



Legislation Details (With Text)

**File #:** 18-1115      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Agenda Ready  
**File created:** 12/12/2018      **In control:** Town Council Meeting  
**On agenda:** 1/7/2019      **Final action:**  
**Title:** Request to approve T-Mobile Northeast LLC proposed First Amendment to Deed of Lease for an extension and amendment to the Town of Vienna Tapawingo Water Tank lease agreement with T-Mobile

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Proposed Lease Extension T-Mobile 12 12 2018, 2. ORDER\_CUP\_T-MOBILE\_9-2009\_411-413 TAPAWINGO SW\_HG, 3. Deed of Lease with T-Mobile Executed

Date	Ver.	Action By	Action	Result
1/7/2019	1	Town Council Meeting	approved	Pass

**SUBJECT:**

Request to approve T-Mobile Northeast LLC proposed First Amendment to Deed of Lease for an extension and amendment to the Town of Vienna Tapawingo Water Tank lease agreement with T-Mobile

**EXPLANATION AND SUMMARY :**

T-Mobile desires to extend its current lease for installed equipment on and around the Town’s 119-foot tall water tank located at 411-413 Tapawingo Road SW. The proposed lease extension covers the already installed 9 panel antennas (in three groups of three) installed on the catwalk railing around the elevated tank, and an option to add one more set of antennas, as well as the existing ground equipment and connecting cabling.

The proposed First Lease Amendment is for a five (5) year term with two (2) extension options and has revised monthly rental amounts of \$3,916.66 which incorporate capital expenses reimbursement and ground space fees.

There have been no operational issues with T-Mobile and its equipment has caused no interference with the Town’s operations at the Tapawingo Water Tank.

T-Mobile currently has a conditional use permit issued by the Board of Zoning Appeals and their equipment was previously approved by the Board of Architectural Review.

**Departmental Recommendation :**

**Finance Recommendation :** Recommend approval.

**Purchasing Recommendation** : N/A

**Town Attorney Recommendation** : The business terms of the proposed lease amendment were negotiated by the Town Manager and the Town Attorney. The form of the original Lease was drafted by the Town Attorney with staff input and the First Amendment was drafted with the input of the Town Attorney, Town Manager and Director of Finance. The Town Council may approve the proposed First Amendment to Deed of Lease in its discretion.

**Town Manager's Recommendation** : I recommend the Town Council approve of the proposed First Amendment to Deed of Lease - Tapawingo/Frederick Street (SW) Water Tower and between T-Mobile Northeast LLC., as presented.

Cost and Financing: annual revenue with a 3% annual rent increase.

Account Number:

Decision Needed by This date: N/A

**PROPOSED/SUGGESTED MOTION:**

“I move for the (approval/denial) of the proposed First Amendment to Deed of Lease - Tapawingo/Frederick Street (SW) Water Tower and between T-Mobile Northeast LLC.”

OR

Other action as determined to be appropriate by the Mayor and Town Council.