



CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** December 14, 2020

SUBJECT: Authorize the City Manager to execute an Amended and Restated Tower Site Lease Agreement with STC Five LLC, by and through Global Signal Acquisitions II, LLC, for a cell tower located at 6200 Skylark Circle on Iron Horse Golf Course.

PRESENTER: Bob Weakley, Assistant Director-Information Technology

SUMMARY:

This is an amended and restated cell tower/ground lease located at 6200 Skylark Circle. The cell tower is physically within the common property boundaries of Iron Horse Golf Course. The term of this amended and restated lease is five years with the option of automatic extensions for three (3) successive terms of five (5) years each, unless otherwise terminated in accordance with the lease.

GENERAL DESCRIPTION:

City staff has been working with Crown Castle, a leasing agent, to agree to terms of this agreement and lease. Extensive research has shown this tract of land has a very detailed past. In summary:

- Haltom City holds the fee simple title to the property (November, 1987);
- Haltom City entered into a 99 year lease for the property with W. Brown Custom Builders;
- Haltom City later entered into a modified lease with Richmond Bay Development (successor in interest to W. Brown Custom Builders) modifying the term of the lease to expire in 2082;
- Richmond Bay Development assigned the lease to the City of North Richland Hills (September 1988); following consent by Haltom City;
- The City of North Richland Hills and Haltom City entered into an Interlocal agreement dated April 1989, in which North Richland Hills agreed to be responsible for all municipal functions of this property;
- North Richland Hills entered into a tower lease agreement with Sprint Spectrum L.P., (Original Lessee) dated June, 1996;
- An agreement was recorded on April 14 1998, which was amended by the First Amendment to the Tower Site Lease, dated February 14, 2002, and by the Second Amendment to the Tower Site Lease agreement dated November 30, 2017, where the Original Lessee leased the leased premises from the City of North Richland Hills.
- STC Five LLC is currently the lessee under the Original Agreement as the ultimate successor in interest to the Original Lessee.



At the execution of this lease, the City will receive the following payments:

- \$12,592.85 Payable upon lease execution,
- \$14,481.78 Payable in August 2021,
- \$8,212.73 AT&T Subtenant fee, payable in August 2021,
- \$8,200.00 T-Mobile Subtenant fee, payable in August 2021.

For the fiscal year 2020/2021, the City will receive \$43,487.36.

On August, 2026 and every five (5) years thereafter, the Rent shall increase by an amount equal to fifteen percent (15%) of the monthly rent.

RECOMMENDATION:

Authorize the City Manager to execute an Amended and Restated Tower Site Lease Agreement with STC Five LLC, by and through Global Signal Acquisitions II LLC, for a cell tower located at 6200 Skylark Circle on Iron Horse Golf Course.