

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: February 10, 2011**

SUBJECT: New Cingular Wireless PCS, LLC Telecommunications Facility – Mountain Valley Park

SUBMITTING DEPARTMENT: Parks and Recreation

PREPARED BY: Brian Witty, Parks and Recreation Director

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: a) Town Lease w/ Allynx, b) Allynx Sublease w/ New Cingular, and c) Non-Disturbance Agreement

SUMMARY/BACKGROUND: The Town of Prescott Valley has previously entered into an agreement dated December 19, 1999 granting a right-of-first-refusal to Allynx Corp. (an entity with considerable experience in the location of wireless telecommunications facilities who originally assisted Prescott Valley, Prescott, Chino Valley, and Yavapai County develop a joint telecommunications plan) to lease Town property for purposes of entering into subleases with wireless telecommunications companies to install wireless telecommunications facilities. The location of such facilities is based on the joint telecommunications plan, which encourages such facilities to be located on various public structures such as water tanks, light poles, etc.

Most recently, on October 11, 2007, the Town Council entered into a lease with Allynx (and Allynx entered into a sublease with CommSpeed AZ) to locate a telecommunications facility on a light pole at Mountain Valley Park. Previously, other such facilities had been located on light poles at the Park. Now, New Cingular Wireless has requested to locate such a facility on a light-pole at the Park. After providing staff with engineering and property descriptions, Richard Nye of Allynx has negotiated a Sublease and has requested that the Town now approve the standard lease with Allynx.

The Lease is for an initial term of 5 years, with five extension options of 5 years apiece if Allynx and New Cingular are not in default. Payments from New Cingular to Allynx are shared with the Town and are subject to increase over time.

OPTIONS ANALYSIS: The Council may approve the standard Lease with Allynx (including the Sublease between Allynx and New Cingular), or decline to approve the Lease with Allynx as currently drafted.

ACTION OPTION: Motion to approve the Antenna Site Lease with Allynx (including the Site Sublease between Allynx and New Cingular Wireless PCS, LLC) and the Non-Disturbance Agreement for a telecommunications facility at Mountain Valley Park, **OR** Motion not to approve the Lease with Allynx and Sublease with New Cingular Wireless. **VOTE.**

RECOMMENDATION: Staff recommends approval of the Lease with Allynx and the Sublease with New Cingular Wireless for the telecommunications facility at Mountain Valley Park.

FISCAL ANALYSIS: The rent payment from New Cingular to Allynx would be \$1,500.00 per month. In turn, Allynx will pay the Town rent in the amount of \$1,212.00 per month. At each 5-year renewal, the

rent increases by 10%. New Cingular and Allynx are responsible to maintain the property during the lease term.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____