

1 **BILL NO. R-16-02-19**

2 **RESOLUTION NO. _____**

3
4 **A RESOLUTION APPROVING THE SALE**
5 **OF CERTAIN TELECOMMUNICATION**
6 **EASEMENTS AND ASSIGNMENT**
7 **AGREEMENTS FOR THE CITY OF FORT**
8 **WAYNE, INDIANA THROUGH ITS BOARD**
9 **OF PUBLIC WORKS**

10 **WHEREAS**, the City of Fort Wayne, Indiana, by its Board of
11 Public Works/Division of City Utilities desires to sell five (5) cell site easements
12 and assignment agreements for wireless communication sites, specifically
13 described in "Exhibit "A," attached hereto and made a part hereof, to Landmark
14 Infrastructure Holding Company, LLC; and

15 **WHEREAS**, the sale price for the five (5) cell site easements and
16 assignment agreements for wireless communications sites is TWO MILLION,
17 THREE HUNDRED FIFTEEN THOUSAND AND 00/100 DOLLARS –
18 (\$2,315,000.00); and

19 **WHEREAS**, the term of the sale of the telecommunication
20 easements and assignment agreements is forty-seven (47) years (June 28,
21 2053); and

22 **WHEREAS**, the five (5) cell site easements and assignment
23 agreements are located on three (3) City Utilities water towers; Aboite Water
24 Tower, 9810 Bronco Drive, Fort Wayne, Indiana, 46804; Covington Water
25 Tower, 14501 Covington Road, Fort Wayne, Indiana 46814; and Dupont Water
26 Tower, 14501 Covington Road, Fort Wayne, Indiana 46814; and Dupont Water
27 Tower, 14501 Covington Road, Fort Wayne, Indiana 46814; and Dupont Water
28 Tower, 14501 Covington Road, Fort Wayne, Indiana 46814; and Dupont Water
29 Tower, 14501 Covington Road, Fort Wayne, Indiana 46814; and Dupont Water
30 Tower, 14501 Covington Road, Fort Wayne, Indiana 46814; and Dupont Water

1 Tower, 1016 Dupont Road, Fort Wayne, Indiana, 46825; and

2 **WHEREAS**, Sec. 37-25 of the City of Fort Wayne Code of
3 Ordinances, requires the Common Council approval of any purchase or
4 conveyance of real estate by the City.
5

6 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON**
7 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

8 **SECTION 1.** The sale of five (5) cell site easements and
9 assignment agreements for wireless communication sites, is hereby approved
10 and agreed to. The appropriate officials of the City are hereby authorized to
11 execute all documents necessary to accomplish said purchase.
12

13 **SECTION 2.** This Resolution shall be in full force and effect from
14 and after its passage and any and all necessary approval by the Mayor.
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16 _____
17 Council Member

18 APPROVED AS TO FORM AND LEGALITY
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21 _____
22 Carol Helton, City Attorney
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Memo

Date: February 18, 2016
To: Common Council Members
From: Ben Groeneweg, City Utilities Engineering
Re: **Telecommunication Easement Purchase and Assignment Agreement**
Resolution Number: 103-2-17-16-1

Council Districts #2 and #4

City Utilities is proposing to sell five cell site easements and assignments agreements for wireless communication sites for a 47-year period to an investor for a lump sum of \$2,315,000.

Implication of not being approved:

- There is a risk of losing rent revenue if current wireless tenants do not renew their leases. All five tenants are cellular phone service providers and there is a risk that they could be acquired by other companies and /or their technology may become obsolete.
- There is an immediate funding need for capital projects. One hundred percent of the money received will fund capital projects.

If Prior Approval is being Requested, Justify: Not required for this contract

The sale of assignment of rents was advertised on 10/06/2015 and 10/13/2015 in the Journal Gazette and News Sentinel.

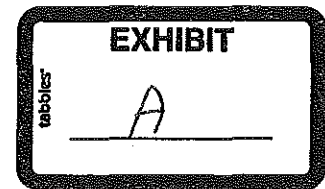
City Utilities recommends, and the Board of Public Works has approved, the sale of the wireless communication site assignment of rents to Landmark Infrastructure Holding Company, LLC for \$2,315,000. The proposal from Landmark was the highest of four proposals and they agreed to the City's terms and conditions. The proposals ranged from \$2,102,500 to \$2,315,000. The term of the agreement is approximately 47 years (June 28, 2053).

All five cell sites are located on three of City Utilities water towers (all of which are former Aqua Indiana water towers).

The revenue of said sale will fund capital projects in the water utility.

Council Introduction Date: February 23, 2016

CC: BOW
Matthew Wirtz
Diane Brown
File



**A RESOLUTION OF THE BOARD OF PUBLIC WORKS
OF THE CITY OF FORT WAYNE, INDIANA,
AUTHORIZING TELECOMMUNICATION EASEMENT PURCHASE
AND ASSIGNMENT AGREEMENT**

RESOLUTION NUMBER 103-2-17-16-1

WHEREAS, the City of Fort Wayne, Indiana (hereinafter referred to as the "City"), owns certain real property and the water towers located thereon located at 9810 Bronco Drive, Fort Wayne, Indiana, 46804 (hereinafter referred to as the "Aboite Water Tower" location), 14501 Covington Road, Fort Wayne, Indiana, 46814 (hereinafter referred to as the "Covington Water Tower" location), and 1016 Dupont Road, Fort Wayne, Indiana, 46825 (hereinafter referred to as the "Dupont Water Tower" location), all three (3) locations being described more particularly in Exhibit "A", attached hereto and made a part of this Resolution by this reference; and

WHEREAS, the City as Lessor, currently leases space on the water towers at the above mentioned locations to certain wireless communication companies and carriers (hereinafter referred to as the "Existing Leases"); and

WHEREAS, Landmark Infrastructure Holding Company, LLC (hereinafter referred to as "Landmark") wishes to purchase the City's telecommunication easements; and

WHEREAS, the City wishes to sell and assign the City's rights to collect rents and/or lease payments from the Existing Leases to Landmark.

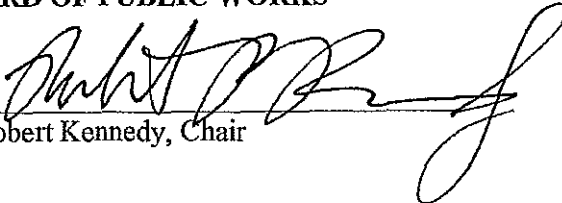
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

1. That the Board of Public Works of the City of Fort Wayne, Indiana (hereinafter referred to as the "Board") approves the sale of the Telecommunications Easements and Assignment Agreements between the City and Landmark.
2. That the Board approves the Telecommunication Easement Purchase And Assignment Agreement agreements between the City and Landmark.
3. That the Board hereby authorizes Benjamin Groeneweg, Engineer VI: Utility Asset Management and Engineering Services, to sign in the name of and on behalf of the Board, the three (3) Telecommunication Easement Purchase And Assignment Agreement agreements between the City and Landmark, and the three (3) Telecommunication Easement Agreement agreements between the City and Landmark and all ancillary closing documents.

This Resolution shall be in full force and effect from and after its adoption by the Board of Public Works of the City of Fort Wayne, Indiana.

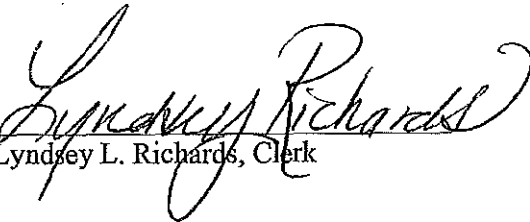
APPROVED this 17th day of February, 2016.

BOARD OF PUBLIC WORKS

By: 
Robert Kennedy, Chair

By: Absent
Kumar Menon, Member

By: 
Mike Avila, Member

Attest: 
Lyndsey L. Richards, Clerk