

## **FIRST AMENDMENT TO OPTION AND GROUND LEASE AGREEMENT**

THIS FIRST AMENDMENT TO OPTION AND GROUND LEASE AGREEMENT is made as of the \_\_\_\_ day of \_\_\_\_\_, 2020, by and between **Alachua County**, a charter county and political subdivision of the State of Florida, as Lessor, whose address is P. O. Box 5477, Gainesville, Florida 32627, and **NexTower Development Group, LLC**, a Delaware limited liability company, as Lessee, whose address is 4210 NW 37<sup>th</sup> Place, Suite 600, Gainesville, Florida 32606.

### **RECITALS**

WHEREAS, Lessor and Lessee are parties to that certain Option and Ground Lease Agreement dated as of June 26, 2018 (the "Lease Agreement").

WHEREAS, the Lease Agreement granted to Lessee an exclusive and irrevocable option to lease a certain parcel of real property located in Alachua County, Florida, more particularly described in the Lease Agreement (the "Leased Premises") for use as a cellular communications tower, and granted easements to Lessee for access, utilities, and air rights for guy wires and anchor supports (collectively, the "Easements") for the duration of the Lease Agreement.

WHEREAS, Lessee has exercised its option to lease the Leased Premises and the Lease Agreement commenced on February 22, 2019.

A. The Lease Agreement contained a scrivener's error in that the legal description of the "Leased Premises" attached as Exhibit "A" and the legal descriptions of the Easements attached as Exhibit "B" to the Lease Agreement were incorrect.

B. Lessor and Lessee desire to replace Exhibits "A" and "B" attached to the Lease Agreement with the correct legal description of the Leased Premises and the Easements.

C. Now therefore, in consideration of the foregoing premises and other good and valuable consideration, Lessor and Lessee amend the Lease Agreement by deleting Exhibits "A" and "B" to the Lease Agreement and replacing them with Exhibits "A" and "B" attached hereto.

Except as amended herein, the Lease Agreement has not been otherwise been amended and remains in full force and effect.

***[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]***

Site Name: ACFR (NXFL-125)

IN WITNESS WHEREOF, the Lessor has executed this First Amendment to Option and Ground Lease Agreement as of this \_\_\_\_ day of \_\_\_\_\_, 2020.

Attest:

LESSOR: BOARD OF COUNTY  
COMMISSIONERS OF ALACHUA  
COUNTY, FLORIDA, a charter county and  
political subdivision of the State of Florida

\_\_\_\_\_  
Jesse K. Irby II, Clerk

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: Chair, Alachua County Board of County  
Commissioners

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

APPROVED AS TO FORM:

DocuSigned by:

*Robert C Swain*

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\_\_\_\_\_  
Alachua County Attorney

Site Name: ACFR (NXFL-125)

Witness:

Patricia S. Bugas  
Signature

Print Name: Patricia S. Bugas

LESSEE: NexTower Development Group,  
LLC

A Delaware limited liability company

By: David H. Boeff

Print Name: David H. Boeff

Title: President/CEO

Date: 10-27-2020

Jodi Boeff  
Signature

Print Name: Jodi Boeff

STATE OF FLORIDA

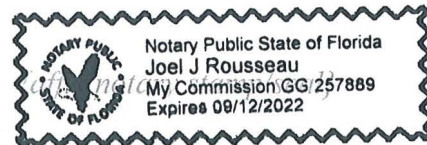
COUNTY OF Alachua

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27<sup>th</sup> day of OCTOBER, 2020, by David H. Boeff, as CEO/President of **NexTower Development Group, LLC**, a Delaware limited liability company, on behalf of the company, who is personally known to me or produced \_\_\_\_\_ as identification.

Notary Public: Joel J. Rousseau

Print Name: Joel Rousseau

My Commission Expires: 9/12/2022



Site Name: ACFR (NXFL-125)

**EXHIBIT "A"**

(Description of Leased Premises)



**STONECYPHER SURVEYING INC.**1225 NW 16<sup>TH</sup> AVENUE, GAINESVILLE, FLORIDA 32601

PHONE: 352-379-0948

**NEXTOWER DEVELOPMENT GROUP, LLC****ALACHUA COUNTY FIRE RESCUE HEADQUARTERS**  
**LEGAL DESCRIPTIONS****PARENT TRACT DEED BOOK 292, PAGE 1**

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT NORTHWEST CORNER OF LOT 14, BLOCK 3, RANGE 1, OF ROPERS ADDITION, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND RUN THENCE SOUTH 38 FEET; THENCE RUN WEST 30 FEET; THENCE RUN SOUTH 362 FEET; THENCE RUN WEST 161.4 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF NORTHWEST QUARTER (NW 1/4 OF NW 1/4) OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST, THENCE CONTINUE WEST ALONG THE SECTION LINE 619 FEET TO A RAILROAD IRON LOCATED UPON THE NORTH LINE OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST, AND ON THE WESTERN BOUNDARY OF THE LANDS ACQUIRED BY GRANTOR FROM GAINESVILLE GAS COMPANY BY DEED DATED JANUARY 21, 1947, RECORDED IN DEED BOOK 234, PAGE 20, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND BEING THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING RUN SOUTH 23 DEGREES EAST ALONG THE WESTERN BOUNDARY OF GRANTOR'S PROPERTY 934.17 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF GRANTOR'S LAND; THENCE RUN NORTH 71 DEGREES 37 MINUTES EAST ALONG THE SOUTHERLY BOUNDARY OF GRANTOR'S LAND 452.82 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF GRANTOR'S LAND; THENCE RUN NORTH 1 DEGREE 53 MINUTES WEST ALONG THE EASTERN BOUNDARY OF GRANTOR'S PROPERTY 405.5 FEET; THENCE RUN NORTH 88 DEGREES 33 MINUTES WEST 174.05 FEET; THENCE RUN NORTH 76 DEGREES 27 MINUTES WEST 464.90 FEET; THENCE RUN NORTH 50 DEGREES WEST 56 FEET; THENCE RUN NORTH 34 DEGREES 46 MINUTES WEST 197 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, AND CONTAINING 6.98 ACRES, MORE OR LESS AND BEING A PORTION OF THE LAND ACQUIRED BY GRANTOR UNDER THE AFORESAID DEED DATED JANUARY 21, 1947.

**NEXTOWER LEASE PARCEL**

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SE 8TH PLACE (A 40-FOOT RIGHT-OF-WAY) AND THE EASTERLY RIGHT-OF-WAY LINE OF SE 5TH STREET (A 30-FOOT WIDE RIGHT-OF-WAY); THENCE S24° 44' 00"E ALONG SAID EASTERLY RIGHT-OF-WAY OF SE 5TH STREET FOR 258.23 FEET; THENCE N65° 36' 24"E FOR 204.60 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE N24° 23' 36"W FOR 95.00 FEET; THENCE N65° 36' 24"E FOR 85.00 FEET; THENCE S24° 23' 36"E FOR 95.00 FEET; THENCE S65° 36' 24"W FOR 85.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND SITUATE, LYING AND BEING IN ALACHUA COUNTY, FLORIDA, CONTAINING 8,075 SQUARE FEET MORE OR LESS.

**NEXTOWER INGRESS/EGRESS & UTILITIES EASEMENT**

A 30-FOOT WIDE EASEMENT STRIP OF LAND FOR THE PURPOSES OF INGRESS/EGRESS AND UTILITIES LYING IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, SAID EASEMENT STRIP ALSO LYING 15.00 FEET ON BOTH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SE 8TH PLACE (A 40-FOOT RIGHT-OF-WAY) AND THE EASTERLY RIGHT-OF-WAY LINE OF SE 5TH STREET (A 30-FOOT WIDE RIGHT-OF-WAY); THENCE S24° 44' 00"E ALONG SAID EASTERLY RIGHT-OF-WAY OF SE 5TH STREET FOR 258.23 FEET; THENCE N65° 36' 24"E FOR 189.60 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT CENTERLINE; THENCE N24° 23' 36"W FOR 91.30 FEET; THENCE N52° 08' 19"W FOR 129.06 FEET; THENCE S71° 47' 09"W FOR 131.59 FEET TO AN INTERSECTION WITH THE SAID EASTERLY RIGHT-OF-WAY LINE OF SE 5TH STREET AND THE POINT OF TERMINUS.

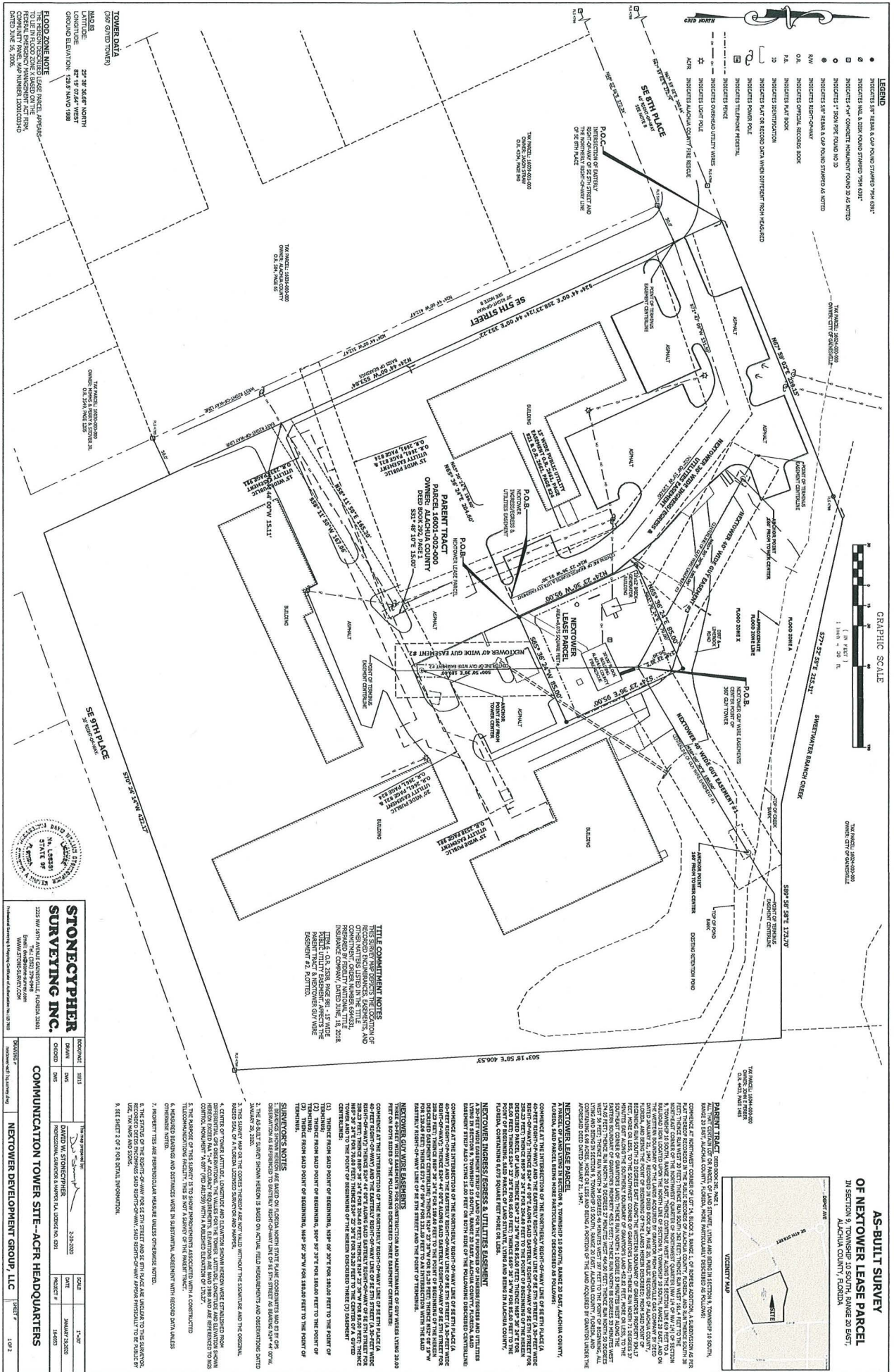
**NEXTOWER GUY WIRE EASEMENTS**

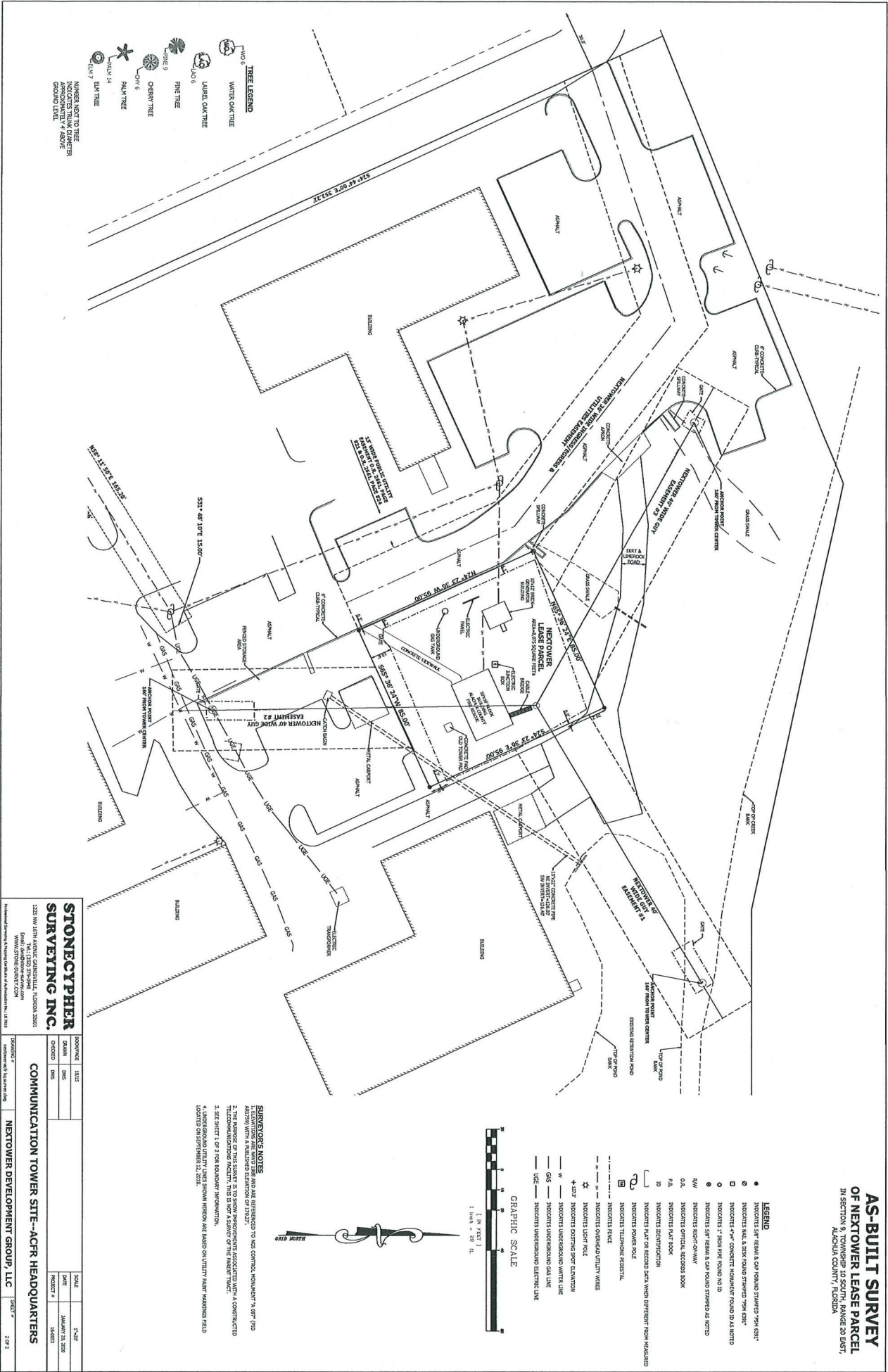
THREE 40-FOOT WIDE EASEMENTS FOR CONSTRUCTION AND MAINTENANCE OF GUY WIRES LYING 20.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED THREE EASEMENT CENTERLINES:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SE 8TH PLACE (A 40-FOOT RIGHT-OF-WAY) AND THE EASTERLY RIGHT-OF-WAY LINE OF SE 5TH STREET (A 30-FOOT WIDE RIGHT-OF-WAY); THENCE S24° 44' 00"E ALONG SAID EASTERLY RIGHT-OF-WAY OF SE 5TH STREET FOR 258.23 FEET; THENCE N65° 36' 24"E FOR 204.60 FEET; THENCE N24° 23' 36"W FOR 95.00 FEET; THENCE N65° 36' 24"E FOR 70.00 FEET; THENCE S24° 23' 36"E FOR 30.20 FEET TO THE CENTER OF A PROPOSED GUYED TOWER AND TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED THREE (3) EASEMENT CENTERLINES:

- (1) THENCE FROM SAID POINT OF BEGINNING, N59° 09' 30"E FOR 180.00 FEET TO THE POINT OF TERMINUS;
- (2) THENCE FROM SAID POINT OF BEGINNING, S00° 50' 30"E FOR 180.00 FEET TO THE POINT OF TERMINUS;
- (3) THENCE FROM SAID POINT OF BEGINNING, N60° 50' 30"W FOR 180.00 FEET TO THE POINT OF TERMINUS.







**AS-BUILT SURVEY  
OF NEXTOWER LEASE PARCEL**  
IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 20 EAST,  
ALBANY COUNTY, VERMONT

- LEGEND**
- INDICATES 5/8" REBAR & CAP FOUND EXPOSED FROM ASPH.
  - INDICATES 6" DIA. & 10" DIA. CONCRETE PIPES 75% DIA.
  - INDICATES 4" x 4" CONCRETE FOUNDATION FOUND BY AS NOTED
  - INDICATES 1" BORE HOLE FOUND NO ID
  - INDICATES 5/8" REBAR & CAP FOUND STAMPED AS NOTED
  - RAW INDICATES SURVEY CHAIN
  - O.L. INDICATES OFFICIAL RECORD BOOK
  - P.L. INDICATES PLAT BOOK
  - ID INDICATES IDENTIFICATION
  - INDICATES PLAT OR RECORD DATA WHEN DIFFERENT FROM FIELDWORK
  - INDICATES POWER POLE
  - INDICATES TELEPHONE EXCHANGE
  - INDICATES STREET
  - INDICATES OVERHEAD UTILITY WIRING
  - INDICATES LIGHT POLE
  - + 107 INDICATES EXISTING SPOT ELEVATION
  - W INDICATES UNDERGROUND WATER LINE
  - GAS INDICATES UNDERGROUND GAS LINE
  - INDICATES UNDERGROUND ELECTRIC LINE



**SURVEYOR'S NOTES**

1. ELEVATIONS ARE BASED ON THE 1985 MEAN SEA LEVEL DATUM AND ARE REFERENCED TO THE CONTROL MONUMENT 'A' 997' PMS  
ACTING WITH A RELEVANT ELEVATION OF 1007.27.

2. THE MONUMENT OF THE ADJACENT 100' x 100' LOT IS ASSOCIATED WITH A CONVEYED  
TO THE VERMONT DEPARTMENT OF LANDS AND FORESTRY ON SEPTEMBER 12, 2018.

3. THE SURVEY OF 2' X 2' BOUNDARY MONUMENTS.

4. UNDERGROUND UTILITY LINES SHOWN WERE BASED ON UTILITY PLANT RECORDS  
LOCATED ON SEPTEMBER 12, 2018.

**STONECYPHER  
SURVEYING INC.**

1232 HWY 10N, ALBANY, VERMONT 05470-2001

TEL: (802) 255-9988

WWW.STONECYPHER.COM

Professional Surveying & Mapping Certificate of Authorization No. 12,781

BOOKING	DATE	SCALE
DRAWN	DATE	7"=1"
CHECKED	DATE	3/24/2023
DATE	DATE	14-0000

**COMMUNICATION TOWER SITE - ACER HEADQUARTERS**

PROJECT # NEXTOWER DEVELOPMENT GROUP, LLC

2023