

**Memorandum
Public Works Department**



To: City Manager
Subject: Water Tower Lease Amendment
Date: December 16, 2014
Number: 2014-286

New Cingular Wireless PCS, LLC (formerly AT&T) would like to amend the lease agreement dated June 17, 2003, to install a backup diesel generator at the 3805 31st Avenue water tower site.

The current lease agreement collects \$29,994.36 of revenue per year. The amended agreement would increase revenue by \$6,000 per year making the total \$35,994.36 per year.

There are a total of 13 cellular lease agreements with the City. Including this amendment, the CY2015 budget will receive \$352,143 revenue in the water fund for cellular antennas on water towers and \$19,200 in the sewer fund for cellular antennas on the monopole located at the Southwest Wastewater Treatment Plant.

Recommendation

The Public Works Department recommends that the City Council direct the City Manager to sign the attached amended lease agreement with New Cingular Wireless PCS, LLC.

Submitted by: Randall D. Tweet, Public Works Director
Michelle Martin, Assistant to the Public Works Director

Approved by: Thomas Thomas, City Manager

Market: MNP
Cell Site Number: IAL04151
Cell Site Name: DAV151A/31ST
Fixed Asset Number: 10082457

**FIRST SITE LICENSE AGREEMENT
(Municipal Water Tower Attachments)**

THIS FIRST SITE LICENSE AGREEMENT (Municipal Water Tower Attachments) ("First Amendment"), dated as of the latter of the signature dates below, is by and between City of Rock Island, an Illinois Municipal Corporation, having a mailing address of 1528 Third Ave Rock Island, IL 61201 ("Licensor") and New Cingular Wireless PCS, ILC, a Delaware limited liability company, d/b/a Cingular Wireless, successor in interest to AT&T Wireless PCS, ILC, a Delaware limited liability company, having a mailing address at 575 Morosgo Drive NE, Atlanta, GA 30324 (hereinafter referred to as "Licensee").

WHEREAS, Licensor and Licensee entered into a Site License Agreement dated June 17, 2003, whereby Licensor leased to Licensee certain Premises, therein described, that are a portion of the Property located at 3805 31st Avenue Rock Island, IL 61201 (collectively the "Agreement"); and

WHEREAS, Licensor and Licensee desire to amend the Agreement to increase the size of the Premises; and

WHEREAS, Licensor and Licensee desire to adjust the License Fee in conjunction with the modifications to the Agreement contained herein; and

WHEREAS, Licensor and Licensee, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Licensor and Licensee agree as follows:

1. **Lease of Premises.** Licensor agrees to increase the size of the Premises leased to Licensee to accommodate Licensee's needs. Upon the execution of this Amendment, Licensor leases to Licensee the Premises as more completely described on attached Exhibit E-1. Licensee's execution of this Amendment will signify Licensor's approval of Exhibit E-1. Exhibit E-1 hereby replaces Exhibit E to the Agreement.
2. **License Fee.** Commencing on the first day of the month following the date that Licensee commences construction of the modifications set forth in this Amendment; the License Fee shall be increased by Six Thousand and No/100 Dollars (\$6,000.00) per year, subject to further adjustments as provided in the Agreement.
3. **Notices.** Section 15 of the Lease is hereby deleted in its entirety and replaced with the following:

Market: MNP
Cell Site Number: IAL04151
Cell Site Name: DAV151A/31ST
Fixed Asset Number: 10082457

NOTICES. All notices, requests, and demands hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows.

If to Licensor, to:

City of Rock Island
1528 Third Avenue
Rock Island, IL 61201

With a copy to:

City's Designated Manager
City of Rock Island Public Works
c/o Public Works Administration
1309 Mill Street
Rock Island, Illinois 61201

If to Licensee:

New Cingular Wireless PCS, LLC
Attn: Network Real Estate Administration
Fixed Asset # 10082457
575 Morosgo Drive NE
Atlanta, GA 30324

With a copy to:

New Cingular Wireless PCS, LLC
Attn: AT&T Legal Department
Fixed Asset # 10082457
208 S. Akard Street
Dallas, TX 75202-4206

A copy sent to the Legal Department is an administrative step which alone does not constitute legal notice.

Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

Market: MNP
Cell Site Number: IAL04151
Cell Site Name: DAV151A/31ST
Fixed Asset Number: 10082457

5. **Emergency 911 Service.** In the future, without the payment of additional rent and at a location mutually acceptable to Licensor and Licensee, Licensor agrees that Licensee may add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services.

6. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this First Amendment, the terms of this First Amendment shall control. Except as expressly set forth in this First Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this First Amendment.

7. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Market: MNP
Cell Site Number: IAL04151
Cell Site Name: DAV151A/31ST
Fixed Asset Number: 10082457

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this First Amendment on the dates set forth below.

“LICENSOR”

City of Rock Island

By: _____

Name: _____

Title: _____

Date: _____

“LICENSEE”

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation

Its: Manager

By: 

Name: Michelle Durand

Title: Mgr of KE + Constr.

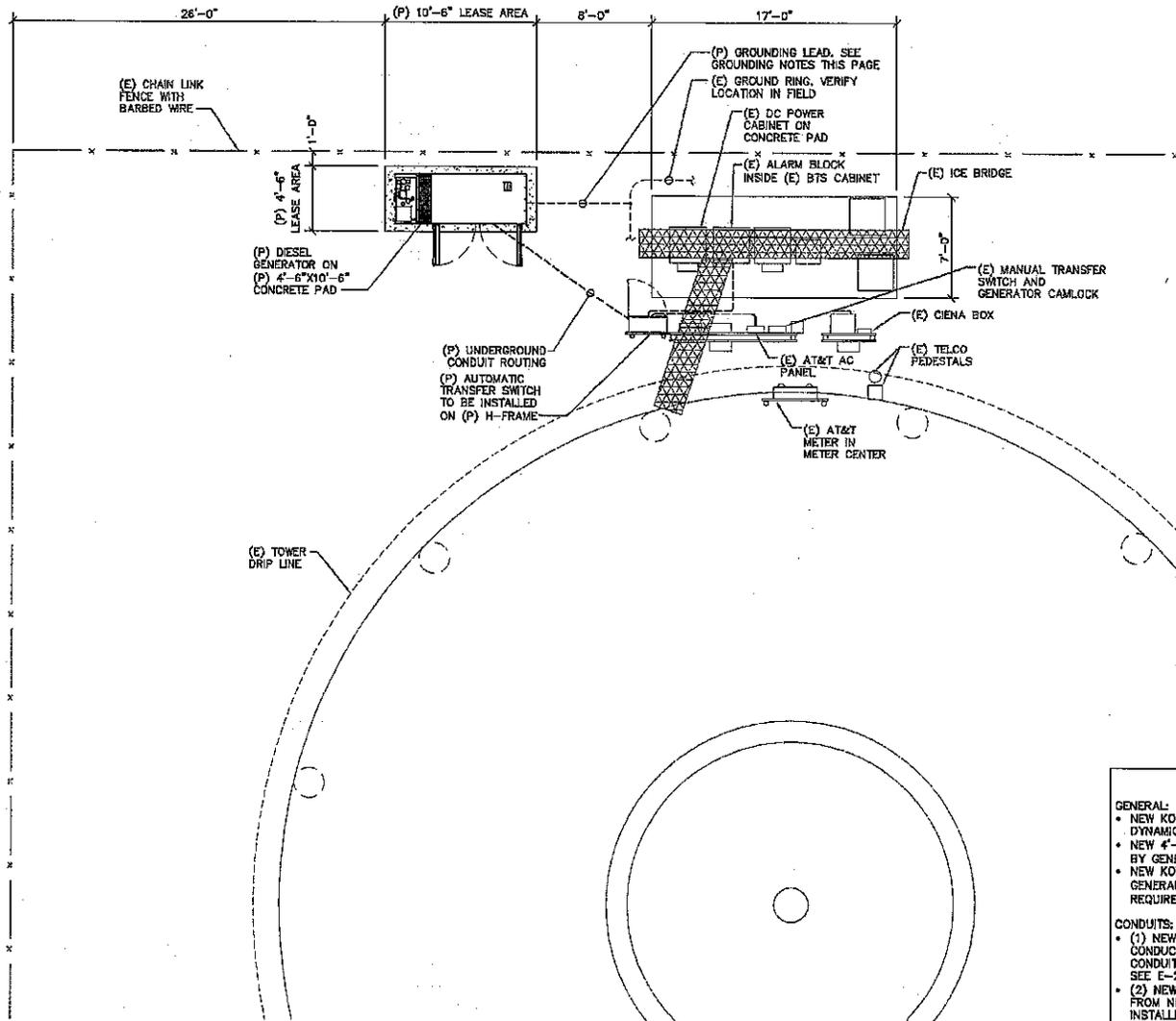
Date: 12-8-14

Market: MNP
Cell Site Number: IAL04151
Cell Site Name: DAV151A/31ST
Fixed Asset Number: 10082457

EXHIBIT E-1

Notes:

1. THIS EXHIBIT MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED BY LICENSOR.
2. ANY SETBACK OF THE PREMISES FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES.
3. WIDTH OF ACCESS ROAD SHALL BE THE WIDTH REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES, INCLUDING POLICE AND FIRE DEPARTMENTS.
4. THE TYPE, NUMBER AND MOUNTING POSITIONS AND LOCATIONS OF ANTENNAS AND TRANSMISSION LINES ARE ILLUSTRATIVE ONLY. ACTUAL TYPES, NUMBERS AND MOUNTING POSITIONS MAY VARY FROM WHAT IS SHOWN ABOVE.



1 SITE PLAN
SCALE: 1/8" = 1'-0"
NORTH

CONTRACTOR TO VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION

CONTRACTOR SHALL RESTORE AND REPAIR ANY DAMAGED AREAS CAUSED BY CONSTRUCTION TO ORIGINAL OR BETTER CONDITION

SITE PLAN DERIVED FROM SITE AUDIT AND SKETCH PROVIDED BY GENERAL DYNAMICS DATED 3/03/14.



GENERAL DYNAMICS
215 WEST 53RD STREET
SUITE A
BURR RIDGE, IL 60027
(708) 259-6200

W-T
W-T COMMUNICATION DESIGN GROUP, LLC.
WIRELESS INFRASTRUCTURE
2875 Patten Avenue
Hoffman Estates, Illinois 60132
PH (708) 253-6333 FAX (708) 253-6444
www.wtdesign.com
IL License No: 184.000042 Exp: 04/03/15

LICENSED ARCHITECT
CARISSA WENDT
001-020898
CARISSA WENDT, RA, LEED
W-T COMMUNICATION DESIGN GROUP, LLC
3114 W. 117th Street, Suite 100
Oak Park, IL 60454
Expires 07/31/2015

31A 38ST WT
FA#: 10082457
3805 31st AVENUE
ROCK ISLAND, IL 61201
SITE PLAN

SCOPE OF WORK NOTES

GENERAL:

- NEW KOHLER 50KW DIESEL GENERATOR PROVIDED BY GENERAL DYNAMICS AND INSTALLED BY GENERAL CONTRACTOR
- NEW 4'-6" X 10'-6" CONCRETE PAD PROVIDED AND INSTALLED BY GENERAL CONTRACTOR (AS REQUIRED) SEE C-2.
- NEW KOHLER AUTOMATIC TRANSFER SWITCH PROVIDED BY GENERAL DYNAMICS AND INSTALLED BY CONTRACTOR (AS REQUIRED) SEE E-4.

CONDUITS:

- (1) NEW 2" AND (1) NEW 1" ELECTRICAL CONDUITS WITH CONDUCTORS TO RUN FROM NEW GENERATOR TO NEW AT&T. CONDUIT PROVIDED AND INSTALLED BY GENERAL CONTRACTOR. SEE E-2 AND E-3.
- (2) NEW 1" ELECTRICAL CONDUIT WITH CONDUCTORS TO RUN FROM NEW GENERATOR TO AC PANEL. CONDUIT PROVIDED AND INSTALLED BY GENERAL CONTRACTOR. SEE E-1 AND E-3.
- (1) NEW ALARM CONDUIT AND CABLING PROVIDED AND INSTALLED BY GENERAL CONTRACTOR. SEE E-1 AND E-3.

GROUNDING:

- NEW EXOTHERMIC CONNECTION FROM EXISTING GROUND RING TO NEW MECHANICAL CONNECTION AT GENERATOR CHASSIS. GENERAL CONTRACTOR TO VERIFY LOCATION IN FIELD.

NO.	REVISIONS	DATE	BY	CHKD.	APP'D.
1	ISSUE FOR CONSTRUCTION DRAWINGS		RS	JAL	CBW
2	ISSUE FOR CONSTRUCTION DRAWINGS		RS	JAL	CBW
3	ISSUE FOR CONSTRUCTION DRAWINGS		RS	JAL	CBW

PROJECT NUMBER
T141073

DRAWING NUMBER
C-1