

**BILL NO. 20-81**

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AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO A REAL PROPERTY AND TOWER SITE LEASE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT AND NEW CINGULAR WIRELESS PCS, LLC, EXTENDING THE LEASE TERM AND INCREASING THE ANNUAL RENTAL PAYMENT, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT.

WHEREAS, the City of Lee's Summit, Missouri currently owns a water tower located at the 1251 SE Ranson Road on which a number of telecommunications companies have located equipment; and,

WHEREAS, the City and New Cingular Wireless PCS, LLC's (hereinafter "New Cingular") predecessor company (AT&T Wireless PCS, LLC) entered into a real property and lease agreement to allow equipment to be placed on said water tower that was executed on November 11, 2001, and which shall reach the end of its final extension period on November 14, 2021; and,

WHEREAS, New Cingular has requested and staff recommends the lease be amended with respect to the term of the lease providing for a five (5) year term, with up to three additional five (5) year terms with an increase in rental payment to Twenty-Nine Thousand and 00/100 Dollars (\$29,000.00) and an annual adjustment of three percent (3%), which is consistent with the terms agreed to with other wireless telecommunications companies on such tower.

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

SECTION 1. 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 Tower Site Lease Agreement by and between the City of Lee's Summit and New Cingular Wireless, PCS, 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. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 3. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
Chief Counsel of Management and Operations  
*Daniel R. White*