

3H-8

Agenda Item #:

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: May 1, 2007 [X] Consent [ ] Regular  
[ ] Ordinance [ ] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file:

A) a Bill of Sale from New Cingular Wireless PCS, LLC (R96-972D) for the tower site located at 7800 Forest Hill Boulevard in Greenacres; and

B) a Bill of Sale from New Cingular Wireless PCS, LLC (R96-1077D) for the tower site located at 8130 North Jog Road in West Palm Beach.

**Summary:** In 1996, the County entered into a Communication Tower Joint Use Agreement with AT&T, pursuant to which AT&T constructed a 400 foot free-standing tower on County-owned land at 7800 Forest Hill Boulevard and has since been operating the tower site. Also in 1996, the County entered into a Communication Tower Joint Use Agreement with BellSouth pursuant to which BellSouth constructed a clock tower and equipment building on County-owned land at 8130 North Jog Road and has since been operating the tower site. Both Agreements provided that after 10 years, the companies would convey their interests in the towers and appurtenances to the County. AT&T and BellSouth have been acquired by New Cingular Wireless PCS, LLC, the current tenant under both Agreements. The Bills of Sale convey New Cingular Wireless, PCS, LLC's ownership interest in the towers to the County. New Cingular Wireless, PCS, LLC will continue to maintain the towers and equipment building. (PREM) District 6 (HJF)

**Attachments:**

1. Location Maps
2. Bill of Sale (North Jog Road tower site)
3. Bill of Sale (Forest Hill Boulevard tower site)

Recommended By: Ret Amy Wolf 4/9/07  
 Department Director Date

Approved By: [Signature] 4/9/07  
 County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Program \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

No fiscal impact

**C. Departmental Fiscal Review: \_\_\_\_\_**

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development Comments:**

*[Signature]* 4-18-07  
 OFMB  
 4/17/07 *[initials]* 4/17/07

*[Signature]* 4/19/07  
 Contract Development and Control  
 6. years 4/19/07

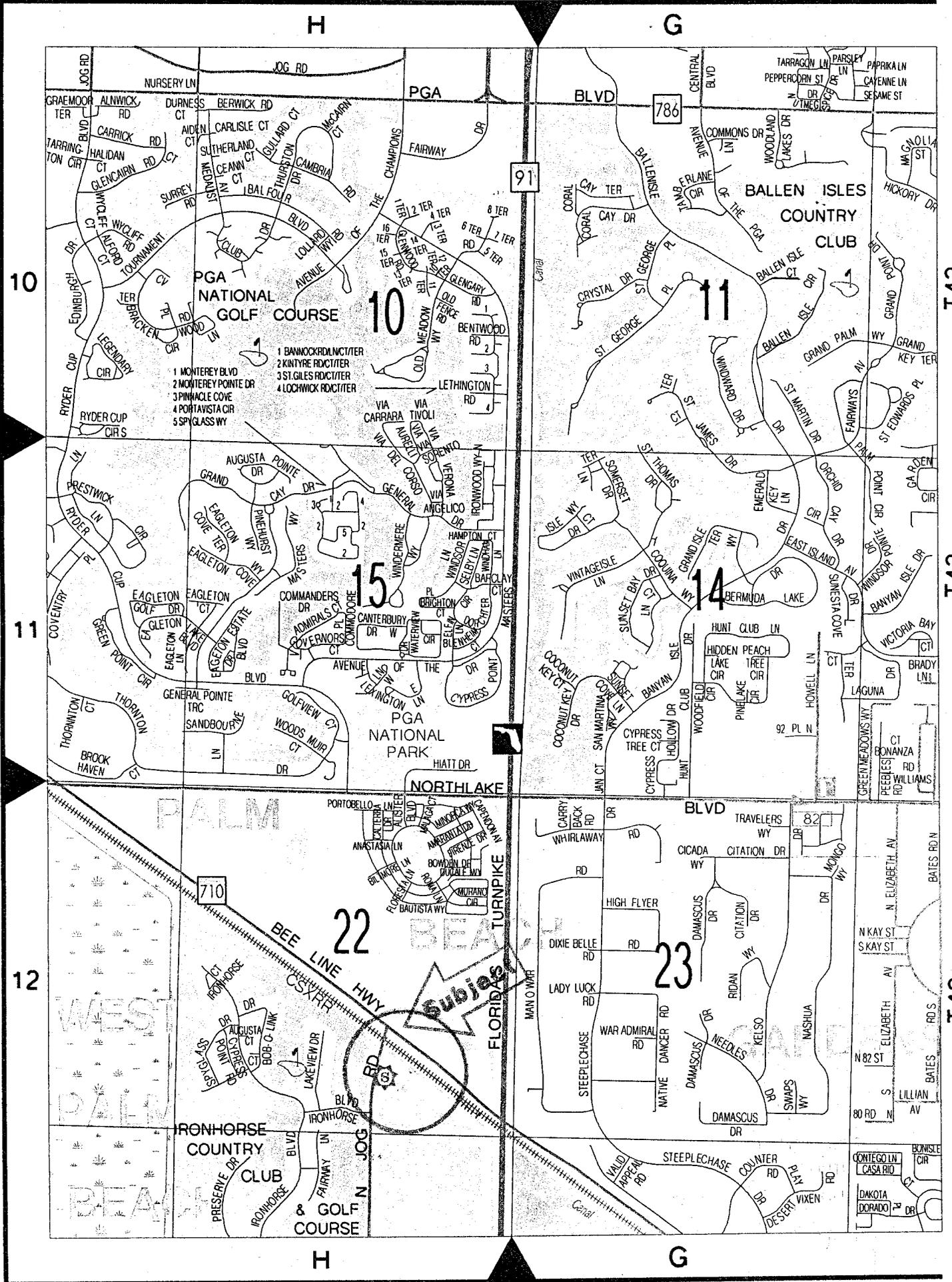
**B. Legal Sufficiency:**

*[Signature]* 4/19/07  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**This summary is not to be used as a basis for payment.**



TOWER SITE AT NORTH JOG ROAD

LOCATION MAP

ATTACHMENT # 1





## BILL OF SALE, ABSOLUTE

Known All Men by these Presents, that the NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability company, party of the first part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars lawful money of the United States, to it paid by PALM BEACH COUNTY, a political subdivision of the State of Florida party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does grant, bargain, sell, transfer and deliver unto the said party of the second part, its successors and assigns, all right, title and interest in and to the communication facility tower, tower equipment building, and appurtenances thereto constructed on the real property described below.

A PORTION OF THE SOUTHEAST ONE QUARTER (SE ¼) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND RUN ON AN ASSUMED BEARING OF N88°24'07"W ALONG THE SOUTH LINE OF SAID SECTION 22, TOWNSHIP 42 SOUTH, RANGE 42 EAST FOR 322.15 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY (A.K.A. FLORIDA'S TURNPIKE); THENCE RUN N01°35'15"E ALONG SAID WEST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY FOR 79.43 FEET TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY LINE OF THE S.A.L. RAILROAD; THENCE RUN N53°41'05"W ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE S.A.L. RAILROAD FOR 1380.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N53°41'05"W ALONG THE LAST DESCRIBED COURSE FOR 664.41 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY LINE OF PROPOSED JOG ROAD AS DESCRIBED IN THAT CERTAIN SKETCH PREPARED BY THE FIRM OF HELLER-WEAVER AND CATO, INC. UNDER FILE NO. 87-9863-SS1,2,3, & 4 DATED 6-10-87'; THENCE RUN S16°18'55"W ALONG SAID EST RIGHT-OF-WAY LINE OF PROPOSED JOG ROAD FOR 565.61 FEET; THENCE RUN S73°41'05"E FOR 501.19; THENCE RUN N36°18'55"E FOR 360.08 FEET TO THE POINT OF BEGINNING.

**ATTACHMENT # 2**

**TO HAVE AND TO HOLD** the same unto the party of the second part, forever.

And the party of the first part, hereby covenants and warrants to and with the party of the second part, that party of the first part is the lawful owner of the said goods; that said goods are free from all liens and encumbrances; that party of the part has good right to sell the same as aforesaid; and that party of the first part will warrant and defend the same against the lawful claims and demands of all persons whomsoever.

**In Witness Whereof**, it has hereunto set its hand and seal this 12<sup>th</sup> day of Feb, 2007.

Signed, sealed and delivered

NEW CINGULAR WIRELESS PCS,  
LLC, A Delaware limited liability  
company

In the presence of:

David Medwin

Witness Signature

David Medwin

Print Witness Name

Debbie Lewis

Witness Signature

Debbie Lewis

Print Witness Name

By: [Signature]

Exec Director

Title

## BILL OF SALE, ABSOLUTE

**Known All Men by these Presents**, that the NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability company, party of the first part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars lawful money of the United States, to it paid by PALM BEACH COUNTY, a political subdivision of the State of Florida party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does grant, bargain, sell, transfer and deliver unto the said party of the second part, its successors and assigns, all right, title and interest in and to the communication facility tower, tower equipment building, and appurtenances thereto constructed on the real property described below.

A parcel of land, lying in portions of tracts 4 and 5, block 21, "Palm Beach Farms Company Plat No. 3", as recorded in Plat Book 2, Pages 45-54, inclusive; Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commence at the Northwest corner of tract 4, block 21, said Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54 inclusive, Public Records of Palm Beach County, Florida; thence north  $89^{\circ}02'29''$  east along the north line of said tract 4, a distance of 25 feet, more or less, to the east right-of-way line of Lake Worth Drainage District Canal E-2 east; thence south  $00^{\circ}55'44''$  east along said E-2 east right-of-way line a distance of 30 feet to the point of beginning; thence continue south  $00^{\circ}55'44''$  east, a distance of 1146.11 feet; thence north  $89^{\circ}21'57''$  east a distance of 373.86 feet; thence north  $00^{\circ}21'14''$  east along a 6 foot chain link fence a distance of 844.15 feet to the northwest corner of said 6 foot chain link fence; thence continue north  $00^{\circ}21'14''$  east a distance of 304.40 feet; thence south  $89^{\circ}02'29''$  west a distance of 400.79 feet to the point of beginning.

**TO HAVE AND TO HOLD** the same unto the party of the second part, forever.

And the party of the first part, hereby covenants and warrants to and with the party of the second part, that party of the first part is the lawful owner of the said goods; that said goods are free from all liens and encumbrances; that party of the part has good right to sell the same as aforesaid; and that party of the first part will warrant and defend the same against the lawful claims and demands of all persons whomsoever.

ATTACHMENT #3

In Witness Whereof, it has hereunto set its hand and seal this

12<sup>th</sup> day of Feb, 2006.

Signed, sealed and delivered

NEW CINGULAR WIRELESS PCS  
LLC, A Delaware limited liability  
company

In the presence of:

By: 



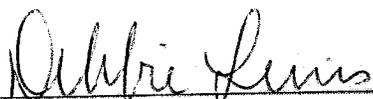
Witness Signature

David Medwis

Print Witness Name

Exec Director

Title



Witness Signature

Debbie Lewis

Print Witness Name

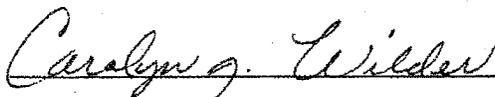
**NEW CINGULAR WIRELESS PCS, LLC**

**ASSISTANT SECRETARY'S CERTIFICATE**

I, Carolyn J. Wilder, do hereby certify that I am a duly elected, qualified and acting Assistant Secretary of New Cingular Wireless PCS, LLC, a Delaware limited liability company (the "Company"), and as such I am authorized to execute this certificate. In such capacity, I further certify that:

1. A Schedule of Authorization (the "Schedule"), required to execute agreements, was duly adopted by the sole Manager of the Company on October 27, 2004;
4. Mark Austin, Executive Director is authorized and empowered by the Company under the current Schedule to execute and deliver in the name of and on behalf of the Company a Bill of Sale between the Company and Palm Beach County, a political subdivision of the State of Florida for the sale and transfer of the communication facility tower, tower equipment building and appurtenances as are set forth in the Bill of Sale.

**IN WITNESS WHEREOF**, the undersigned has affixed her signature this 21<sup>st</sup> day of March, 2007.



Carolyn J. Wilder, Assistant Secretary