

**SANTA BARBARA COUNTY
AGENDA BOARD LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: February 27, 2002
Department: Park Department
Department No.: 052
Agenda Date: March 19, 2002
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Jennifer Briggs *J. Briggs*
Director of Parks

STAFF CONTACT: Mike Gibson
Business Manager (568-2477)

SUBJECT: First Amendment to Rincon Park Communication Facility Lease Agreement
Folio No. WC 3017
First Supervisorial District

Recommendation:

That the Board of Supervisors execute the attached original and duplicate original First Amendment to the Lease Agreement between the County of Santa Barbara and Santa Barbara Cellular Systems, Ltd., extending the term for an additional five years, and increasing the base rent from \$7,657.69 per year to \$17,000 per year, which will allow Santa Barbara Cellular Systems, Ltd. to continue to operate its communications facility at Rincon Beach County Park.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1: An Efficient Government Able to Anticipate and Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

This First Amendment to the Lease Agreement will allow Santa Barbara Cellular Systems, Ltd. to continue to operate its communications facility at Rincon Beach County Park. The site provides mobile telephone coverage in a critical area of the County by allowing Santa Barbara Cellular Systems, Ltd. to operate and maintain a cellular mobile radio/telephone communication facility at the park.

The original Lease Agreement was executed by your Board on November 12, 1996. The Agreement provided for a "Fair Market Rent Survey" to be performed in the fifth year of the Agreement to determine appropriate rental rates for similar facilities in comparable locations. The County conducted the fair market rent survey and negotiated a new annual rental rate of \$17,000 with Santa Barbara Cellular Systems, Ltd.

The Board's approval of this Amendment will extend the term for an additional five years until November, 2006. The original Agreement provides for two additional terms of five years each, provided the lessee is in good standing in regards to the lease terms. Santa Barbara Cellular Systems, Ltd. may exercise each of these five-year extension options by written request to the County at least thirty days prior to expiration of the then current term. A five percent (5%) Consumer Price Index (CPI) increase will be applied to the rent annually; however, no additional fair market rent surveys will be conducted prior to these two extensions.

Mandates and Service Levels:

There are no mandates or changes to existing service levels.

Fiscal and Facilities Impacts:

This amended agreement will result in \$17,000 in annual revenue generated for the Park Department for FY 2001-02, plus a 5% CPI increase in subsequent years. This is an increase of \$9,342 for FY 2001-02 from the amount provided under the current agreement (\$7,658). This revenue is budgeted in Department 052, Fund 0001, Program 0301, Line Item Account 3409.

Special Instructions:

After Board action, distribute as follows:

1. Original Document - Clerk of the Board Files
2. Duplicate Original Document and Minute Order - Facilities Services, Attn: Don Grady
3. Copy of Original Document and Minute Order - Park Department, Attn: Mike Gibson

NOTE: Facilities Services will deliver the duplicate original to the LESSEE.

Concurrences:

County Counsel

Auditor-Controller

Risk Management

Real Property Division

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Project: AT&T at Rincon Park
First Amendment
Folio: WC 3017
APN: 001-220-48 (Portion)
Cell ID: 5457-96003
Agent: DG

**FIRST AMENDMENT TO THE
RINCON PARK COMMUNICATION FACILITY LEASE AGREEMENT**

THIS FIRST AMENDMENT TO THE LEASE AGREEMENT is made by and between
the

COUNTY OF SANTA BARBARA, a
political subdivision of the
State of California, hereinafter
referred to as "COUNTY,"

and

SANTA BARBARA CELLULAR SYSTEMS Ltd,
a Georgia Limited Partnership,
hereinafter referred to as "LESSEE,"

with reference to the following:

WHEREAS, COUNTY is the owner that certain property commonly known as Rincon Park, in the County of Santa Barbara, CA, more particularly described as Assessor Parcel Number 001-220-048, (hereinafter "Property"); and

WHEREAS, LESSEE currently operates and maintains a wireless communication network inside and outside the boundaries of Santa Barbara County; and

WHEREAS, COUNTY and LESSEE executed that Rincon Park Communication Facility Lease Agreement, (hereinafter "Agreement"), on November 12, 1996, whereby LESSEE is permitted to operate and maintain a wireless communication micro site (hereinafter "Facility"), in Rincon Park; and

WHEREAS, the Agreement provides for a fair market rent survey whereby the parties would determine the current fair market rent for the Facility to be effective November 1, 2001; and

WHEREAS, the fair market rent survey has been completed and the current fair market rent has been determined to be \$17,000 annually; and

WHEREAS, LESSEE wishes to exercise its option to extend the Agreement for one additional term of five years, pursuant to Section 5., TERM/OPTION of the Agreement.

NOW, THEREFORE, in consideration of the premises, and the mutual covenants and conditions contained herein, the parties agree as follows:

1. Section 5., TERM/OPTION, shall be amended by the addition of the following:

“This Agreement is hereby extended for an additional five years, commencing November 1, 2001, and terminating October 31, 2006, subject to such provisions for extension and termination as contained in the original Agreement. The Agreement shall continue on the same terms and conditions, subject to Section 7., COST OF LIVING ADJUSTMENT.”

2. Section 5., RENT, shall be amended by addition of the following:

“Beginning November 1, 2001, the new annual rental terms shall be \$17,000, subject to Section 7., COST OF LIVING ADJUSTMENT.”

3. It is expressly understood that in all other respects, the terms and conditions of the original Agreement, as amended, shall remain in full force and effect.

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Project: AT&T at Rincon Park
First Amendment
Folio: WC 3017
APN: 001-220-48 (Portion)
Cell ID: 5457-96003
Agent: DG

IN WITNESS WHEREOF, COUNTY and LESSEE have executed this First Amendment to the Lease Agreement to be effective as of the date executed by COUNTY.

ATTEST:
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO ACCOUNTING:
ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By John Gull CPA

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

By Patricia J. Cleary

APPROVED:

Jennifer Briggs
Jennifer Briggs
Director of Park Department

APPROVED:

Rona Carlentine
Rona Carlentine, SR/WA
Real Property Supervisor

"COUNTY"
COUNTY OF SANTA BARBARA

By _____
Chair, Board of Supervisors

Date: _____

"LESSEE"

Santa Barbara Cellular Systems

Rance L. Fregler
Rance L. Fregler
By Site Acquisition Manager for So. Calif
Name and Title

Date: 2/19/02

Daniel T. Hare
By DANIEL T. HARE CYS DEV MGR
Name and Title

Date: 2/19/02

APPROVED:

P. Andrea Smutz
P. Andrea Smutz
Risk Manager

