

**Operations, Lands and Resource Monitoring Committee
May 23, 2023**

Consent

Amended and Restated Site Agreement for Land - Cell Phone Tower, SWF Parcel No. 20-503-257X

Purpose

The purpose of this item is to recommend the Governing Board approve the Amended and Restated Site Agreement for Land (New Agreement) (Exhibit 1) with T-Mobile USA Tower, LLC for access to and lease of District land for the operation and maintenance of a cell phone tower and other related equipment located thereon. A general location and site map are included as Exhibits 2 and 3 to this item.

Background/History

The District acquired this property from J.A. and Shirley Kent (the "Kents") in October 2006. At the time of the District's acquisition, the property was subject to a Site Agreement for Land (Original Agreement) between the Kents and APT Tampa/Orlando, Inc. for the lease of 4,426 square feet of the property (Premises) to be used for the purpose of installing, removing, replacing, maintaining, and operating a communications facility on the Premises, as well as an easement granting access to the Premises. The Original Agreement was assigned to the District through an Assignment of Lease as part of the closing process.

The Original Agreement, which is dated April 13, 1998, has a term of five (5) years, with the automatic extension of four (4) consecutive periods of five (5) years each. The final term ending in December 2023. T-Mobile USA Tower, LLC, the successor in interest to APT Tampa/Orlando, Inc. has expressed their desire to amend and restate the Original Agreement prior to expiration in December 2023. The term of the New Agreement will be for five (5) years and will be automatically renewed for four (4) additional terms of five (5) years each, unless terminated pursuant to the terms of the New Agreement.

The approval of this item will allow the District to enter into the New Agreement with T-Mobile USA Tower, LLC, which will continue to provide a revenue generating opportunity for the District. The new lease will continue to generate \$10,494.12 annually (the "Rent"), to be paid in equal monthly installments of \$874.51 per month through December 31, 2023. Effective January 1, 2024 the rent shall increase to \$39,000.00 annually, to be paid in equal monthly installments of \$3,250.00 per month. The Rent shall increase by fifteen percent (15%) at the commencement of each renewal term referenced above.

Benefits/Costs

The approval of this New Agreement will provide a revenue generating opportunity for the District. The District will incur no costs associated with this lease.

Staff Recommendation:

See Exhibits

- Approve the Amended and Restated Site Agreement for Land with T-Mobile USA Tower LLC for the operation and maintenance of a cell phone tower on District lands, SWF Parcel 20-503-257X.
- Authorize the Executive Director to sign the Amended and Restated Site Agreement for Land, SWF Parcel 20-503-257X.

Presenter: Ellen Morrison, Bureau Chief, Land Resources Bureau