



Legislation Text

File #: 89627, **Version:** 1

Fiscal Note

The proposed resolution authorizes a restated license agreement with New Cingular Wireless PCS, LLC (licensee) for placement of telecommunications equipment on the City-owned Lake View Water Tower located at 1202 Northport Drive. The licensee will pay \$3,285 monthly with a 4% annual increase, detailed in Exhibit A. Dane County will receive 50% of the net proceeds of the license revenues to pay for use of County-owned land. The City's contractor, Terabonne will receive \$365 per month with a 4% annual increase detailed in Exhibit A. The net revenue from this license agreement will be recognized in the Water Utility's 2025 Adopted Operating Budget. Future revenue increases will be made in subsequent agency operating requests and subject to Common Council approval. No additional appropriation is required.

Title

Authorizing the execution of a Restated License Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company, for premises at the Lake View Water Tower located at 1202 Northport Drive. (District 18)

Body

WHEREAS, the City of Madison ("City") is the owner of the water tower improvements addressed as 1352 Northport Drive, Madison, Wisconsin ("Tower"); which is located on property owned by Dane County addressed as 1202 Northport Drive ("Property"). The City controls certain lands surrounding the Tower pursuant to an easement from Dane County (the "Ground Easement"). Under the terms of the Ground Easement, any modification to the City improvements on the Property require the prior written approval of Dane County; and

WHEREAS, the City and New Cingular Wireless PCS, LLC ("Licensee") are parties to a license, dated January 23, 1998, as amended by a first amendment to license, dated March 13, 2013, as further amended by a second amendment to license, dated December 14, 2016 (collectively, the "1998 License"), pertaining to the placement by Licensee of antennas and ancillary telecommunications equipment on the Tower as well as the placement of an equipment shelter ("Shelter") located on land near the base of the Tower; and

WHEREAS, the terms of a "Restated License Agreement" have been negotiated between Licensee, the City's Office of Real Estate Services staff, and the City's consultant, Terabonne, Inc. ("Terabonne") which allows Licensee to license a certain portion of the Property and a certain portion of the Tower (the "Premises") as depicted on Exhibit B for the placement of a Communication Facility; and

NOW, THEREFORE, BE IT RESOLVED that the City's Common Council hereby authorizes the Mayor and Clerk to execute the Restated License Agreement attached hereto as Exhibit C, substantially on the terms, conditions and obligations contained therein, and take any further action required to accomplish the purpose of this resolution in a form approved by the City Attorney.

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.

BE IT FURTHER RESOLVED, that the Real Estate Services Manager of the Office of Real Estate Services is authorized to sign a Memorandum of License, in a form approved by the City Attorney, to be recorded at the

office of the Register of Deeds.

BE IT FURTHER RESOLVED, that the Real Estate Services Manager of the Office of Real Estate Services is authorized to sign a Memorandum of Agreement between the City and Terabonne, in a form approved by the City Attorney, to be recorded at the office of the Register of Deeds.