



INDIAN RIVER COUNTY, FLORIDA DEPARTMENT OF UTILITY SERVICES

Date: November 7, 2016

To: Jason E. Brown, County Administrator

From: Vincent Burke, P.E., Director of Utility Services

Prepared By: Cindy Corrente, Utilities Finance Manager

Subject: Third Amendment to Elevated Water Tank Space License Agreement with New Cingular Wireless PCS, LLC

DESCRIPTIONS AND CONDITIONS:

In March 2004, the Board of County Commissioners (BCC) entered into a lease agreement with Bellsouth Mobility, dba Cingular Wireless (now known as New Cingular Wireless). The agreement allowed the Licensee to install and operate a communications facility at the Utility Department’s elevated tank located at 1805 58th Avenue (Kings Highway Tank). The license fee was \$20,000 per year and included a clause that required a four percent increase per year. On September 10, 2013, and again on October 15, 2015, the lease was amended to allow for installation of additional equipment on the tank. In October 2015, there was an Amended and Restated Memorandum of License agreement as well. Presently, the annual lease fee is \$54,518.04.

ANALYSIS:

Recently, a representative for New Cingular Wireless contacted staff to request permission to upgrade certain equipment at the site. The new annual fee will be \$57,593.16. As in the original lease and all previous amendments, the four percent increase per year remains in effect as well.

FUNDING:

There is no cost to the department as a result of this lease. However, the department will receive revenues as a result of this lease agreement. The revenues will be recorded in the operating fund under the Radio Tower Rents account. The operating fund is used to cover daily expenses encountered while providing services to existing customers.

Description	Account Number	Amount
Radio Tower Rents	471038-362011	\$57,593.16

RECOMMENDATION:

Staff recommends the approval of the attached Third Amendment to Elevated Water Tank Space Agreement as well as the Amended and Restated Memorandum of License Agreement with New Cingular Wireless PCS, LLC. Staff requests the BCC authorize the Chairman to execute the attached Third Amendment and Restated Memorandum on their behalf.

ATTACHMENT(s):

1. Third Amendment to Elevated Water Tank Space License Agreement
2. Amended and Restated Memorandum of License Agreement