

BILL NO. 18-50

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO A REAL PROPERTY AND ANTENNA SUPPORT STRUCTURE SITE LEASE BY AND BETWEEN THE CITY OF LEE'S SUMMIT AND T-MOBILE CENTRAL, LLC EXTENDING THE LEASE TERM, INCREASING THE ANNUAL RENTAL PAYMENT, AND ESTABLISHING VARIOUS NEW PROVISIONS.

WHEREAS, the City of Lee's Summit, Missouri currently owns a structure located at Fire Station 5 at 3650 SW Windemere in Lee's Summit; and,

WHEREAS, the structure has been used to offer leased space to telecommunications companies for the purpose of supporting wireless communications and thereby providing additional revenues to the City; and,

WHEREAS, the City and T-Mobile Central LLC's (hereinafter "T-Mobile") predecessor company (APT Kansas City, Inc.) entered into a real property and antenna support structure site lease agreement that was executed on October 24, 1997, and which has reached the end of its final extension period; and,

WHEREAS, T-Mobile has requested and staff recommends the lease be amended with respect to the term of the lease providing for up to three additional five (5) year terms with an increase in annual rental payment to Twenty-Six Thousand and 00/100 Dollars (\$26,000.00) with an adjustment of ten percent (10%) upon each five year term renewal and which is consistent with the terms agreed to with other wireless telecommunications companies on such tower; and,

WHEREAS, several other provisions of the lease have been negotiated to enhance the rights of the City related to the lease agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the City Council of the City of Lee's Summit hereby approves and authorizes the execution, by the Mayor, of the First Amendment to a Real Property and Antenna Support Structure Site Lease Agreement by and between the City of Lee's Summit and T-Mobile Central, LLC, a Delaware limited liability company, which is attached hereto as Exhibit "A" and incorporated herein by reference as if fully set forth herein.

SECTION 2. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2018.

ATTEST:

Mayor Randall L. Rhoads

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said City this _____ day of _____, 2018.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Chief Counsel of Infrastructure and Planning
Nancy K. Yendes