



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: K-0809-46 AMD#2

File ID: K-0809-46 AMD#2 **Type:** Contract **Status:** Consent Item

Version: 1 **Reference:** Item 12 **In Control:** City Council

Department: Legal Department **Cost:** **File Created:** 11/27/2017

File Name: Alltel Verizon Lease and Easement **Final Action:**

Title: AMENDMENT NO. TWO TO CONTRACT K-0809-46: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND ALLTEL COMMUNICATIONS, L.L.C., D/B/A VERIZON WIRELESS TO ACCOMMODATE UPGRADES TO ITS FACILITIES, GRANTING EASEMENT E-1718-39 TO ALLTEL COMMUNICATIONS, L.L.C., D/B/A VERIZON WIRELESS; AND ACCEPTING RELEASE OF EASEMENT RE-1718-1 TO REVISE THE LOCATION OF CELLULAR AND FIBER FACILITIES AT THE LINDSEY STREET MAINTENANCE YARD LOCATED AT 668 LINDSEY STREET.

Notes: ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract K-0809-46 with Alltel Communications, L.L.C., d/b/a Verizon Wireless; and, if approved, authorize the execution thereof and accept Easement E-1718-39 and Release of Easement RE-1718-1.

ACTION TAKEN: _____

Agenda Date: 12/05/2017

Agenda Number: 12

Attachments: Am 2 to K-0809-46, E-1718-39 Grant of Easement, RE-1718-1 Release of E-0910-40

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File K-0809-46 AMD#2

Body

BACKGROUND: The City leases space on City facilities in a number of locations across Norman to cellular companies for antennas and other equipment related to cellular communications. On April 28, 2009, Contract K-0809-46 with Alltel Communications, L.L.C., was approved by City Council. This contract allowed Alltel Communications to construct a monopole tower on City property at the Street Maintenance Facility (668 East Lindsay Street) and then lease that space on the tower from the City. The term of the contract was for five years initially, with the option of four additional five-year terms. The monopole tower was constructed at Alltel's cost and then transferred to the City. To recoup its costs, the monthly rental rate of \$1,800 per month was waived for the first 175 months under the lease agreement. The first rental payment, assuming the lease is renewed, will become due in January 2023.

Council approved Easement E-0809-90 as a companion item. This easement set forth the location of the lease site, access to the site, and a utility easement for underground facilities. Easement E-0809-90 was released in January 2010 after it was discovered that Alltel's facilities would conflict with OG&E's facilities. A new easement was granted in February 2010 to accommodate Alltel and OG&E E-0910-40.

After Council's approval of Contract K-0809-46 in 2008, the corporate structure of Alltel Communications changed. Additionally, because of additional carriers leasing space on the monopole tower from the City, it became prudent to identify and reserve a specific space for Alltel to insure the carriers don't interfere with each other's signals. Amendment No. 1 to Contract K-0809-46, approved on February 28, 2012, recognized that the Lessee is now Alltel Communications d/b/ Verizon Wireless and updated the notice address and other items related to corporate structure. It also designated a specific portion of the monopole for Alltel's use. Finally, the amendment added a provision to address how Alltel's rights under the lease would be affected if the City granted an interest in the property to a third party without also assigning the lease.

DISCUSSION: Alltel recently approached the City about modifying the existing utility easement to accommodate upgrades to its facilities, including fiber. Amendment No. 2 to Contract K-0809-46 recognizes the revised easement for the installation and maintenance of overhead and underground utility wires, fiber, cables, conduits and pipes to serve Alltel's facilities. Easement E-1718-39 reflects the revised easement location. Release of Easement RE-1718-1 will release Easement E-0910-40 to avoid confusion that may occur with multiple similar easements in the property records.

RECOMMENDATION: Staff recommends approval of Amendment No. 2 to Contract K-0809-46, Easement E-1718-39, and Release of Easement No. RE-1718-1.