

AN ORDINANCE 2006-05-04-0541

AUTHORIZING THE EXECUTION OF AN EXTENSION AGREEMENT TO THE INTERLOCAL LEASE AGREEMENT WITH VIA METROPOLITAN TRANSIT, EXTENDING THE CURRENT AGREEMENT FOR FIVE YEARS, FOR THE CONTINUED USE OF A TELECOMMUNICATIONS TOWER LOCATED WITHIN SOUTHSIDE LIONS PARK, FOR TOTAL CONSIDERATION OF \$76,400.00.

* * * * *

WHEREAS, through Ordinance No. 89205, passed and approved on February 4, 1999, City Council granted VIA Metropolitan Transit ("VIA") an Interlocal Lease Agreement to utilize the City's existing telecommunications tower located within Southside Lion's Park for a term of seven (7) years, with two (2) five (5)-year renewal options; and

WHEREAS, VIA has requested the exercise of the first available renewal option and has agreed to pay the total amount of \$76,400.00 as total consideration; and

WHEREAS, the rates agreed to are consistent with the City's current policy related to the use of telecommunications towers; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The terms and conditions of the Extension Agreement to the Interlocal Lease Agreement with VIA, extending the current agreement for five (5) years, for the continued use of a telecommunications tower located within Southside Lion's Park, for total consideration of \$76,400.00, are authorized and approved.

SECTION 2. The City Manager, or her designee, is authorized to execute the Extension Agreement with VIA. A copy of the Extension Agreement, previously executed by VIA, is attached to this Ordinance as Exhibit I.

SECTION 3. Funds generated by this Ordinance are to be deposited into Fund 11001000, entitled "General Fund," Internal Order 224000000003, entitled "CELL TOWER LEASES," General Ledger 4401170, entitled "Lease - Cellular Tower."

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SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall be effective on and after the tenth day after passage.

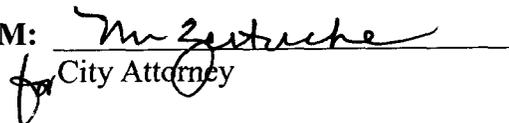
PASSED AND APPROVED this 4th day of May, 2006.


M A Y O R
PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney

Exhibit

I

STATE OF TEXAS

X

EXTENSION AGREEMENT TO

X

INTERLOCAL LEASE AGREEMENT

COUNTY OF BEXAR

X

WITH VIA METROPOLITAN TRANSIT

THIS INSTRUMENT is made and entered into by and between the City of San Antonio ("CITY") and VIA Metropolitan Transit ("TENANT").

WHEREAS, under authority granted by Ordinance No. 89205, passed and approved on February 4, 1999, CITY and TENANT entered into an Interlocal Lease Agreement ("Original Agreement") for the lease of a cell tower located on CITY property and the Original Agreement provided for an initial term of seven (7) years, which ends on May 11, 2006, with two (2) five (5)-year renewal options; and

WHEREAS, by a letter dated February 8, 2006, TENANT expressed its desire to exercise the first available renewal option provided for in the Original Agreement; and

WHEREAS, the City Council of the City of San Antonio has expressed its commitment to contract with TENANT for the first renewal option pursuant to Ordinance No. _____, passed and approved on _____, 2006; **NOW THEREFORE,**

The Parties agree as follows:

1.01 Based on the applicable provisions authorizing an extension and subject to the terms and conditions set out in this Extension Agreement and Ordinance No. _____, the Parties hereto mutually agree to exercise the first five (5)-year renewal option and extend their Original Agreement, entered into upon authority granted in Ordinance No. 89205, and said Agreement shall now have a termination date of May 11, 2011.

2.01 It is the intent of the Parties that, as provided in Section 5.01 of the Original Agreement, TENANT shall pay CITY \$14,400.00 annually for the first three (3) years of the renewal option and \$16,600.00 for the final two (2) years of the renewal option. Should TENANT allow additional users to co-locate on the tower, TENANT's rates shall be reduced according to the schedules provided in Section 5.01 of the Original Agreement.

3.01 The Parties agree and understand that, except as modified herein, all terms and conditions contained in the Original Agreement entered into under the authority of Ordinance No. 89205 shall remain the same.

EXECUTED AND SIGNED this _____ day of _____, 2006.

CITY OF SAN ANTONIO

VIA METROPOLITAN TRANSIT

City Manager

Terry Dudley
Name: Terry Dudley
Title: Manager of Procurement

ATTEST:

City Clerk

ATTEST:
Janey Moreno

APPROVED:

City Attorney

APPROVED:
Thomas Bailey
Office of the Chief Counsel