

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND NEXTEL WEST CORP. TO INSTALL, MAINTAIN AND OPERATE ANTENNA EQUIPMENT ON VILLAGE PROPERTY

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois as follows:

1. That the form and substance of a certain Second Amendment ("Amendment No. 2"), between the between the Village of Downers Grove ("Landlord") and Nextel West Corp. ("Tenant") for a license agreement to install, maintain and operate antenna equipment on Village property located at 1037 Summit, Downers Grove, IL, as set forth in Amendment No. 2 submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver Amendment No. 2, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Amendment No. 2.

4. That all resolutions or parts of resolutions in conflict with the provision of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____

Village Clerk

Premises Name: Downers Grove Water Tank

¹Premises ID #: IL 3030

AMENDMENT NO. 2 TO LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND NEXTEL COMMUNICATIONS TO INSTALL, MAINTAIN AND OPERATE ANTENNA EQUIPMENT ON VILLAGE PROPERTY

This Amendment No. 2 ("Amendment") to License Agreement between the Village of Downers Grove and Nextel Communications to Install, Maintain and Operate Antenna Equipment on Village Property dated March 7, 2000 (the "Agreement") by and between the Village of Downers Grove, an Illinois municipal corporation ("Village") and Nextel West Corp., a Delaware corporation ("Licensee") is effective as of the date last signed below ("**Effective Date**").

BACKGROUND

Licensee desires to allow its affiliates or joint venture partners to use some portion of Licensed Property for the deployment of advanced wireless services.

Licensee and the Village therefore desire to modify the provisions of the Agreement as provided below.

AGREEMENT

For good and valuable consideration the receipt and sufficiency of which is acknowledged, the Village and Licensee agree as follows:

1. **Modification to the Property.** Exhibit 2 of the Agreement is amended to include the revised Exhibit 2.1, consisting of lease drawings labeled T-1, C-1, C-2 and C-3, a copy of which is attached and made a part hereof. Upon full execution of this Amendment, Licensee is permitted to do all work necessary to prepare, maintain and alter the Property to install, modify or otherwise relocate the Property, all as more fully described and contemplated in Exhibit 2.1.

2. **Expiration or Termination of Sublicense.** If Licensee's sublicensee (i) does not install, construct or add equipment to the Licensed Property, or (ii) installs equipment, but later removes the equipment, then upon written notice to the Village, Licensee may terminate this Amendment. After terminating the Amendment, the terms and conditions of the Agreement as they existed immediately prior to the Effective Date of this Amendment shall be deemed ratified, and shall continue in full force and effect. Rent shall revert to the amount in effect immediately prior to the Effective Date of this Amendment, plus any rental increases, including annual escalators or rent increases due to other Licensed Property modifications made by Licensee, which occurred during the period of time between the Effective Date of this Amendment and the termination date of this Amendment.

3. **Modification to Rent.** In consideration for the revisions contemplated by this Amendment, effective upon the first day of the month following the date the Property is modified, the monthly rent will be increased by \$500.00.

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4. **Licensee's Notice Address.** Licensee's notice address in Section 23 of the Agreement is hereby deleted in its entirety and replaced with the following:

Sprint/Nextel Property Services
Mailstop KSOPHT0101-Z2650
6391 Sprint Parkway
Overland Park, Kansas 66251-2650

With a mandatory copy to:

Sprint/Nextel Law Department
Mailstop KSOPHT0101-Z2020
6391 Sprint Parkway
Overland Park, Kansas 66251-2020
Attn.: Real Estate Attorney"

5. **General Terms and Conditions.**

(a) All capitalized terms used in this Amendment, unless otherwise defined herein, will have the same meaning as the terms contained in the Agreement.

(b) In case of any inconsistencies between the terms and conditions contained in the Agreement and the terms and conditions contained in this Amendment, the terms and conditions herein will control. Except as set forth below, all provisions of the Agreement are ratified and remain unchanged and in full force and effect.

(c) This Amendment may be executed in duplicate counterparts, each of which will be deemed an original.

(d) Each of the parties represent and warrant that they have the right, power, legal capacity and authority to enter into and perform their respective obligations under this Amendment.

SIGNATURES ON FOLLOWING PAGE

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The parties have executed this Amendment as of the Effective Date.

Village:

Village of Downers Grove,
an Illinois municipal corporation

By: _____

Name: _____

Title: _____

Date: (Date must be completed)

Licensee:

Nextel West Corp.,
a Delaware corporation

By: *Holly S. Castellanos*

Name: Holly S. Castellanos

Title: Manager, Real Estate

Date: (Date must be completed) 9/1/09

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Exhibit 2.1

[see attached]

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clearwire[®]

TECHNOLOGIES, INC.

CLEARWIRE ID: CHI5782
 SPRINT/NEXTEL ID: CH01YC782/IL-3030
 SITE NAME: DOWNTOWN DOWNERS
 11037 SUMMIT ST.
 DOWNS GROVE, IL 60515

clearwire[®]
 TECHNOLOGIES, INC.
 3525 LAKE WASHINGTON BLVD., #E
 SUITE 200
 MENA, IL 60051
 TEL: (433) 314-7033
 FAX: (433) 314-7802



KCS CORPORATION
 CORPORATION
 1155 BROADWAY, 2ND FLOOR, 10713
 PRINCETON, NJ 08542
 TEL: (609) 799-0000
 FAX: (609) 799-0001
 www.kcs.com

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SIGNATURE: _____
 DATE: _____ EXPIRES: 11/30/09

REV	DESCRIPTION	DATE
5		
4		
3		
2		
1		
0	ISSUED FOR LEAS	1/25/09

DOWNERS GROVE
 CHI5782
 107 SUMMIT STREET,
 DOWNS GROVE, IL 60515

TITLE SHEET

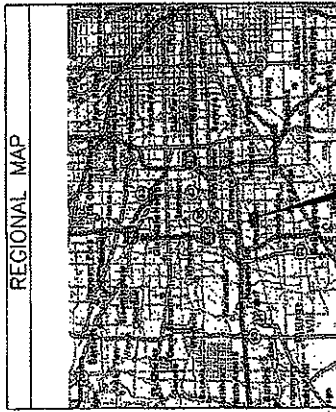
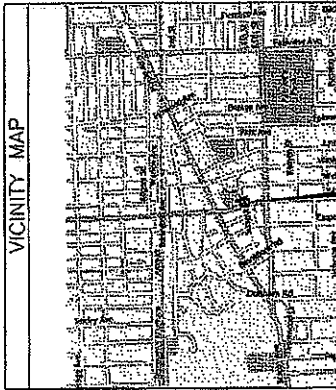
NO.	NAME	DATE
1	OWNER	
2	DESIGNER	
3	CHECKER	
4	IN CHARGE	
5	DATE	

T-1

SHEET No.	TITLE	SHEET TITLE	REV. No.
T-1	SITE PLAN		
C-1	POWER GENERATORS		
C-2	ANTENNA AND COAXIAL CABLES DETAILS		
C-3			

APPLICABLE CODES
 ANSI/EMWA-222-G STRUCTURAL STANDARDS FOR STEEL
 ANTENNA SUPPORTING STRUCTURES.
 IBC - INTERNATIONAL BUILDING CODE 2006
 NFPA 70 - NATIONAL ELECTRICAL CODE
 UNDERWRITERS LABORATORIES APPROVED ELECTRICAL PRODUCTS
 AMERICAN INSTITUTE OF STEEL CONSTRUCTION, 13TH EDITION
 LIFE SAFETY CODE NFPA-101-1997

APPROVALS
 CLEARWIRE REPRESENTATIVE: _____
 CLEARWIRE RF ENGINEER: _____
 SITE OWNER: _____



PROJECT INFORMATION
 SITE ADDRESS: 1037 SUMMIT ST.,
 DOWNS GROVE, IL 60515
 PROPERTY OWNER: SPRINT
 APPLICABLE: CLEARWIRE (BY RD.
 ROSELAND, IL 60018)
 LATITUDE: N 43° 47' 17.88"
 LONGITUDE: W 88° 0' 35"
 JURISDICTION: DOWNS GROVE
 ACCESS CODE: N/A

DO NOT SCALE DRAWINGS
 CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS &
 CONDITIONS IN THE FIELD. ANY DISCREPANCIES SHOULD BE
 REPORTED TO THE ENGINEER IMMEDIATELY. THE ENGINEER
 ENGINEER IN CHARGE SHALL BE RESPONSIBLE FOR THE WORK
 WITH THE WORK OR BE RESPONSIBLE FOR SAME.

DRIVING DIRECTIONS
 1 TAKE OUR GOING SOUTH ON N RIVER RD TOWARD WILLIAMS ST.
 2 TAKE THE RIGHT TURN ON S VAL THE RAMP ON THE LEFT
 3 MERGE ONTO I-55 W/ROSA RD REAGAN MEMORIAL TOLLWAY
 TOWARD E-W TOLLWAY/AURORA (PORTIONS TOLL).
 4 TAKE THE RAMP TOWARD ADDRESS/ COLLEGE/HILLER
 5 TAKE THE RAMP TOWARD ADDRESS/ COLLEGE/HILLER
 6 TAKE THE RAMP TOWARD ADDRESS/ COLLEGE/HILLER
 7 FOLLOW CH-4 S. B. CH-9 S. CONTINUE
 8 TURN LEFT ONTO SUMMIT ST. 10 END AT 1037 SUMMIT ST

UNDERGROUND
 CALL TOLL FREE
 1-800-492-0123
 THREE WORKING DAYS BEFORE YOU DIG

UTILITIES INFORMATION
 POWER FROM EXIST. IBM/CX CABINET

Handwritten signature

clearwire[®]
TECHNOLOGIES, INC.
5308 LAKE WASHINGTON BLVD., NE
SUITE 300
REDMOND, WA 98073
TEL: (425) 248-7500
FAX: (425) 248-7600

KCS
CORPORATION
COMMUNICATIONS
1100 8th Street, Suite 200
Redmond, WA 98073
TEL: (509) 881-1100 FAX: (509) 881-1110
www.kcs.com

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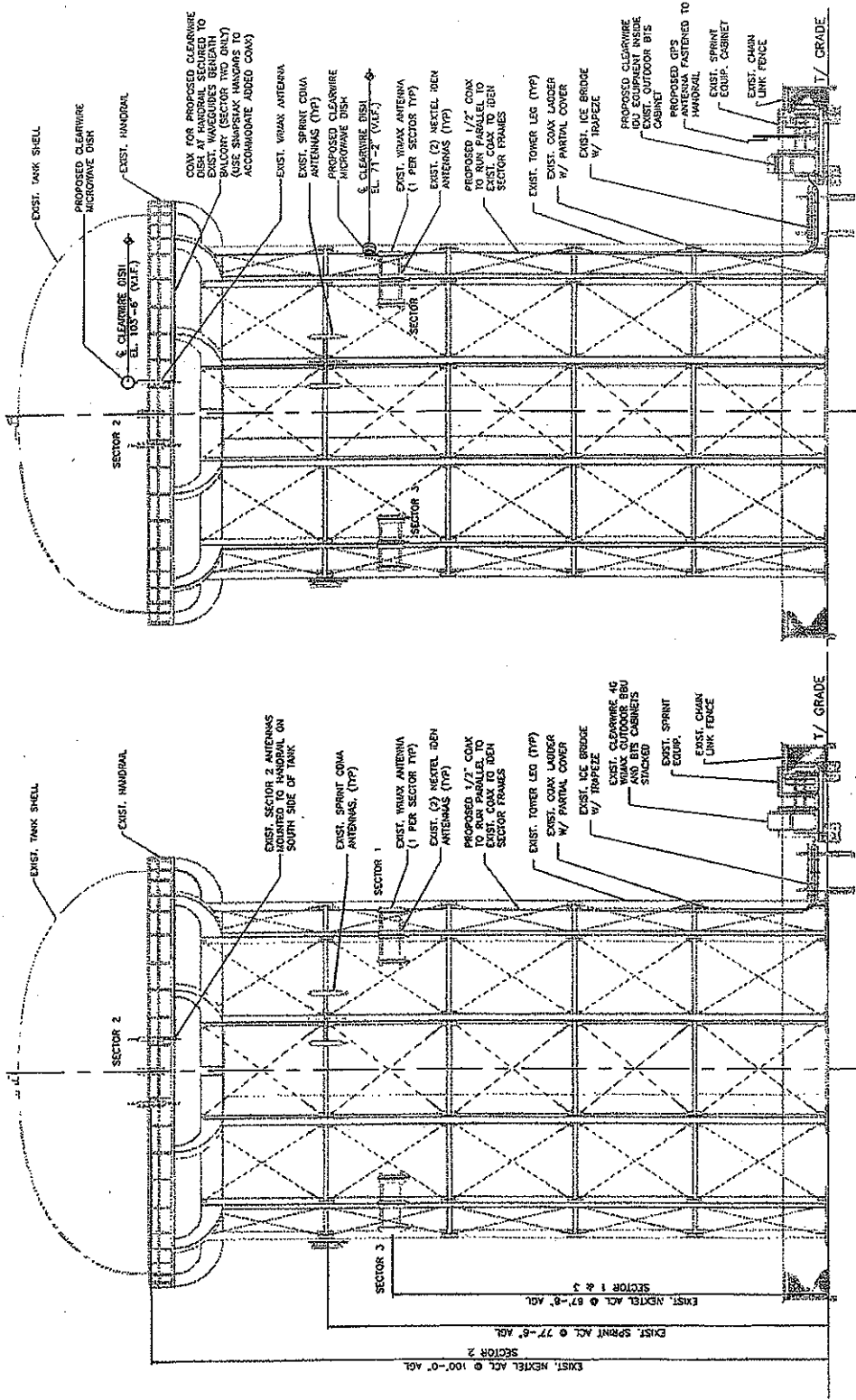
SIGNATURES: _____ DATE: 11/20/09
DATE: _____ D/PASS: 11/20/09

REV.	DESCRIPTION	DATE
1	ISSUED FOR LEAS	11/20/09
2		
3		
4		
5		

DOWNERS GROVE
CH15782
181 SHAMUT STREET,
DOWNERS GROVE, IL 60515

ELEVATION

Sheet No.	Project No.
C-2	



2. TOWER ELEVATION W/ PROPOSED ANTENNAE
SCALE: 1/16"=1'-0"

1. EXIST. TOWER ELEVATION
SCALE: 1/16"=1'-0"

COAX NOTE:
- ALL EXISTING COAX AND IDEN COAX NOT SHOWN FOR CLARITY.
- ALL EXISTING COAX AND IDEN COAX IS 10'

IF AVAILABLE, TOWER INVENTORY AND STRUCTURAL ANALYSIS FOR LOADS DUE TO PROPOSED INSTALLATION OF ANY ANTENNAS PRIOR TO INSTALLATION OF ANY ANTENNAS.

Handwritten initials/signature

clearwire[®]
TECHNOLOGIES, INC.

5600 LAKE WASHINGTON BLVD. 1E
SUITE 200
REDMOND, WA 98053
PHONE (425) 881-1100
FAX (425) 218-1320



KCS CORPORATION
REGISTERED ENGINEER
1125 N. BROADWAY RD., SUITE 100, A, 60142
PHOENIX, AZ 85018
PHONE (602) 491-5115
WWW.KCS-CORP.COM

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DATE: _____

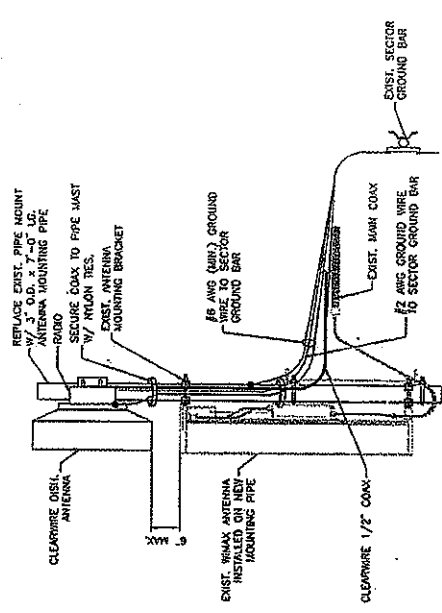
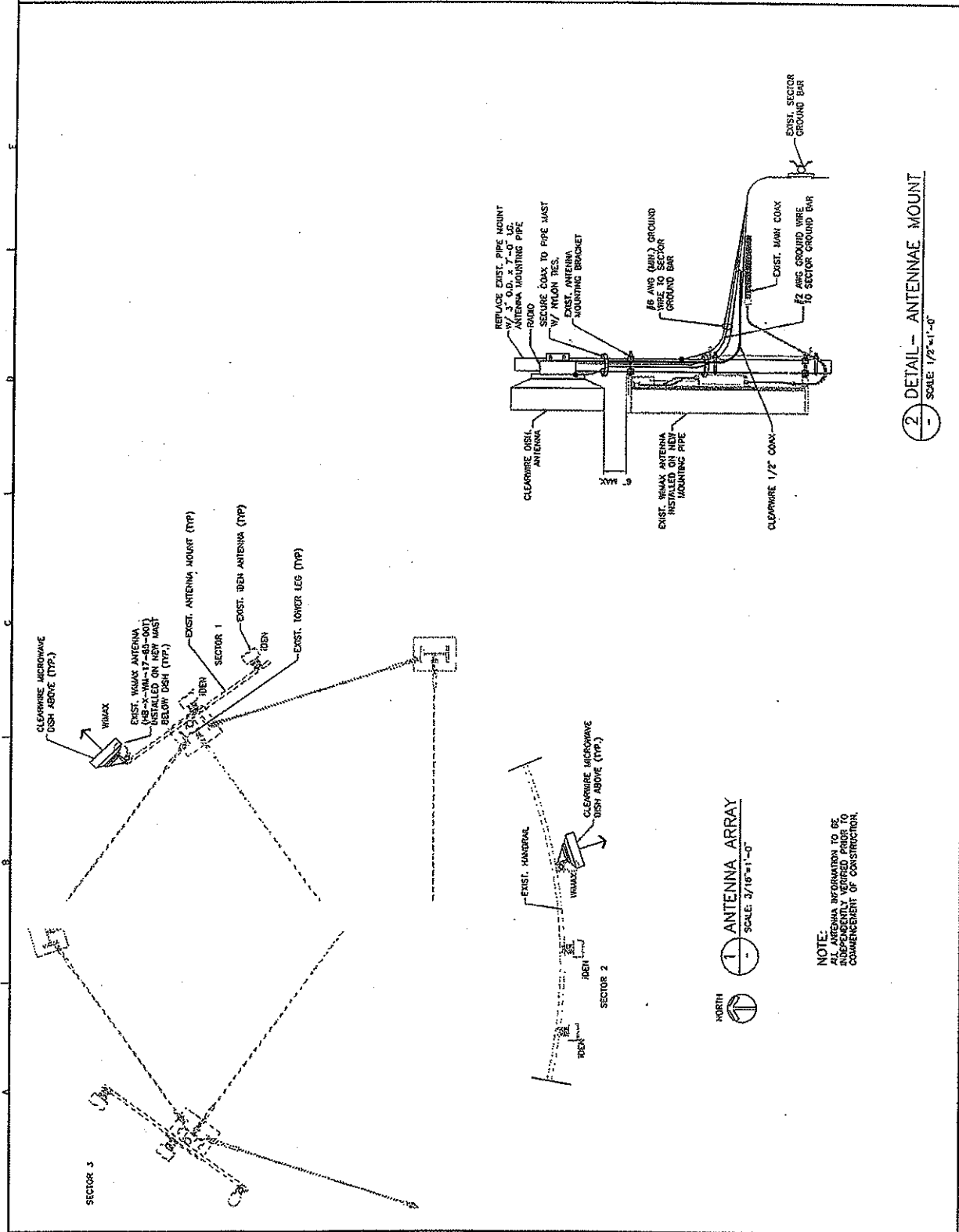
REV	DESCRIPTION	DATE
1	ISSUED FOR LEASE	3/29/97
2		
3		
4		
5		

DOWNERS GROVE
CH15782

107 SWAN STREET,
DOWNS GROVE, IL 60515

ANTENNA AND COAXIAL
CABLES DETAILS

Project No.	CH15782
Drawn By	WJ
Check By	WJ
Date	3/29/97
Scale	As Shown
Sheet No.	C-3



2 DETAIL - ANTENNAE MOUNT
SCALE: 1/2"=1'-0"

1 ANTENNA ARRAY
SCALE: 3/16"=1'-0"

NOTE:
ALL ANTENNA INFORMATION TO BE INDEPENDENTLY VERIFIED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

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