

Palm Beach County Zoning Division
2300 N. Jog Road
West Palm Beach, Florida 33411
Phone: (561) 233-5200
Fax: (561) 233-5165



COMMERCIAL COMMUNICATION TOWER REMOVAL AGREEMENT

This Agreement is made this ____ day of _____, 20__ by and between _____, a _____ corporation (TOWER OPERATOR), having an address of _____, _____, and _____, property owner (OWNER) having an address of _____, _____, and Palm Beach County, a political subdivision of the State of Florida.

WHEREAS, TOWER OPERATOR owns and operates a commercial communication tower within the County of Palm Beach (COUNTY) located on land leased to TOWER OPERATOR by OWNER and more fully described in the legal description attached as Exhibit "A".

WHEREAS, TOWER OPERATOR intends to use said tower as a commercial communication tower; and

WHEREAS, COUNTY has granted TOWER OPERATOR an approval to use the property for a commercial communication tower, and has granted a permit to erect a commercial communication tower; and

WHEREAS, the parties make this Agreement pursuant to Article 4.B.9 Commercial Communication Tower, of the Unified Land Development Code of Palm Beach County, Florida (December 4, 2003) and as amended.

NOW, THEREFORE, in consideration of ten dollars (\$10.00), and the granting of the use of the property for a commercial communication tower, it is agreed as follows:

1. TOWER OPERATOR and OWNER agree that in the event the commercial communication tower located on the real property described above shall become abandoned (as defined in Article 4.B.9.G.1) or ceases to be used, TOWER OPERATOR and OWNER shall remove said tower within three (3) months of the cessation of use.

2. Abandonment or cessation of use shall be defined as the non-use of the tower for the purposes permitted, by the TOWER OPERATOR or any of its lessees or OWNER. Use shall be defined as the reception or broadcasting of radio, light or electromagnetic type signals to or from the communication tower.

3. This Agreement shall be binding upon TOWER OPERATOR, OWNER, and their assigns and successors.

4. TOWER OPERATOR or OWNER shall notify Palm Beach County Zoning Division within thirty (30) days of cessation of use.

5. In the event that TOWER OPERATOR or OWNER fail to remove the tower within the three (3) months set forth herein, COUNTY may have the tower removed without notice and OWNER shall be responsible for the COUNTY's reasonable direct and indirect costs of removal. TOWER OPERATOR or OWNER has posted surety which COUNTY shall draw to pay the cost of removal. The COUNTY may record a lien against the real property or personal property of OWNER and TOWER OPERATOR for costs of removal which exceed the surety or if the surety is invalid or expired for any reason.

6. COUNTY shall not be responsible to OWNER or TOWER OPERATOR for damage to any structures or property caused through removal of the tower.

7. This Agreement shall be recorded in the Public Records of Palm Beach County, Florida and shall run with the land and be binding on any successor or assigns of OWNER and OPERATOR.

WHEREFORE, the parties hereto have entered into this Agreement the year and date first stated above.

Witnesses:

Signature

Printed Name

Signature

Printed Name

OWNER:

Signature

Printed Name

Company

Phone No.

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to and subscribed before me this ____ day of _____, 20__, by _____, who is personally known _____ or produced identification _____ (Type of Identification Produced) _____.

My commission expires:

Notary Public, State of Florida

Print, Type or Stamp Commissioned Name of Notary

Witnesses:

Signature

Printed Name

Signature

Printed Name

TOWER OPERATOR:

Signature

Printed Name

Company

Phone No.

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to and subscribed before me this ____ day of _____, 20__, by _____, who is personally known _____ or produced identification _____ (Type of Identification Produced) _____.

My commission expires:

Notary Public, State of Florida

Print, Type or Stamp Commissioned Name of Notary

PALM BEACH COUNTY:

By: _____
Zoning Director or designee

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to and subscribed before me this ____ day of _____, 20__, by _____, who is personally known _____ or produced identification _____ (Type of Identification Produced) _____.

My commission expires:

Notary Public, State of Florida

Print, Type or Stamp Commissioned Name of Notary

EXHIBIT A
LEGAL DESCRIPTION