



Legislation Text

File #: 17528, **Version:** 1

Fiscal Note

No fiscal or budgetary impact.

Title

Authorizing the execution of an Amendment of Licenses and related Escrow Agreements pertaining to existing licenses between the City and Airadigm Communications, Inc. for the location of telecommunication facilities on City water towers.

Body

WHEREAS, the City of Madison ("City") and Airadigm Communications, Inc. ("Airadigm") are parties to licenses allowing for Airadigm's siting and use of telecommunications equipment at the following three (3) water tower sites: the Spaanem Water Tower located at 4740 Spaanem Avenue, the Bunker Hill Water Tower located at 4701 Bunker Hill Lane, and the Prairie Road Water Tower located at 2829 Prairie Road; and

WHEREAS, each of the Licenses requires Airadigm to keep in effect throughout the term of the License a \$5,000 surety bond, with performance payment and maintenance clauses payable to the City, to ensure Airadigm's compliance with the requirement to remove all equipment installed at the water tower site upon the expiration, termination or revocation of the License; and

WHEREAS, Airadigm has requested that in lieu of the surety bonds, it be permitted to enter into an escrow agreement for each of the water tower sites, in the amount of \$5,000 each; and

WHEREAS, Airadigm has prepared the necessary Amendment to Licenses and Escrow Agreements, and such documents have been reviewed and approved by the City Attorney's Office and Office of Real Estate Services.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an Amendment to Licenses ("Amendment") for the following three (3) water tower sites: the Spaanem Water Tower located at 4740 Spaanem Avenue, the Bunker Hill Water Tower located at 4701 Bunker Hill Lane, and the Prairie Road Water Tower located at 2829 Prairie Road, which Amendment shall be on the following terms and conditions:

1. The final sentence of Paragraph 20 of each License requiring Airadigm, as the "Licensee," to post a surety bond shall be replaced with the following:

"The Licensee shall provide the City with security for the performance payment and maintenance obligations of the Licensee under the terms of this License by entering into an escrow agreement in the amount of Five Thousand Dollars (\$5,000) (the "Escrow Agreement"). Under the terms of the Escrow Agreement, the City shall be the beneficiary of the Escrow Agreement to ensure the Licensee's compliance with its performance payment and maintenance obligations as described in this License."

2. All other provisions of the Licenses shall remain unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute the aforementioned Escrow Agreements for each of the water tower sites and any and all other documents that may be required to accomplish the purpose of this resolution.