



Legislation Text

File #: 12-0395, **Version:** 1

Resolution to Approve Second Amendment to License Agreement with New Cingular Wireless PCS, LLC, as Successor in Interest to AT&T Wireless PCS, Inc., to Erect and Use Telecommunications Equipment on the Plymouth Road Water Tower Site

The City entered into a license agreement with AT&T Wireless PCS, Inc. ("AT&T"), on December 7, 1998, to install antennae and related facilities on the Plymouth Road Water Tower site. Because the University of Michigan had an interest in the land that was subject to the license agreement, the City and AT&T entered into a First Amendment on September 15, 1999, that added the University of Michigan for liability, insurance and notice purposes.

New Cingular Wireless PCS, LLC ("Cingular"), the successor to AT&T, has asked to amend the license agreement to allow some additional equipment on the site.

Staff has reviewed and approved the plans for the additional equipment and a provision has been added relative to installation design and inspection at Cingular's expense. The license fee under the original license agreement with AT&T was \$18,000.00 per year, escalated 20% every five (5) years. Cingular has agreed to increase the annual license fee amount to \$30,230.00, pro-rated from the first day of the month after construction starts through June 30, 2012. Starting July 1, 2012, the annual fee will increase by 4% every year.

The City has added and Cingular has agreed to some additional provisions in the license agreement to bring it into conformity with the provisions in license agreements for other cellular antennae by adding the City's standard security protocol and requirements for radiofrequency radiation compliance and testing. Cingular was already required to comply with these provisions, but the additional language makes the obligations clear. Except for updated notice provisions, the remainder of the terms of the December 7, 1998, license agreement, as amended by the September 15, 1999, First Amendment, remain unchanged.

Approval of the first amendment to the license agreement with New Cingular Wireless PCS, LLC, for the Plymouth Road Water Tower site is recommended

Prepared by: Abigail Elias, Chief Assistant City Attorney

Reviewed by: Craig Hupy, Interim Public Services Area Administrator

Approved by: Steven D. Powers, City Administrator

Whereas, New Cingular Wireless PCS, LLC ("Cingular"), successor to AT&T Wireless PCS, Inc. ("AT&T"), has asked to amend the December 7, 1998, license agreement between the City and AT&T, as previously amended on September 15, 1999, to allow some additional equipment on the Plymouth Road Water Tower site;

Whereas, Cingular has agreed to the terms of a second amendment to the original license agreement that would increase the annual license fee to \$30,230.00 per year, to be escalated 4% every year starting July 1, 2012; and

Whereas, Cingular also has agreed to additional terms in the second amendment that bring it into conformity with license agreements for other cellular antennae;

RESOLVED That the City Council approve the Second Amendment to License Agreement with New Cingular Wireless PCS, LLC, as successor in interest to AT&T Wireless PCS, Inc., to Erect and Use Telecommunications Equipment on the Plymouth Road Water Tower Site, and that the Mayor and City Clerk be authorized to sign the license agreement, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take any other necessary administrative actions to implement this resolution.