

**Site Name: COTTAGE AVENUE STANDPIPE**  
**Site Address: 2095 CLEAR AVENUE, ST. PAUL, MN 55119**

**Site ID #: MS03XC472**

### **AMENDMENT NO. 1 TO SITE LEASE AGREEMENT**

This Amendment No. 1 to SITE LEASE AGREEMENT (this "Amendment") amends a certain SITE LEASE AGREEMENT between SPRINT SPECTRUM REALTY COMPANY, L.P., a limited partnership organized and existing under the laws of Delaware, successor in interest to Sprint Spectrum, L.P., a limited partnership organized and existing under the laws of Delaware, ("Lessee") and BOARD OF WATER COMMISSIONERS OF THE CITY OF SAINT PAUL, a Minnesota municipal corporation ("Lessor"), dated September 19, 1996 (the "Agreement").

WHEREAS, the expiration date of the Agreement is September 25, 2016; and

WHEREAS, Lessor and Lessee desire to extend the expiration date to March 31, 2017 to allow time for the parties to negotiate and execute a new site lease agreement.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

1. TERM.

This Amendment shall commence on September 26, 2016 ("Effective Date") and shall expire on March 31, 2017, or upon the effective date of a new site lease agreement between the parties, whichever is earliest.

2. REVISED ANNUAL RENT.

a. In accordance with Section 3. Rent of the Agreement, annual rent for year 2016 is \$39,799.39, which sufficiency of payment is hereby acknowledged by Lessor.

b. Annual rent for year 2017 shall be \$46,650.00. Rent for the period January 1, 2017 through March 31, 2017 shall be \$11,662.59, the prorated amount for that period. Said rent amount shall be due and payable within 30 days of the Effective Date of this Amendment.

c. Lessee shall make all payments of rent to Lessor at the following address:

Board of Water Commissioners  
Attn: Accounting  
1900 Rice Street, Office Building  
Saint Paul, Minnesota 55113

3. In the event of any inconsistencies between the Agreement and this Amendment, the terms of this Amendment shall control. Except as expressly set forth in this Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Amendment.

4. All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

5. This Amendment may be executed in any number of counterparts and such counterparts shall be deemed to be originals, and all such counterparts, taken together, shall constitute but one and the same instrument.

6. The parties hereby warrant that they have the full power, authority and legal right to enter into this Amendment, and the execution and delivery have been authorized by all necessary action on the part of the parties.

**\*\*\*SIGNATURES ON FOLLOWING PAGE\*\*\***

The parties have executed this Amendment No. 1 to Site Lease Agreement as of the Effective Date.

**For Lessor:**

Approved:

By \_\_\_\_\_  
Stephen P. Schneider, General Manager  
Saint Paul Regional Water Services

Date: \_\_\_\_\_

Approved as to form:

By \_\_\_\_\_  
Assistant City Attorney

Date: \_\_\_\_\_

**BOARD OF WATER COMMISSIONERS  
OF THE CITY OF SAINT PAUL**

By \_\_\_\_\_  
Matt Anfang, President

Date: \_\_\_\_\_

By \_\_\_\_\_  
Mollie Gagnelius, Secretary

Date: \_\_\_\_\_

**CITY OF SAINT PAUL**

By \_\_\_\_\_  
Kristin Beckmann, Deputy Mayor

Date: \_\_\_\_\_

By \_\_\_\_\_  
Shari Moore, City Clerk

Date: \_\_\_\_\_

By \_\_\_\_\_  
Todd Hurley, Director  
Office of Financial Services

Date: \_\_\_\_\_

**For Lessee:**

**SPRINT SPECTRUM REALTY COMPANY, L.P.,  
successor in interest to Sprint Spectrum, L.P., a  
limited partnership organized and existing under the  
laws of Delaware**

By: \_\_\_\_\_  
Dan Davis, Area Site Development Manager

Date: \_\_\_\_\_

**ACKNOWLEDGEMENTS**

**BOARD OF WATER COMMISSIONERS OF THE CITY OF SAINT PAUL**

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF RAMSEY       )

On \_\_\_\_\_, 2016, before me, \_\_\_\_\_, Notary Public,  
personally appeared Matt Anfang, President, Board of Water Commissioners of the City of Saint Paul, a Minnesota municipal  
corporation, on behalf of the corporation.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF RAMSEY       )

On \_\_\_\_\_, 2016

3, before me, \_\_\_\_\_, Notary Public, personally appeared Mollie Gagnelius, Secretary, Board  
of Water Commissioners of the City of Saint Paul, a Minnesota municipal corporation, on behalf of the corporation.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

**ACKNOWLEDGEMENTS**

**CITY OF SAINT PAUL**

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF RAMSEY       )

On \_\_\_\_\_, 2016, before me, \_\_\_\_\_, Notary Public,  
personally appeared Kristin Beckmann, Deputy Mayor, on behalf of the Mayor of the City of Saint Paul, a Minnesota municipal  
corporation, on behalf of the corporation.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF RAMSEY       )

On \_\_\_\_\_, 2016, before me, \_\_\_\_\_, Notary Public,  
personally appeared Shari Moore, City Clerk, City of Saint Paul, a Minnesota municipal corporation, on behalf of the  
corporation.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF RAMSEY       )

On \_\_\_\_\_, 2016, before me, \_\_\_\_\_, Notary Public,  
personally appeared Todd Hurley, Director, Office of Financial Services of the City of Saint Paul, a Minnesota municipal  
corporation, on behalf of the corporation.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

**ACKNOWLEDGEMENTS**

**LESSEE**

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2016, before me, \_\_\_\_\_, Notary Public,  
personally appeared Dan Davis, Area Site Development Manager, Sprint Spectrum Realty Company, L.P., a limited partnership  
organized and existing under the laws of Delaware, on behalf of the corporation.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public