

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

AGREEMENT AUTHORIZING THE PURCHASE OF AN EASEMENT FOR THE SALE OF THE CELL SITE LOCATED AT 14955 DALE EVANS PARKWAY (FLAG POLE)

SUMMARY STATEMENT:

As presented to Council previously and as included in the General Fund revenue projections for FY 2011-12, were revenues from the sale of an easement for existing cell towers now on Town property. Communications Capital Group (CCG) has offered to purchase an easement for one of the existing cell towers located at Town Hall within the base of the three flag poles.

In 2010, the Town had entered into similar arrangements to sell easements for the cell towers located at Corwin Park and James Woody Park. After discussing offers from several firms and through negotiation, staff has agreed to an offer price from CCG of \$233,735 to sell an easement for the cell tower located in the base of the flag pole utilized by AT&T. Currently, Sprint and Cingular also have cell towers located at the Town Hall site within adjacent flag poles.

CCG's proposed agreement has been reviewed in detail by the Town Attorney's office. After much communication and discussions between the Town attorneys and CCG attorneys, the proposed agreement has been developed to the satisfaction of both the Town and CCG.

The attached Resolution 2011-47 authorizing the sale of the cell tower easement is recommended for adoption.

Recommended Action:

1. Adopt attached Resolution 2011-47 authorizing the sale of the cell tower easement.
2. Authorize the Town Manager to sign the closing documents for the sale of an easement at the cellular site at 14955 Dale Evans Parkway within the base of the existing flag pole.

Proposed by: Marc Puckett, Director of Finance

Item Number _____

T.M. Approval: _____ Budgeted Item: Budgeted Item Yes No N/A

Council Meeting Date: 10/11/11

10-1

RESOLUTION NO. 2011-47

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, A BODY CORPORATE AND POLITIC OF THE STATE OF CALIFORNIA AUTHORIZING THE ENTERING INTO, TERMS OF AND EXECUTION OF THE LEASE TO BE INSURED, AND A DIRECTIVE AS TO PARTICULAR OFFICERS OF THE GOVERNING BODY TO EXECUTE SAID LEASE.

WHEREAS the Town of Apple Valley is the owner of certain cell tower sites located at 14955 Dale Evans Parkway; and

WHEREAS, the Town of Apple Valley has received a proposed lease purchase and easement agreement between the Town of Apple Valley and CCG SPV I, LLC, (the "Agreement ") which sets out the following terms:

The sale for of an easement interest limited to the lease area of the Communications Site Lease described herein on certain property located at 14955 Dale Evans Parkway, Apple Valley, CA 92307 and the assignment of the following lease to CCG SPV I, LLC:

That certain Communications Site Lease Agreement dated August 8, 2006, by and between the Town of Apple Valley, a municipal corporation ("Landlord") and New Cingular Wireless PCS, LLC, a Delaware limited liability company ("Tenant"), aforementioned parties.

Purchase Price: \$233,735.70.

WHEREAS the Town Council of the Town of Apple Valley desires to enter into the Agreement; and

WHEREAS the Town Council has designated the Town Manager to sign all closing documents on behalf of the Town; and

WHEREAS the sale is pursuant to all applicable State, County and Municipal statutes, ordinances, rules and regulations; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apple Valley that the Town Council, does hereby authorize and designate the Town Manager to enter into said Agreement and sign all closing documents on behalf of the Town.

APPROVED AND ADOPTED this 11th day of October, 2011 by the Town Council of the Town of Apple Valley at a regular Town Council meeting held at 14955 Dale Evans Parkway, Apple Valley, California 92307.

MAYOR

ATTEST:

TOWN CLERK