

**RESOLUTION OF THE
TOWN OF PIERCE BOARD OF TRUSTEES**

RESOLUTION #2022-05

**A RESOLUTION APPROVING THE SECOND AMENDMENT
TO THE LEASE AGREEMENT BETWEEN THE TOWN OF PIERCE
AND SKYBEAM, LLC d/b/a RISE BROADBAND**

WHEREAS, the Board of Trustees of the Town of Pierce (the “Town”) pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

WHEREAS, the Town and Skybeam, LLC d/b/a Rise Broadband (“Rise Broadband”) were parties to a certain Skybeam Antenna Placement Agreement dated July 12, 2010, as amended June 13, 2011, whereby the Town granted Rise Broadband the right to use a certain portion of the water tower and elevator located at or near 240 Main Street, Pierce, CO 80650 for placement of broadband facilities (the “Lease Agreement”); and

WHEREAS, the term of the Lease Agreement have expired, but Rise Broadband has approached the Town with a request to amend the Lease Agreement to extend it for an additional five-year term; and

WHEREAS, attached hereto as Exhibit A is the Second Amendment to the Lease Agreement (“Second Amendment”) between the Town and Skybeam, LLC d/b/a Rise Broadband; and

WHEREAS, the Board of Trustees is familiar with the Second Amendment and finds it to be in the best interest of the Town, its residents, and the general public to enter into the Second Amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF PIERCE, COLORADO AS FOLLOW:**

Section 1. Approval

The Second Amendment to the Lease Agreement with Skybeam, LLC d/b/a Rise Broadband is hereby approved in substantially the form attached hereto as Exhibit A, with such modifications and additions as the Town Clerk, in consultation with Legal Counsel, determines to be necessary and appropriate to protect the interests of the Town or effectuate the purposes set forth herein and not otherwise inconsistent with this resolution.

The foregoing Resolution was adopted at a regularly scheduled meeting of the Board of Trustees of the Town of Pierce, held on March 14, 2022, which meeting was duly and properly called.

PASSED, ADOPTED AND APPROVED this 14th day of March, 2022.

TOWN OF PIERCE

By: _____
Nansi Crom, Mayor

ATTEST:

By _____
Kristina Duran, Town Clerk

APPROVED AS TO FORM:

James Godbold, Town Attorney