



Legislation Text

File #: 05056, **Version:** 1

Fiscal Note

The Licensee will continue to pay an annual license fee. Due to the Licensee's election to place three (3) additional antennas on the water tower, as allowed for under the current terms of the License, the annual license fee shall increase by approximately \$2,740 (from \$16,423 to approximately \$19,163 for the current year). The License Fee shall continue to be subject to a 4% annual escalation. The revenues from this license, less any direct costs incurred by the Water Utility in the administration of the license, are deposited in a special revenue fund (SO-03). In addition to normal direct costs, there is a payment to Dane County equal to 50% of the net proceeds of the license revenues to pay for the use of County-owned land to site the telecommunications facilities. The remainder of the funds are used to support lead service replacement rebates. There will be no impact on State cost controls.

Title

Authorizing the execution of a Second Amendment to License pertaining to a license with Sprint Spectrum L.P. at the Lakeview Water Tower, located at 1202 Northport Drive. 18th Ald. Dist.

Body

WHEREAS, the City is the owner of the Lakeview water tower (the "Tower"), located on lands owned by Dane County at 1202 Northport Drive; and

WHEREAS, Dane County and the City are parties to an easement providing the City with a perpetual, exclusive easement over a portion of the County-owned property defined as the "Tower Easement Area" for the operation of the Tower, booster pump station, water main facilities and telecommunications shelter, together with a perpetual non-exclusive easement over a portion of the County-owned property for purposes of pedestrian and vehicular ingress and egress to and from the Tower Easement Area; and

WHEREAS, the Easement also permits the City to grant licenses to a maximum of four (4) telecommunication companies for the construction, operation, maintenance, repair, replacement and removal of telecommunications equipment and improvements on the Tower and within the Tower Easement Area; and

WHEREAS, the City and Sprint Spectrum L.P. ("Sprint") are parties to a license, dated March 19, 1998, as amended by Amendment to License dated March 25, 2004 (collectively, the "License") pertaining to the placement by Sprint of telecommunications equipment on the Tower and equipment cabinets within the Tower Easement Area; and

WHEREAS, such License was authorized by Resolution Number 54707, ID Number 22422, adopted by the Common Council on November 11, 1997; and

WHEREAS, Sprint currently has six (6) antennas on the Tower and occupies approximately 133 square feet of ground space beneath the Tower for its equipment cabinets; and

WHEREAS, in accordance with the current terms of the License, Sprint desires to exercise its right to place three (3) additional antennas on the Tower; and

WHEREAS, in conjunction with the placement of additional antennas on the Tower, Sprint needs to expand its equipment cabinets on the ground; and

WHEREAS, representatives of Sprint and Madison Water Utility staff have determined that there is not enough ground space under the Tower to accommodate Sprint's additional equipment cabinets; and

WHEREAS, Sprint has requested permission from the City to remove its existing equipment cabinets from beneath the Tower and to erect an equipment shelter within the Tower Easement Area for the housing of all of its equipment cabinets and related equipment; and

WHEREAS, staff from the City's Water Utility and Real Estate Section and Sprint have negotiated terms and conditions for an amendment to the License allowing Sprint to remove its existing equipment cabinets from beneath the Tower and to construct an equipment shelter at the site.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into a Second Amendment to License with Sprint Spectrum L.P. ("Sprint") allowing for the removal of Sprint's existing equipment cabinets and the construction by Sprint of an equipment shelter at the City's Lakeview water tower, located within the "Tower Easement Area" and generally depicted on attached Exhibit A, on the following terms and conditions:

1. The License shall be amended to provide that Sprint shall erect an approximately 240 square foot telecommunications shelter ("Shelter") within the Tower Easement Area, together with wiring and conduit as necessary to connect its equipment on the Tower to its equipment in the Shelter and to provide necessary utility services thereto. Such work shall be completed no later than October 31, 2007.
2. The License shall be amended to provide that the Shelter shall be located and constructed in accordance with plans and specifications approved by the City of Madison Water Utility Manager.
3. The License shall be amended to provide that Sprint shall remove its existing equipment cabinets, platform grid, concrete piers, and all other ancillary equipment and improvements located beneath the Tower no later than October 31, 2007. Sprint shall repair any damages it causes to the land to a condition equivalent to that which existed prior to the date that Sprint first occupied the Tower Easement Area.
4. All terms, conditions, rights and responsibilities relating to Sprint's equipment "Cabinets," as that term is defined in the License, shall apply to the Shelter.
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.