

STATE OF MINNESOTA
COMMUNICATIONS FACILITY
USE AGREEMENT AMENDMENT

Agreement #98282
Amendment 2
Duluth Tower

THIS AMENDMENT, by and between State of Minnesota, Department of Transportation, hereinafter referred to as Mn/DOT, and City of Duluth Police Department, hereinafter referred to as DPD;

WHEREAS, the Commissioner of Transportation is empowered by Minnesota Statute 174.70, Subd. 2 to enter into agreements to permit non-state owned communications equipment on Mn/DOT owned communications towers, land, buildings or other structures which are under the jurisdiction of the Commissioner of Transportation, and

WHEREAS, Mn/DOT and the DPD entered into Agreement No. 98282, dated March 17, 2011, and Amendment 1 dated July 3, 2012, involving the use of antenna space on Mn/DOT's Tower and a designated location in Mn/DOT's communications shelter located at 329 West 10th St. in the city of Duluth, MN;

WHEREAS, MN/DOT and DPD deem certain amendments and additional terms and conditions mutually beneficial for the effective continuation of said Agreement;

NOW THEREFORE, MN/DOT and DPD agree to substitution and/or addition of the following terms and conditions, which shall become a part of Agreement No. 98282, effective as of the date set forth hereinafter.

WHEREAS, DPD has proposed to add an additional panel antennas to the Communications Facility, as agreed to in said Lease Section 8., DPD's proposal shall be included herein by Amendment hereto;

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants herein contained, which each of the parties hereto acknowledge as adequate and sufficient, it is hereby agreed as follows:

4. PAYMENT OF ELECTRICAL SERVICES

4.1 DPD agrees to pay to Mn/DOT for eight (8) base stations, payable annually in the amount of five hundred dollars and zero cents (\$500.00) which shall commence on October 1, 2019, Rates shall be applied as noted below:

1 to 2 Stations	= \$300.00 per year
3 to 4 Stations	= \$400.00 per year

5 or more Stations = \$500.00 per year

Except as modified by the provisions of this Amendment, said Lease is ratified and confirmed as originally written.

ATTACHMENTS

Revised Exhibit B1 – Tower Diagram with DPD Antenna Location

IN WITNESS WHEREOF, the parties have set their hands on the date(s) indicated below intending to be bound thereby.

THE CITY OF DULUTH POLICE DEPARTMENT:

DPD certifies that the appropriate person(s) have executed the Use Agreement on behalf of DPD as required by applicable articles, bylaws, resolutions or ordinances

By _____
Print Name: _____
Title: Deputy Chief
(Print or type)
Date _____

CITY OF DULUTH

By _____
Print Name: _____
Title: Mayor
(Print or type)
Date: _____

Attest: _____
Print Name: _____
Title: City Clerk
(Print or type)
Date: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney

Mn/DOT:

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
OFFICE OF ELECTRONIC COMMUNICATIONS

By _____
Timothy Lee
Title Director
Date _____

APPROVED:

MNDOT CONTRACT MANAGEMENT

By _____
Title _____
Date _____