



Legislation Details (With Text)

**File #:** O-622-23      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Approved

**File created:** 9/5/2023      **In control:** Parks & Youth Services Department

**On agenda:** 11/21/2023      **Final action:** 11/21/2023

**Title:** Authorizing the Mayor to enter into a five-year Lease Amendment, with Cellco Partnership d/b/a Verizon Wireless, an American Tower Delaware Corporation, for the lease of a portion of real property located at City of Toledo Detwiler Park; accepting and depositing rent proceeds into the Parkland Replacement Fund; waiving the 30-day notice requirement of Toledo Municipal Code Chapter 187; making certain findings with respect thereto; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Video: Agenda Review 11/14/2023, 2. Video: City Council 11/21/2023

Date	Ver.	Action By	Action	Result
11/21/2023	1	City Council	Suspension	Pass
11/21/2023	1	City Council	Emergency	Pass
11/21/2023	1	City Council	Passage	Pass

American Tower/Verizon Lease Amendment-Detweiler Park  
 Department of Parks & Youth Services  
 J. Fausnaugh (x3884), B. Sehlhorst (x1692), C. Watkins (x1154)  
 Revised

**Authorizing the Mayor to enter into a five-year Lease Amendment, with Cellco Partnership d/b/a Verizon Wireless, an American Tower Delaware Corporation, for the lease of a portion of real property located at City of Toledo Detwiler Park; accepting and depositing rent proceeds into the Parkland Replacement Fund; waiving the 30-day notice requirement of Toledo Municipal Code Chapter 187; making certain findings with respect thereto; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The City of Toledo entered into a Lease Agreement with Toledo MSA Limited Partnership, a Delaware Limited partnership, (New Par, a Delaware Partnership dba Airtouch Cellular/Cellco Partnership dba Verizon Wireless), pursuant to Ordinance 44-93, passed by the Council of the City of Toledo, January 26, 1993, for the lease of a 27 ft by 52 ft section of land located at Detwiler Park, 3900 Summit St., for a self-supporting telecommunications tower, equipment shelter and fence. The original lease was for an initial twenty (20) years with two additional, five (5) year renewal options, expiring March 31, 2023.

This legislation seeks to authorize the Lease Amendment of original agreement and the acceptance and deposit of a one-time renewal fee in the amount of \$50,000. In addition, this Lease Amendment incorporates six additional 5-year renewal options. Said Lease Amendment shall provide that Cellco Partnership d/b/a Verizon Wireless pay an annual fee of \$13,504, for the 1<sup>st</sup> additional 5-year term (2023-2028) and an increase of 20% per term thereafter for the duration of this Lease Amendment.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to execute a Lease Amendment with Cellco Partnership d/b/a Verizon Wireless, an American Tower Delaware Corporation for a portion of city-owned property located at Detwiler Park, for a self-supporting telecommunications tower, equipment shelter and fence.

SECTION 2. That said Lease Amendment shall be for a renewal term of five (5) years with five additional five (5) year renewal terms each, and shall contain those terms conditions, and stipulations deemed requisite by the Mayor, Director of Parks, Director of Economic Development and the Director of Law.

SECTION 3. That this Council finds and determines it is in the best interest of the city to waive the 30-day notice provision of Toledo Municipal Code Chapter 187 for the reason that this Lease Amendment does not change the ownership or use of the subject property.

SECTION 4. That the Finance Director is authorized to accept and deposit the renewal fee and annual rental payments into Parkland Replacement Fund, Account Code 2006-40100-7715001STDSTD.

SECTION 5. That this Ordinance is declared to be an emergency measure and shall take effect and be enforced immediately from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of public health, safety and property and to provide for the Cellco Partnership d/b/a Verizon Wireless continued use of their telecommunications tower structure at this site.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council