



# Town of Castle Rock

## Agenda Memorandum

**Agenda Date:** 8/16/2022

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**Item #:** 18. **File #:** TMP 2022-607

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**To:** Honorable Mayor and Members of Town Council

**Through:** David L. Corliss, Town Manager

**From:** Mark Marlowe, P.E., Director of Castle Rock Water  
Roy Gallea, P.E., Engineering Manager

**Resolution Approving the Amended and Restated Property Lease Agreement  
Between the Town of Castle Rock and Cellco Partnership D/B/A Verizon Wireless for  
a Communication Tower in Downtown Castle Rock**

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### Executive Summary

On March 1, 1998 a lease agreement between the Town and US West NewVector was executed to place a tower at 1582 Reservoir Road (Reservoir #3 site) for an initial term of five years and set to expire on February 28, 2023 (**Attachment B**). Cellco Partnership is proposing a lease agreement for five (5) years with seven (7) additional five (5) year renewals (**Exhibit 1**). American Tower subleases, manages, operates and maintains the tower.

### Discussion

As part of the new lease, American Tower is proposing an increase of 20 feet of the lattice structure of the existing wireless cellular facility and add additional panel antennas to accommodate the addition of AT & T on to the wireless cellular facility. Providers currently located on the tower include Verizon Wireless and T-mobile.

The wireless cellular facility, considered to be a macro facility, lies within a 103 foot by 35 foot fenced in area. This area also being the lease area. Within the lease area there is the tower itself, two equipment shelters, and several concrete pads with numerous equipment cabinets situated on them. The tower itself is an 80-foot lattice structure, with numerous panel antennas around its perimeter. At its top is an Omni antenna, owned and used by Castle Rock Water, which brings the effective tower height to 97 feet. The proposed new tower configuration, with the 20-foot increase of the lattice structure, will also include an Omni antenna at the top, owned and used by Castle Rock Water, which will give the wireless cellular facility a total height of 115 feet.

On May 19, 2020, Town Staff brought the height increase proposal to Town Council for discussion and direction. At that time Town Council directed staff to work with American Tower on the height

increase and a tri-party consent agreement between the Town, American Tower, and AT &T. The consent agreement was required for any collocation of a new provider on to the wireless cellular facility by the current lease and required Town Council approval. Shortly after bringing the item to Town Council, American Tower approached the Town about extending the lease with the Town. Instead of the consent agreement, American Tower and Town staff rolled the height increase and collocation into the new lease. Per the new lease, future collocations do not require a consent agreement. Future collocations will be required to meet all Town code requirements. The proposed height increase meets the definition of an eligible facilities request per FCC regulations. Any wireless cellular facilities projects that meet the definition of an eligible facilities request are reviewed and approved administratively per the Town's wireless cellular facility regulations. American Tower submitted plans in March of 2021 for the height increase. The plans were conditionally approved by Town staff in November 2021. The condition of approval being the approval and execution of the new lease by Town Council. The conditionally approved plans are included as exhibit C-1 of the lease.

### **Budget Impact**

The Town will collect rent in the amount of \$2,467.21 per month (\$29,606.52 yearly) per the terms of the attached lease extension with an annual 3% increase in the base rent. In addition to the base rent, the tenant will pay the Town 33.33% of any rents actually received by any subleases.

### **Staff Recommendation**

Staff recommends approval of the resolution authorizing the amended and restated property lease agreement with Cellco Partnership d/b/a Verizon Wireless.

### **Proposed Motion**

*"I move to approve the Resolution as introduced by title."*

### **Alternative Motions**

*"I move to approve the Resolution as introduced by title, with the following conditions: (list conditions)."*

*"I move to continue this item to the Town Council meeting on \_\_\_\_date to allow additional time to (list information needed)."*

### **Attachments**

Attachment A:	Resolution
Exhibit 1:	Lease Agreement
Attachment B:	American Tower Master Lease