



## Legislation Text

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**File #:** 70109, **Version:** 1

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### **Fiscal Note**

As stated in the attached lease agreement, the “Lessee” shall pay a base annual fee of \$30,000, subject to a 3% annual escalator. Generated revenues from this lease will be deposited into the Parks Division’s operating budget (51110-43522). No additional City appropriation is required.

### **Title**

Authorizing the execution of a Lease with Cellco Partnership d/b/a Verizon Wireless, for premises at McPike Park located at 1130 E. Wilson Street. (6th AD)

### **Body**

WHEREAS, the City is the owner of certain real property located at 1130 E. Wilson Street, Madison, Wisconsin, and depicted on attached Exhibit A (“Property”), also known as McPike Park; and

WHEREAS, the City acquired the Property pursuant to an Award of Compensation dated July 27, 2017 and recorded July 31, 2017 as Document No. 5345476; and

WHEREAS, when the City acquired the Property, it was subject to a Site Agreement dated May 29, 1997 (“1997 Agreement”) between the prior owners and PrimeCo Personal Communications, L.P., as predecessor-in-interest to Cellco Partnership d/b/a Verizon Wireless, a Delaware general partnership (“Lessee”), which 1997 Agreement allows for the siting and operation of a telecommunications tower and associated equipment on a portion of the Property (“Site”); and

WHEREAS, pursuant to a Memorandum of Lease, dated July 16, 2015 and recorded with the Dane County Register of Deeds on July 21, 2015 as Document No. 5169797, ATC Sequoia LLC, a Delaware limited liability company (“ATC”), manages, operates and maintains the Site, including the tower and equipment located thereon, on behalf of Lessee pursuant to a Master Prepaid Lease with an effective date of March 27, 2015 (“MPL”); and

WHEREAS, ATC and Lessee entered into a Site Lease Agreement dated May 13, 2016, as amended (collectively, the “SLA”), whereby ATC leased the Site to Lessee for Lessee’s continued use and operation thereof, which SLA is made pursuant to and governed by the MPL; and

WHEREAS, the term of the SLA with regard to the Site commences on March 27, 2015 and ends on March 26, 2040, unless terminated earlier in accordance with the terms of the SLA; and

WHEREAS, the 1997 Agreement was a 5-year lease, with four consecutive 5-year renewal terms, the last of which runs through May 29, 2022; and,

WHEREAS; the Lessee and ATC desire to terminate the SLA with regard to the Site, but Lessee desires to continue to manage, operate and maintain the Site, and the City, given its acquisition of the Property by condemnation, the long term use of the Site as a telecommunications tower, and the limited value of the Site for other municipal purposes due to its size and configuration, is agreeable to allowing such continued use of the Site and the execution of a new lease for the Site to replace and supersede the 1997 Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the

lease, substantially on the terms and conditions detailed in the lease attached to this resolution as Exhibit B.

BE IT FURTHER RESOLVED, the Mayor and Clerk are authorized to execute any other documents as may be necessary to carry out the purposes of this resolution in a form approved by the City Attorney.