



Legislation Details (With Text)

File #: ID-45-18 **Version:** 1 **Name:**
Type: Ordinance **Status:** Agenda Ready
File created: 1/29/2018 **In control:** City Council
On agenda: 3/20/2018 **Final action:**
Title: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE TRANSACTION INVOLVING CERTAIN CITY-OWNED REAL PROPERTY TO VERIZON WIRELESS, ON THE TERMS AND CONDITIONS OF THAT CERTAIN LAND LEASE AGREEMENT DATED FEBRUARY 6, 2018; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE LAND LEASE AGREEMENT FOR THE CITY

Sponsors:

Indexes:

Code sections:

Attachments: 1. City Council Ordinance 18.02.06_Verizon Tower on Baseline Road

Date	Ver.	Action By	Action	Result
3/20/2018	1	City Council		
3/6/2018	1	City Council		
2/6/2018	1	City Council		

Department of Community Development

Reference:

To: Mayor Kenneth J. Kreutzer and Members of City Council

Through: Philip Rodriguez - City Manager

Marv Falconburg, AICP - Assistant City Manager

Holly Prather, AICP - Community Development Director

Prepared By: Joshua M. Tetzlaff, AICP - Associate City Planner

Date Prepared: January 4, 2018

PURPOSE

This Land Lease Agreement for a cellular tower and accessory equipment in north Brighton is being brought before you for review. The conveyance or encumbrance of City-owned real property must be approved by City Council with an ordinance. Following two readings, Council shall approve or deny the proposed lease transaction. A copy of the Land Lease Agreement between the City and Verizon Wireless is attached.

BACKGROUND AND BUSINESS TERMS

Verizon Wireless has applied for a Conditional Use Permit, and has proposed the attached Land Lease Agreement, to allow Verizon to construct a new cellular tower and accessory equipment on the subject property. The site is owned by

the City and is currently occupied by a water storage facility and civil warning siren on a pole. Verizon Wireless would lease approximately 450 square feet, and has agreed to install a new tower pole and run high-speed fiber for the City. On the new tower pole, Verizon has also agreed to reinstall the City's warning siren equipment. In addition, Verizon has agreed to provide space for future co-location by the City and others. These new improvements are acceptable to the City's IT and Police Departments. Rent is \$21,000.00 per year with annual 3% escalators and is structured as a long-term arrangement, both to recapture Verizon's proposed investment in the site, and to position the site for long-term City emergency warning and other communications.

STAFF RECOMMENDATION

The Lease terms are favorable to the City and the subject location already has an existing warning siren tower that would simply be upgraded and improved. Staff therefore recommends approval of the transaction, with the following conditions:

- 1) The Developer shall complete a Conditional Use Permit with the City of Brighton and said Conditional Use Permit shall be approved by the City of Brighton City Council via resolution prior to any building permits being issued.

A draft ordinance has been provided to the Council should it decide to proceed with the application as presented.

OPTIONS FOR COUNCIL CONSIDERATION

The City Council has four options when reviewing this Lease Agreement.

- 1) The City Council can approve the Lease Agreement as presented.
- 2) The City Council can approve the Lease Agreement with suggested modifications.
- 3) The City Council can deny the Lease Agreement.
- 4) The City Council can continue the vote on the Lease Agreement to be heard at a later, specified date.

ATTACHMENTS

- Draft Ordinance
- Land Lease Agreement (attached as Exhibit A of the Ordinance)