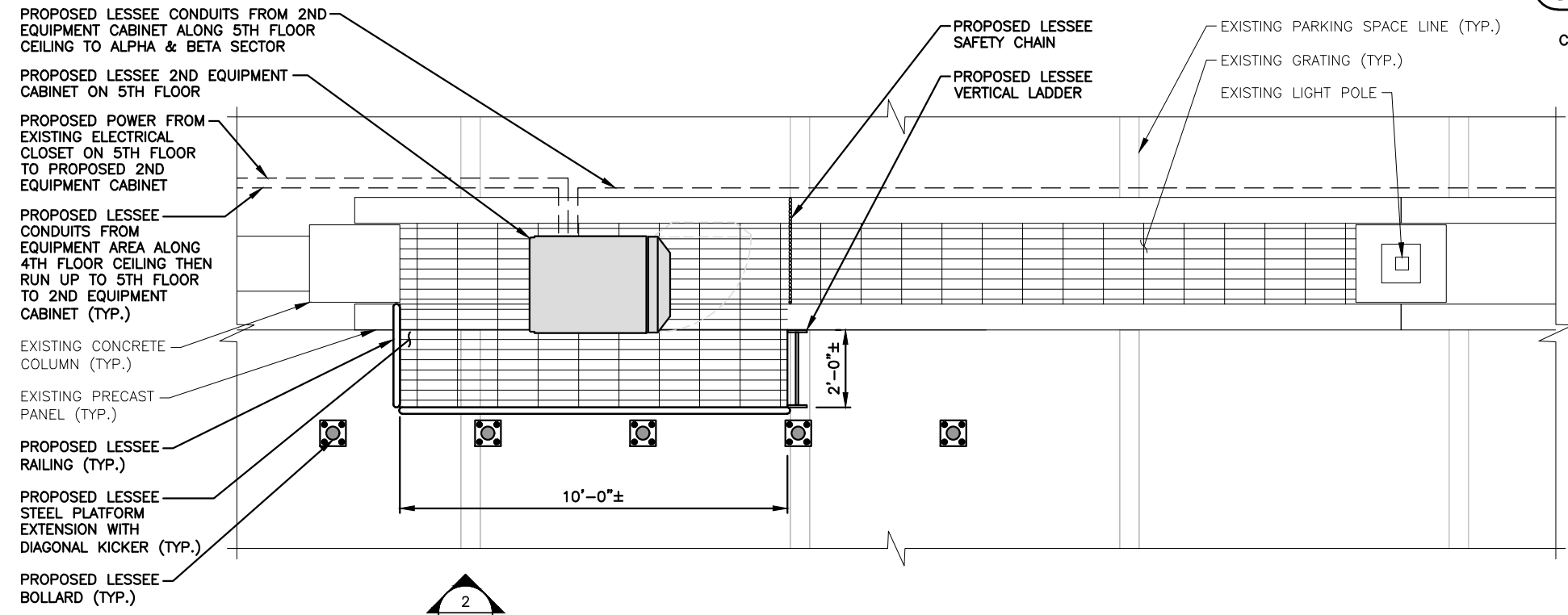
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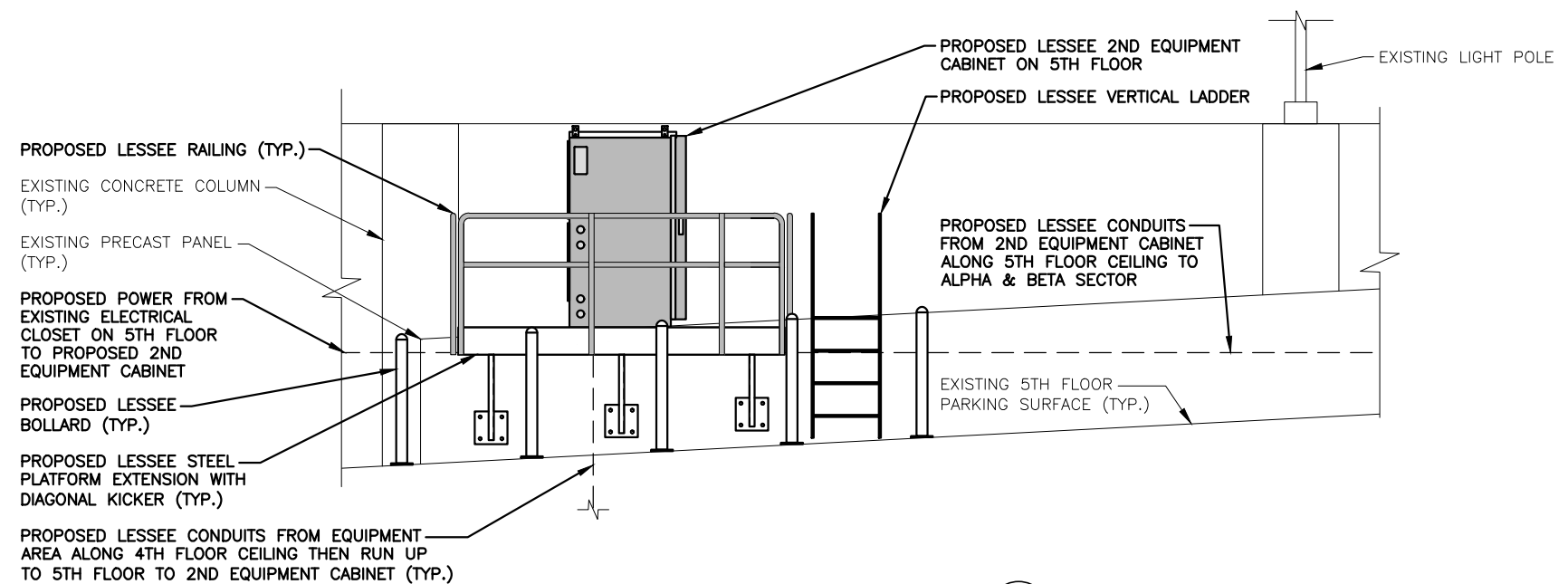
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LEASE EXHIBIT

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 45 BEECHWOOD DRIVE N. ANDOVER, MA 01845 TEL: (978) 557-5553 FAX: (978) 336-5586



ENLARGED PARTIAL EQUIPMENT PLAN
 22x34 SCALE: 1/2"=1'-0"
 11x17 SCALE: 1/4"=1'-0"
 GRAPHIC SCALE 0 1 2 4 6 FEET



2ND EQUIPMENT ELEVATION
 22x34 SCALE: 3/8"=1'-0"
 11x17 SCALE: 3/16"=1'-0"
 GRAPHIC SCALE 0 1'-4" 2'-8" 5'-4" 8'-0"

CHECKED BY: JX

APPROVED BY: DPH

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LOWELL 20 MA (SC76-F)

SITE ADDRESS:
 11 POST OFFICE SQUARE
 LOWELL, MA 01852

SHEET TITLE
ELEVATION

SHEET NUMBER
L-3

FIELD INSPECTIONS DATE: 11-23-2020