

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE PCS SITE LEASE AGREEMENT AND FIRST AMENDMENT TO PCS SITE AGREEMENT FOR THE CITY-OWNED PROPERTY AT JAMES MCKNIGHT PARK EAST, IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT DOCUMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City of Mansfield and Sprint Spectrum L.P. entered into a certain PCS Site Lease Agreement, dated July 23, 2001, whereby the City leased to Sprint Spectrum L.P. a portion of land consisting of approximately 1,800 square feet at James McKnight Park East, in the City of Mansfield, Tarrant County, Texas together with access and utility easements thereto; and

**WHEREAS**, the City of Mansfield and Sprint Spectrum L.P. amended the PCS Site Lease Agreement by executing that certain First Amendment to PCS Site Agreement dated January 7, 2013, whereby the City of Mansfield and Sprint Spectrum L.P. agreed to amend certain provisions of the PCS Site Lease Agreement; and

**WHEREAS**, STC Five LLC is the successor in interest to Sprint Spectrum L.P., and Global Signal Acquisitions III LLC, is its attorney-in-fact; and

**WHEREAS**, the City of Mansfield and STC Five LLC are seeking to further amend the PCS Site Lease Agreement and First Amendment to PCS Site Agreement to increase the leased spaced by an additional 336 square feet, increase the rent paid to the City of Mansfield and amend other terms; and

**WHEREAS**, the City Council of the City of Mansfield and STC Five LLC find that further amending the PCS Site Lease Agreement is in the best interests of the City of Mansfield and STC Five LLC; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:**

**SECTION 1**

The City of Mansfield hereby agrees to amend the PCS Site Lease Agreement and First Amendment to PCS Site Agreement by executing the easement instrument, attached hereto as Exhibit A.

**SECTION 2**

The City Manager of the City of Mansfield, Texas, is hereby authorized and empowered to execute the lease instrument, attached hereto as Exhibit A.

**SECTION 4**

It is hereby declared to be the intention of the city council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council, without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5**

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

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**David L. Cook, Mayor**

ATTEST:

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**Jeanne Heard, City Secretary**

APPROVED AS TO FORM AND LEGALITY

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**Allen Taylor, City Attorney**  
CITY ATTORNEY