



Legislation Text

File #: 18-0266, **Version:** 1

Resolution Authorizing the Execution of a Lease for 1,600 sq. ft. of City-owned Land Located at 300 Butler Farm Road to New Cingular Wireless, PCS, LLC for a Power Equipment Compound

PURPOSE/BACKGROUND:

On June 13, 2013 Council approved a lease with New Cingular Wireless PCS, LLC ("New Cingular") to lease 1600 square feet of land (the "Leased Premises") and related access and utility easements for a telecommunications facility/equipment compound (the "Facility") located at 300 Butler Farm Road (the "Property"). The Facility serves an antenna co-located on a nearby Dominion Virginia Power Tower pursuant to a private lease agreement between those two parties.

Discussion:

The Facility was first located on the Leased Premises in 2008. At that time the City also granted multiple easements to facilitate the installation, operation, and maintenance of the Facility. The current lease is set to expire August 18, 2018; with those easements continuing to remain effective without further action. New Cingular has asked to continue to lease the Leased Premises for five additional years.

The proposed lease agreement is attached, and provides for an annual lump sum rental payment in the amount of \$16,207.33, payable in advance. The City's Police and Parks, Recreation, and Leisure Services Departments use the Property, and have each approved the substantive content of the lease, and New Cingular's continued operation of the Facility on the Leased Premises.

City staff recommends approval of the Resolution. This matter requires a public hearing pursuant to §§15.2-1800 and 15.2-2100 of the Code of Virginia of 1950, as amended, which was duly advertised pursuant to Code of Virginia §15.2-1813.

Impact:

Annual rent in the amount of \$16,207.33; 5 year term.

Recommendation:

Conduct a public hearing and approve the Resolution.

WHEREAS, the City of Hampton, Virginia (the "City") owns a parcel of land on 300 Butler Farm Road (the "Property");

WHEREAS, by motion made and adopted April 30, 2008, the City authorized the lease of a 1600 square foot portion of the Property (the "Leased Premises") to New Cingular Wireless PCS, LLC ("New Cingular") for the purpose of installing and operating thereon an equipment building with

appurtenant facilities, to be used to operate a telecommunications facility (the "Facility");

WHEREAS, by motion made and adopted on June 13, 2013, the City authorized a continuation of the lease for five (5) years pursuant to the provisions of the Code of Virginia Sections 15.2-1800 and 15.2-2100;

WHEREAS, the lease approved in 2013 will expire August 18, 2018;

WHEREAS, New Cingular has negotiated a new five-year lease with City staff (the "Lease Agreement"); and

WHEREAS, the City Council of the City of Hampton, Virginia has determined that the terms and conditions of the Lease Agreement are fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hampton, Virginia, as follows:

1. That the lease of the Leased Premises on which the Facility is situated on the Property is hereby approved.
2. That the City Manager or her designee is hereby authorized and directed to execute the Lease Agreement and any documents related thereto and necessary to effectuate the purposes of that agreement, subject to the approval of the City Attorney.