

RESOLUTION NO. 3023

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO ENTER INTO THE THIRD AMENDMENT TO COMMUNICATIONS SITE LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC.

WHEREAS, The City of Wilsonville owns property located at 9275 SE Tauchman Road, site of the wastewater treatment plant; and

WHEREAS, the City of Wilsonville entered into a lease agreement with Salmon PCS, LLC on May 10, 2002 for placement of wireless communications facilities and apparatus. The original lease agreement had an initial five (5) years term with three (3) additional terms of five years each; and

WHEREAS, on October 15, 2002 the City and Salmon PCS LLC executed the First Amendment to the lease agreement modifying the term of the agreement to include an "Option Term" of twelve (12) consecutive months commencing on October 1, 2002 with the condition if Salmon PCS LLC exercises "the Option" the original lease will remain in effect and the commencement date of the lease becomes September 30, 2003; and

WHEREAS, by October 1, 2013 the company name changed to New Cingular Wireless PCS, LLC and the Second Amendment to the lease was executed expanding the lease area from 10 feet by 17.5 feet (175 SF) to 20 feet by 18 feet (355 SF). The term of the lease agreement remained the same and the current lease expires September 30, 2023; and

WHEREAS, New Cingular Wireless PCS, LLC has requested the City grant a Third Amendment to the lease with an initial ten (10) year term with up to two (2) additional five (5) year periods; and

WHEREAS, base rent as of October 1, 2023 will be \$2400 per month and each additional year thereafter, the rent would be subject to a 3% rate increase; and

WHEREAS, Staff researched other municipalities' wireless lease agreements and found these terms to be comparable; and

WHEREAS, recognizing the negotiations would surpass the lease expiration date, New Cingular Wireless submitted a 60 day lease extension request to which the City agreed.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Section 1. The City Manager is authorized to enter into and execute, on the behalf of the City of Wilsonville, the Third Amendment to Communication Site Lease Agreement with New Cingular Wireless PCS, LLC.

Section 2. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 16th day of October, 2023, and filed with the Wilsonville City Recorder this date.

JULIE FITZGERALD, MAYOR

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBIT:

- A. Third Amendment to Communications Site Lease Agreement with New Cingular Wireless PCS, LLC