



Legislation Text

File #: 08-1019, **Version:** 1

Resolution to Approve First 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 Manchester 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 Manchester Water Tower site. New Cingular Wireless PCS, LLC ("Cingular"), its successor, has asked to amend that license agreement to allow some additional equipment on the site.

Staff has reviewed and approved the plans for the additional equipment. 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 an additional license fee amount of \$2,340.00 per year, starting December 7, 2008, which amount will also be subject to the 20% escalation every five (5) years thereafter. Cingular also will pay \$234.00 for the period up to December 7, 2008.

The City has added and Cingular has agreed to some additional provisions to 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. The remainder of the terms of the December 7, 1998, license agreement remain unchanged.

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

Prepared by: Abigail Elias, Chief Assistant City Attorney

Reviewed by: Sue F. McCormick, Public Services Area Administrator

Approved by: Roger W. Fraser, 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 to allow some additional equipment on the site on the Manchester Water Tower site;

Whereas, Cingular has agreed to the terms of a first amendment to the original license agreement that would add an additional license fee of \$2,340.00 per year, to be escalated 20% every five (5) years in the same manner as the annual existing license fee, plus a fee of \$234.00 for the period ending December 7, 2008;

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

RESOLVED That the City Council approve the First 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 Manchester 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.