



Legislation Text

File #: ID#17-3259, **Version:** 1

SUBJECT/RECOMMENDATION:

Approve the Second Amendment to Crown Castle Land Lease Agreement between the City of Clearwater and Crown Castle GT Company LLC, for the lease of city-owned property, located at 3200 State Road 580, and authorize the appropriate officials to execute same. (consent)

SUMMARY:

The City and GTE Mobilnet entered into a Land Lease Agreement on July 26, 1995 for use of a 5,525 square foot area at the Northeast Water Reclamation Facility. This space is being used, by the Lessee, for providing wireless service to customers. This Land Lease Agreement was amended, for various reasons, on December 28, 2007.

Crown Castle, now the successor to GTE Mobilnet and to this land lease agreement, has requested a second amendment which will extend the length of the term. This second amendment will allow the term to be automatically renewed for eight additional five year terms, unless Lessee provides notice of intent not to renew.

With this extension of the lease agreement to solely benefit the Lessee, the city has made alterations in this second amendment to benefit the city:

The annual rent increase cap has risen from 5% to 8%.

If Tenant should remain in possession, after the expiration of the Lease, the Tenant shall now pay two times the monthly rate, instead of the 1 ½ that was originally written.

The Tenant will have to pay a termination fee equal to six month's rent and must be paid within sixty days of the date the Lease is terminated.

If the Tenant subleases, licenses or grants a similar right of use to an unaffiliated third party, the Tenant will pay the city twenty-five percent of the payments received by the Tenant from such future subtenant.

This amendment will be subject to all terms and conditions within the original lease, including the City's recapture and reverter clauses. In the event that City Council determines the Leased Premises are needed for other municipal purposes, the Tenant will receive a one year notice of such intended use.