



Legislation Details (With Text)

**File #:** 11483      **Version:** 1      **Name:** #3973 License - Verizon-Larkin Tower - First Amendment

**Type:** Resolution      **Status:** Passed

**File created:** 7/29/2008      **In control:** BOARD OF ESTIMATES (ended 4/2017)

**On agenda:** 9/2/2008      **Final action:** 9/2/2008

**Enactment date:** 9/3/2008      **Enactment #:** RES-08-00814

**Title:** Authorizing the execution of a First Amendment to License pertaining to a license with Verizon Wireless Personal Communications LP at the Larkin Tower located at 125 Larkin Street.

**Sponsors:** Tim Gruber

**Indexes:**

**Code sections:**

**Attachments:** 1. 3973 License- Verizon-Larkin Tower-First Amendment-Exhibit A.pdf

Date	Ver.	Action By	Action	Result
9/2/2008	1	COMMON COUNCIL	Adopt	Pass
8/25/2008	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
8/20/2008	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
8/5/2008	1	BOARD OF ESTIMATES (ended 4/2017)	Refer	
8/5/2008	1	COMMON COUNCIL	Refer	
7/29/2008	1	Community and Economic Development Unit	Referred for Introduction	

**Fiscal Note**

The annual license fee shall increase by approximately \$2,400 (i.e., from \$18,473 to approximately \$20,873 for the current year). Such increased license fee will be deposited in a segregated revenue fund (SO-03). The funds will be used to support lead service replacement rebates, to provide water fountains (bubblers) in Madison area parks, or for other such uses as the Common Council may decide. There will be no impact on State cost controls or the tax levy.

**Title**

Authorizing the execution of a First Amendment to License pertaining to a license with Verizon Wireless Personal Communications LP at the Larkin Tower located at 125 Larkin Street.

**Body**

WHEREAS, the City is the owner of the Larkin communications tower (the "Tower"), located at 125 Larkin Street; and

WHEREAS, the City and Verizon Wireless Personal Communications LP (f/k/a PrimeCo Personal Communications, L.P.) ("Verizon") are parties to a license, dated June 18, 1997 ("License") pertaining to the placement by Verizon of telecommunications equipment on the Tower and a communications shelter on land near the base of the Tower; and

WHEREAS, such License was authorized by Resolution Number 54252, ID Number 21302, adopted by the Common Council June 3, 1997; and

WHEREAS, the original term of the License was for the period from June 1, 1997 through May 31, 2007, and the License was renewed for the five (5)-year period running from June 1, 2007 through May 31, 2112; and

WHEREAS, Verizon desires to locate an emergency back-up gas generator at the site; and

WHEREAS, the terms of an amendment to the License have been negotiated between Verizon, the City's Communications Supervisor in the Traffic Engineering Division, and City Real Estate staff, allowing for the installation, operation and maintenance of a back-up gas generator at the site in the vicinity of Verizon's existing communications shelter.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into a First Amendment to License with Verizon Wireless Personal Communications LP ("Verizon") allowing for the installation, operation and maintenance of a back-up gas generator at the City's Larkin Tower (the "Tower"), located at 125 Larkin Street (the "Property"), at the location depicted on attached Exhibit A, on the following terms and conditions:

1. Verizon shall be permitted to install an approximately 5.5 ft. x 8 ft. x 9.5 ft. back-up gas generator ("Generator") on the Property, together with wiring and conduit as necessary to connect to its equipment on the Tower and in its communications shelter, and to provide necessary utility services thereto.
2. The Generator shall be located and erected in accordance with plans and specifications approved by the City of Madison Communications Supervisor.
3. The annual license fee payable by Verizon shall be increased by the amount of \$2,400, prorated for the current year's billing period, which runs from June 1, 2008 through May 31, 2009. Such increased license fee shall be subject to 4% annual increases effective as of June 1 of each year, as provided in the License.
4. All terms, conditions, rights and responsibilities relating to the "Shelter," as that term is defined in the License, shall apply to the Generator.
5. All other provisions of the License shall remain unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute any and all documents to complete this transaction.