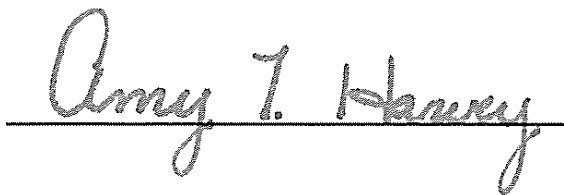


**I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2021-05-05/R-5) adopted by the Chapel Hill Town Council on May 5, 2021.**

**This the 6<sup>th</sup> day of May, 2021.**

A handwritten signature in cursive script that reads "Amy T. Harvey". The signature is written in black ink and is positioned above a solid horizontal line.

**Amy T. Harvey  
Deputy Town Clerk**



**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AMEND AN ENCROACHMENT AND LEASE AGREEMENT FOR TOWN RIGHT-OF-WAY ALONG CLELAND DRIVE WITH NCWPCS MPL 31 – YEAR SITES TOWER HOLDINGS, SUCCESSOR IN INTEREST TO NEW CINGULAR WIRELESS PCS (2021-05-05/R-5)**

WHEREAS, Cleland Drive is a Town of Chapel Hill maintained road with Town right-of-way; and

WHEREAS, New Cingular Wireless PCS (now succeeded by NCWPCS MPL 31 – YEAR SITES TOWER HOLDINGS LLC) leased Town right-of-way on Cleland Drive for purposes of operating a cellular communications site under a lease with the Town of Chapel Hill that expired on November 12, 2006; and

WHEREAS, New Cingular Wireless PCS (now succeeded by NCWPCS MPL 31 – YEAR SITES TOWER HOLDINGS LLC) leased Town right-of-way on Cleland Drive for purposes of operating a cellular communications site under a lease with the Town of Chapel Hill that expired on June 30, 2016; and

WHEREAS, Crown Castle International Corp. (now succeeded by NCWPCS MPL 31 – YEAR SITES TOWER HOLDINGS LLC) leases Town right-of-way on Cleland Drive for purposes of operating a cellular communications site under a lease with the Town of Chapel Hill that is due to expire on June 30, 2026 (existing lease);

WHEREAS the Town and NCWPCS MPL 31 – YEAR SITES TOWER HOLDINGS LLC (“Tenant”) desire to enter into an amendment to the existing lease extending the term of the lease for two additional five (5) year terms and providing Tenant the option of expanding the leased territory by a maximum of 432 square feet at the same lease rate per square foot; and

WHEREAS, the North Carolina Statute 160A-272 authorizes the Town to lease or rent Town property pursuant to a resolution of the Council authorizing the execution of the lease or rental agreement adopted at a regular Council meeting upon 10 days’ public notice, which has been provided.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the execution of an amendment to the encroachment and lease agreement for Town right-of-way along Cleland Drive to NCWPCS MPL 31 – YEAR SITES TOWER HOLDINGS LLC for two additional periods of five (5) years to commence July 1, 2026 and expire June 30, 2036, if not terminated sooner, with an option to extend the leased territory by a maximum of 432 square feet with proportionate rent increases.

This the 5th day of May, 2021.