



Legislation Text

File #: 2679-2019, **Version:** 1

Background: In July 2007, the City purchased two parcels on Woodrow Avenue as the future site of the Division of Police Property Room and Crime Lab. The parcel containing approximately 2.95 acres and identified as Franklin County PID 010-003108, contains a fenced parking lot and a separately fenced area containing approximately 1,792 square feet located at the southwest corner of the parking lot that has been leased since 1994 to house a cell tower and an associated equipment building. The City, as part of its purchase of the property, assumed the existing lease with New Par, a Delaware partnership, dba Verizon Wireless (Verizon) for the cell tower. That lease expired and Verizon Wireless has been a month-to-month tenant during the negotiation of a new lease. Verizon dissolved the New Par entity and now does business in Ohio under the name Cellco Partnership, dba Verizon Wireless. The Real Estate Management Office has now negotiated a new lease with Cellco Partnership with terms that are acceptable to the City and Cellco.

This legislation authorizes the Director of the Department of Finance and Management to execute those documents necessary to enter into a lease agreement by and between the City and the Cellco Partnership dba Verizon Wireless ("Verizon"), a Delaware General Partnership, for a portion of Franklin County Tax Parcel 010-003108. The lease will have an initial term of five (5) years and will contain two options for renewal with each renewal being an additional five year term. The City and Verizon will each have the right to terminate the lease by providing one hundred eighty (180) days written notice.

Fiscal Impact: No funds are required. The City will receive annual lease income in the amount of \$26,800.00 that will be deposited in the General Fund.

Emergency Action: This legislation is presented as emergency in order to expedite the execution of a new lease between the City and Verizon for its continued operation of a cellular communication tower.

To authorize the Director of the Department of Finance and Management to execute those documents necessary to enter into a Lease Agreement between the City of Columbus and Cellco Partnership for a portion of City-owned property commonly known as Franklin County Tax Parcel No. 010-003108, and to declare an emergency.

WHEREAS, as part of the City's purchase of two parcels located on Woodrow Avenue in July 2007, the City assumed a cellular tower land lease with New Par dba Verizon Wireless on a portion of the parcel commonly known as Franklin County Tax Parcel 010-003108; and

WHEREAS, the cellular tower land lease expired and Verizon Wireless has been a month-to-month tenant during the negotiation of a new lease; and

WHEREAS, the entity New Par has been dissolved and Verizon now does business in Ohio as Cellco Partnership dba Verizon Wireless; and

WHEREAS, the City and the Cellco Partnership desire to enter into a new lease agreement to allow Verizon Wireless to continue to operate and access a cell tower on that city-owned parcel on Woodrow Avenue identified as Franklin County Tax Parcel No. 010-003108; and

WHEREAS, after investigation by the Department of Finance and Management, it has been determined that the lease does not adversely affect City operations and it is in the City's best interest to enter into a new lease agreement with

Cellco Partnership; and

WHEREAS, an emergency exists in the usual daily operation of the Finance and Management Department, Office of Real Estate Management, in that it is immediately necessary to authorize the Finance and Management Director, on behalf of the City, to execute those documents necessary to enter into a lease agreement with Cellco Partnership for a portion of that City-owned real property commonly known as Franklin County Tax Parcel 010-003108 thereby preserving the public health, peace, property, safety, and welfare now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Department of Finance and Management be, and hereby is, authorized to execute those documents, as approved by the Department of Law, Division of Real Estate, necessary to enter into a lease agreement by and between the City of Columbus and the Cellco Partnership, a Delaware General Partnership, dba Verizon Wireless for the lease of a portion of that City-owned real property commonly known as Franklin County Tax Parcel 010-003108 for an initial term of five (5) years and to provide for two (2) options for renewal, each renewal being an additional five-year term.

SECTION 2. That the terms and conditions of the Lease Agreement shall include the terms negotiated by the Real Estate Management Office and be in a form prepared and approved by the Department of Law, Division of Real Estate for access to and use of a portion of Franklin County Tax Parcel 010-003108 to house and operate a cellular communication tower, an associated equipment building, and emergency power back-up equipment.

SECTION 3. That the annual income from this Lease Agreement be deposited in the General Fund.

SECTION 4. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves nor vetoes the same.