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(R-2006-474)

RESOLUTION NUMBER R- 301101

ADOPTED ON DEC 05 2005

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY MANAGER TO EXECUTE A FIVE YEAR LEASE AGREEMENT WITH TWO FIVE-YEAR OPTIONS TO EXTEND WITH AMERICAN TOWER, L.P. FOR A COMMUNICATIONS FACILITY ON CITY-OWNED PROPERTY KNOWN AS MOUNT WOODSON IN THE COUNTY OF SAN DIEGO.

WHEREAS, the City owns property located in the County of San Diego known as Mount Woodson; and

WHEREAS, the City has leased approximately 10,890 square feet of Mount Woodson to American Tower, L.P. since 1997; and

WHEREAS, American Tower uses the property to license rack space in the equipment shelter and antenna tower to small scale users of private radio systems and to communications carriers; and

WHEREAS, the lease has expired and American Tower has requested a lease renewal; and

WHEREAS, the proposed lease for the construction, operation and maintenance of a communications facility is for a term of five years with two five-year options to extend at the greater of an annual minimum rent of \$72,000 or 35% of the gross rent received; and


WHEREAS, an independent fee appraisal dated July 28, 2005 concluded that the negotiated rent equals or exceeds current market rent values; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is authorized to execute, for and on behalf of the City of San Diego, a 5-year lease agreement with


two five-year options to extend with American Tower, L.P. for City-owned property located on Mount Woodson for the construction, operation and maintenance of a communications facility, at the greater of an annual minimum rent of \$72,000 or 35% of the gross rent received, on the terms and conditions set forth in the Lease Agreement on file in the office of the City Clerk as Document No. RR- 301101 .

1. That the Council waives Council Policy 700-41 regarding the use of the RFP process for the lease of City-owned land.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Elisa A. Cusato
Deputy City Attorney

EAC:nda
11/08/05
Or.Dept:READ
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