

**BOARD OF WATER COMMISSIONERS
RESOLUTION**

PRESENTED BY
COMMISSIONER _____

No. 15-1627
DATE September 8, 2015

WHEREAS, the Board of Water Commissioners approved a Water Tower Site Lease Agreement dated March 10, 1998 whereby the Board leased space to US West Wireless L.L.C. for the operation of wireless communication equipment at the Board's Cottage Avenue Standpipe located at 2095 Clear Avenue in Maplewood (the "Lease"); and

WHEREAS, Verizon Wireless (VAW) LLC d/b/a Verizon Wireless ("Verizon") assumed the Lease in 2005 and has since 2007 been operating its own wireless equipment within the leased premises; and

WHEREAS, the parties entered into Amendment No. 1 to Water Tower Site Lease Agreement dated September 3, 2014, which provided for additional wireless equipment and a proportionate increase in annual rent; and

WHEREAS, the parties wish to further amend the Lease at this time to provide for the installation of a fiber optic cable within a non-exclusive easement; and

WHEREAS, staff has prepared Amendment No. 2 to Water Tower Site Lease Agreement, which provides for such a cable installation at a one-time charge of \$1,000.00, with all other terms and conditions to remain unchanged and in effect; and

WHEREAS, assistant city attorney has approved said Amendment No. 2 to Water Tower Site Lease Agreement as to form; now, therefore, be it

RESOLVED, that Amendment No. 2 to Water Tower Site Lease Agreement between the Board of Water Commissioners of the City of Saint Paul and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless providing for the installation of a fiber optic cable within a non-exclusive easement at the Board's Cottage Avenue Standpipe site located at 2095 Clear Avenue in the city of Saint Paul is hereby approved and that the proper officers are hereby authorized and directed to execute said Amendment on behalf of the Board; and, be it

FURTHER RESOLVED, that the Honorable Council of the City of Saint Paul is hereby requested to approve said Amendment No. 1 to Site Lease Agreement and to authorize and direct the proper officers of the City of Saint Paul to execute said Amendment on behalf of the City.

Water Commissioners

Adopted by the Board of Water Commissioners

Yeas

Nays

September 8, 2015

In favor

Opposed

Secretary

ORIGINAL