



## Legislation Text

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**File #:** 22-5332, **Version:** 1

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### **ITEM: LEASE TERMINATION AGREEMENT WITH SPRINT SPECTRUM REALTY COMPANY, LLC**

**REQUEST:** Approval of a Lease Termination Agreement with Sprint Spectrum Realty Company, LLC to terminate the existing lease, provide for the surrender of the premises and transfer ownership of certain improvements.

**EXPLANATION:** In 2002, the communications tower at the Water Plant was constructed by a third-party cellular provider. The tower is owned by Wellington and maintained by the Utility. There are currently three cellular providers located on the tower including Verizon, T-mobile, and Sprint. Sprint and T-mobile recently merged, and T-mobile considers the existing Sprint equipment on the site redundant.

Sprint has requested to terminate the existing 2005 lease agreement (R2005-32, R2005-86) between the Acme Improvement District and Sprint Spectrum Realty Company, LLC (successor in interest to Nextel South Corp). As part of the Lease Termination Agreement, the existing Sprint equipment on the tower and associated cables and radios will be removed. The Village will retain possession of an existing storage building and emergency generation equipment.

Under this Lease Termination Agreement, the Tower Site lease will be terminated on September 20, 2022 or the last day of the month in which Sprint commences the surrender work, whichever is later. The Agreement stipulates provisions and responsibilities of Sprint and the Village. The Sprint representative has advised that the equipment to be removed is not operational and there will be no impact to T-mobile coverage in Wellington as a result of this equipment removal. There is no cost to the Village for the removal work or the transfer of ownership of the existing facilities.

**BUDGET AMENDMENT REQUIRED:** NO

**PUBLIC HEARING:** NO

**QUASI-JUDICIAL:**

**FIRST READING:**

**SECOND READING:**

**LEGAL SUFFICIENCY:** YES

**FISCAL IMPACT:** Sprint pays approximately \$61,351.47 annually for the use of the tower. The existing bond in the amount of \$100,000 will be released.

**WELLINGTON FUNDAMENTAL:** Responsive Government

**RECOMMENDATION:** Approval of a Lease Termination Agreement with Sprint Spectrum Realty Company, LLC to terminate the existing lease, provide for the surrender of the premises, and transfer of ownership for certain improvements.