



IV.-D.

Agenda Item

County of Hanover

Board Meeting: August 27, 2014

Subject: Approval of Third Addendum to Tower Construction and Lease Agreement between Hanover County and New Cingular Wireless PCS, LLC (**Ashland Magisterial District**)

Summary of Agenda Item: On February 28, 2001, Hanover County and Triton PCS Property Company, L.L.C. entered into a Tower Construction and Lease Agreement under which Triton leased the right to use the Airport Beacon Tower and a portion of ground area on the Tower Site to install and operate telecommunications equipment, including antennas. The Agreement was subject to renewal for four additional terms of five years each. The Agreement was subsequently amended on February 28, 2007 and March 24, 2010.

Under the Agreement, New Cingular Wireless PCS, LLC, successor in interest to Triton PCS Property Company, L.L.C., currently pays a yearly base fee of \$22,500, which increases with each renewal term. AT&T Mobility Corporation, the Manager for New Cingular Wireless PCS, LLC, wishes to install additional antennas, associated cables, and equipment, as described in Exhibit 1-A to the Third Addendum.

A Structural Analysis and Radio Frequency study determined no adverse effects to the Beacon Tower and airport users from installation of the additional antennas, cables, and equipment.

For placement of the additional equipment on the Beacon Tower, New Cingular Wireless PCS, LLC will pay an additional base fee in the amount of \$200.00 per month or \$2,400.00 per year over the previously established base fee.

The County Attorney's Office has reviewed and approved the Third Addendum as to form.

County Administrator's Recommended Board Motion: Motion to authorize the County Administrator to approve the Third Addendum to Tower Construction and Lease Agreement substantially in the form of the attached draft, and to take all actions necessary to implement the terms of the Addendum.

**THIRD ADDENDUM TO TOWER CONSTRUCTION AND LEASE AGREEMENT
Hanover County – New Cingular Wireless PCS, LLC**

THIS THIRD ADDENDUM TO TOWER CONSTRUCTION AND LEASE AGREEMENT (“Third Addendum”), dated _____, 2014, is entered into by and between HANOVER COUNTY, a political subdivision of the Commonwealth of Virginia (“the County”), and New Cingular Wireless PCS, LLC, a Delaware limited liability company (“the Company”).

WHEREAS, the County and the Company entered into a Lease Agreement dated February 28, 2001 (“the Agreement”), modified by Contract Addendum No. 1 dated February 28, 2007, and further modified by the Second Addendum to Tower Construction and Lease Agreement dated March 24, 2010, whereby the County leased to the Company a certain Premises, therein described, that is a portion of the Property located at 11152 Air Park Road, Ashland, VA 23005 and designated as GPIN 7798-03-7002; and

WHEREAS, the parties desire to amend the Agreement to allow for the installation of additional antennas and associated equipment; and

WHEREAS, the parties desire to adjust the Base Fee in conjunction with the modifications to the Agreement contained herein; and

WHEREAS, the parties desire to amend the Agreement to modify the Notice section thereof; and

WHEREAS, the parties, in their mutual interest, agree that the following provisions shall amend provisions of the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the Company agree as follows:

1. Leased Premises and Rights Granted. Section 2 of the Agreement shall be amended to include additional antennas, associated cables, and equipment. The County consents to the installation and operation of additional antennas, associated cables, and equipment as more completely described on Exhibit 1-A, attached hereto and incorporated herein. The County’s execution of this Third Amendment will signify the County’s approval of Exhibit 1-A. Exhibit 1-A supplements Exhibit A to the Agreement.

Market: VA/WV
Cell Site Number: R1198
Cell Site Name: BEACON TOWER
Fixed Asset Number: 10069374

EXHIBIT 1-A

Elevation	60 feet
Mount	MTC3607 Platform w/ Rails
Antenna Information	6 EMS Wireless RV90-17-00DP 3 Commscope SBNHH-1D65B
RRH	3 RRUS-11 3 RRUS-12 with A-2 module
TMA	3 E15S09P9404
Transmission Lines	6 coax 1 5/8" 1 fiber- RFFT-36SM-001 3/8" 2- PWRT-608-S power 7
Other	DC6-48-60-18-8F (SQUID)