

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 12, 2016

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Sprint Spectrum Realty Company, LLC Cell Tower Lease Amendment

Dear Honorable Members:

The Erie County Department of Public Works is requesting authorization to enter into a lease amendment with Sprint Spectrum Realty Company, LLC for the purposes of leasing space on the County's cellular tower located on Erie Community College's South Campus.

If you have any questions, please contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark C. Poloncarz". The signature is written in a cursive style.

Mark C. Poloncarz, Esq.
Erie County Executive

SUSPENSION

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Department of Public Works
RE: Sprint Spectrum Realty Company, LLC Cell Tower Lease Amendment
DATE: July 12, 2016

SUMMARY

In September of 2006, the County entered into a lease agreement with Sprint Spectrum Realty Company, LLC (formerly, Sprint Spectrum L.P.) (Sprint) allowing Sprint to use a portion of the communications tower located on the South Campus of Erie Community College (ECC). The 2006 lease agreement is set to expire on August 31, 2016 and Sprint has requested an extension of the term for an additional sixty (60) months with the option to renew for two additional consecutive terms, each for sixty (60) months.

FISCAL IMPLICATIONS

ECC will continue to receive monthly revenue from Sprint as a tenant on the communications tower. Effective September 1, 2016, the annual rent shall be in the amount of \$27,854.16, with an increase of 4% each year.

REASONS FOR RECOMMENDATION

Sprint has requested to enter into a lease amendment with the County. As a result, the ECC Board of Trustees approved entering into such an amendment at their meeting on June 30, 2016.

CONSEQUENCES OF NEGATIVE ACTION

ECC will lose monthly revenue received as a result of the cell tower lease agreement with Sprint.

STEPS FOLLOWING APPROVAL

Once approved, the County Executive will be authorized to enter into a lease extension with Sprint for a 60-month period, with the option for two consecutive 60-month renewal terms.

SUSPENSION

A RESOLUTION SUBMITTED BY DEPARTMENT OF PUBLIC WORKS

RE: Sprint Spectrum Realty Company, LLC Cell Tower Lease Amendment

WHEREAS, in September of 2006, Sprint Spectrum Realty Company, LLC (formerly, Sprint Spectrum L.P.) ("Sprint") entered into a lease agreement with the County of Erie ("County") for purposes of leasing space on the cell tower located on the South Campus of Erie Community College ("ECC"); and

WHEREAS, the 2006 lease agreement is set expire on August 31, 2016 and Sprint has requested to extend the term for an additional sixty (60) months with the option to renew for two additional consecutive terms, each for sixty (60) months; and

WHEREAS, ECC shall continue to receive monthly revenue from Sprint as a tenant on the cell tower; and

WHEREAS, effective September 1, 2016, the annual rent shall be in the amount of \$27,854.16, with an increase of 4% each year; and

WHEREAS, the ECC Board of Trustees approved entering into the proposed lease amendment with Sprint at their meeting on June 30, 2016.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a lease amendment with Sprint Spectrum Realty Company, LLC (formerly, Sprint Spectrum L.P.) for purposes of leasing space on the cell tower located on the South Campus of Erie Community College for a period of sixty (60) months with the option to renew for two additional consecutive terms, each for sixty (60) months; and be it further

RESOLVED, that the funds received from this lease amendment are to be budgeted for, and accounted for, as operating revenue of Erie Community College; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive; Erie Community College; the County Attorney; the Division of Budget and Management; and the Department of Public Works.