

**ORDINANCE NO. 2020-018**


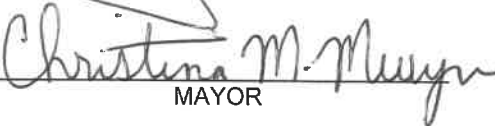
**AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO RENEGOTIATE AND EXTEND TERMS OF AN EXISTING LEASE AGREEMENT WITH A TOWER MANAGEMENT COMPANY FOR A RADIO TOWER AT FINDLAY FIRE STATION #3.**

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Safety Director of the City of Findlay, Ohio be and he is hereby authorized to enter into an agreement which will permit a tower management company to lease space to telecommunications companies.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to enter into said agreement so that this new facility may be constructed thus making this tower available to the City as well as other potential users forthwith;

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL  
  
\_\_\_\_\_  
MAYOR

PASSED March 3, 2020

ATTEST Denise DeVore  
CLERK OF COUNCIL

APPROVED March 3, 2020



## Office of the Mayor

Christina Muryn

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.  
Service-Safety Director

February 12, 2020

City Council

RE: American Tower – Station 3 lease.

Members,

The City of Findlay is currently in a land lease agreement with American Tower Company for a cellular tower on property at Findlay Fire Station 3. The lease was originated in 1999. With extension the lease term is 30 years. There are 10 years left on the current lease. The Company has asked the City to consider an extension.

The annual revenue from the lease has grown from approximately \$12,000 per year to \$17,000 per year. The current rate of growth is tied to growth in the CPI with a maximum rate of 15% per 5 year term.

I have asked the Company to provide us new terms in order to consider an extension. A few options are now available for Council's consideration:

Option 1: Perpetual Easement

- **\$350,000.00** for an exclusive easement on existing leased space with a non-exclusive easement for access and utilities for the current existing footprint we are using now.

Option 2: Perpetual Easement Installment Plan

- **120 Monthly payments \$3,600.00** for an exclusive easement on existing leased space with a non-exclusive easement for access and utilities for the current existing footprint we are using now.

Option 3: Lease Extension

- Increase monthly rental payment from **\$1,483.08 to \$2,250.00** a month, escalation rate will change from 15% per term to 3% annually as soon as we have a fully executed agreement. 15% rev share for each new sublease.
- Extend your current lease ending 11/15/2028 for six additional (5) year terms, which would be a total of 30 additional years.

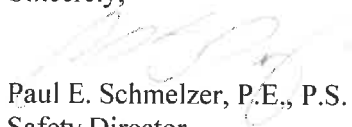
Option 4: Lease Extension

- Increase monthly rental payment from **\$1,483.08 to \$2,600.00** a month, escalation rate will change from 15% per term to 1% annually as soon as we have a fully executed agreement. 15% rev share for each new sublease.
- Extend your current lease ending 11/15/2028 for six additional (5) year terms, which would be a total of 30 additional years.

In my opinion, option 3 has the largest opportunity to maximize revenue. As 5G and wireless canopies continue to develop, the 15% revenue share with a higher inflation rate has more potential for an increased rate at the maturity of the lease.

American Tower is interested in an answer to these proposals in early March due to a potential opportunity. They have indicated that they are losing opportunity because there are only 10 years left on the lease and the infrastructure costs for cellular build out require a longer lease term to pay off.

Sincerely,



Paul E. Schmelzer, P.E., P.S.  
Safety Director

pc:  
Christina Muryn  
Don Rasmussen  
Jim Staschiak



**LEGEND**

- IRON PIPE FOUND AS N.O.L.
- IRON PVI SET
- EXISTING POWER POLE
- EXISTING POWER & TELE. POLE
- ▨ PROPOSED 8" CONCRETE

**UNDERGROUND UTILITIES**

2 WORKING DAYS BEFORE YOU DIG  
CALL 800-382-2764 (TOLL FREE)  
OHIO UTILITIES PROTECTION SERVICE

NON-MEMBERS MUST BE CALLED DIRECTLY

**LOCATION MAP**

We have determined the following information regarding the corner of lower location for the above referenced cell site:

Latitude: N 41° 02' 52.73"  
Longitude: W 83° 37' 43.10"  
Elevation: 794' ± AMSL

We certify that the coordinates provided are accurate within FIA Horizontal Accuracy Code 2, ± 30 feet and the elevations are accurate within FIA Vertical Accuracy Code 2, ± 20 feet. The horizontal datum (coordinates) are in terms of NAD 1983 (FWS). The vertical datum (elevation) are in terms of MGS 1985.

We hereby certify in Alltel Communications, Ohio RSA 5, Limited Partnership, and Lawyers Title Insurance Corporation that we have surveyed the easement area of land and that the plat is a correct representation of the same, from plans hereon found or not at all in our records.

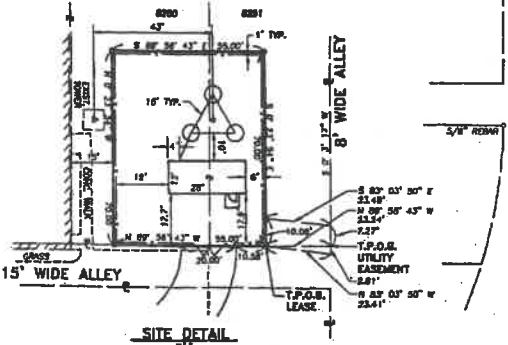
We hereby certify in Alltel Communications, Ohio RSA 5, Limited Partnership, and Lawyers Title Insurance Corporation that the Lease Parcel shown in is an area that has been identified by the Federal Emergency Management Agency's Flood Insurance Rate Map, Community Flood No. 24024 C002 C, for the City of Findlay, Hancock County, State of Ohio, dated effective April 5, 1998, as a Zone C, an area of minimal flood hazard.



*James E. Karing*  
P.S. 7539  
11/18/98

**CURVE DATA**

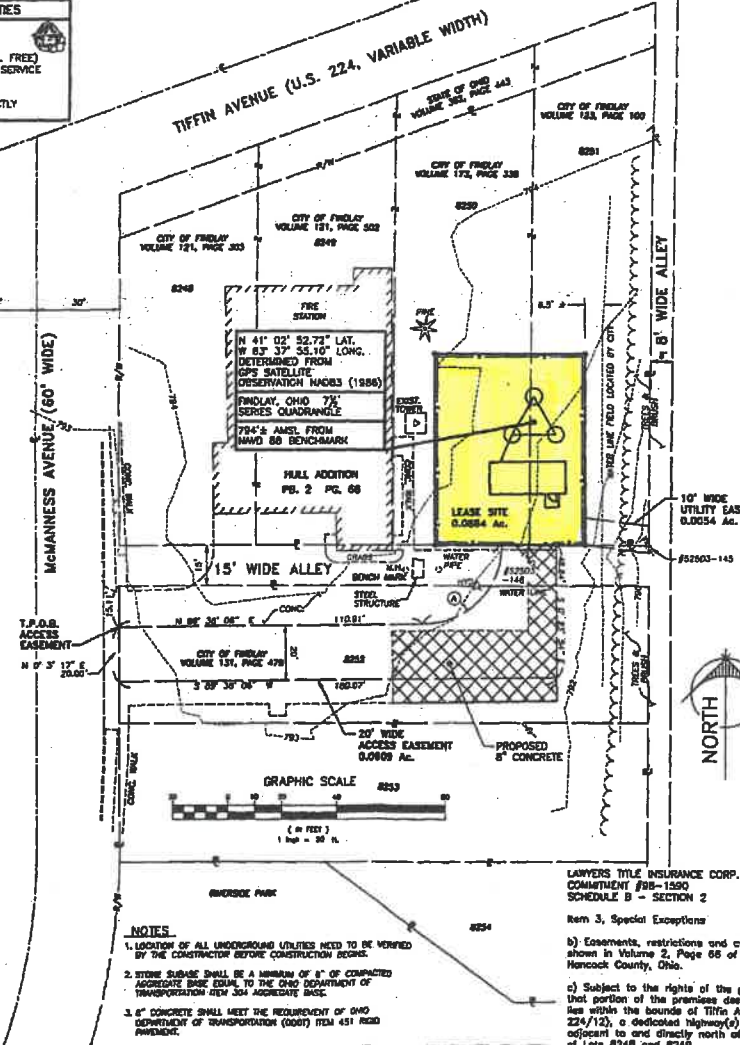
Δ = 90° 00' 00"  
R = 29.00'  
T = 29.00'  
L = 43.55°  
C.I. = 41.01°  
C4 BRG. = N 44° 36' 06" E



# OLD MILLSTREAM II CELL SITE FIRE STATION No. 3

PART OF THE N.E. QTR. OF SECTION 18  
T 1 N, R 11 E  
CITY OF FINDLAY  
HANCOCK COUNTY, OHIO

**BENCH MARK**  
TOP OF MANHOLE CASTING  
E.L. = 793.53



**NOTES**

1. LOCATION OF ALL UNDERGROUND UTILITIES NEED TO BE VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION BEGINS.
2. STONE SUBGRADE SHALL BE A MINIMUM OF 4" OF COMPACTED AGGREGATE BASE EQUAL TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) 204 AGGREGATE BASE.
3. 8" CONCRETE SHALL MEET THE REQUIREMENT OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) ITEM 451 ROAD PAVEMENT.

A. THIS INCLUDES PLACEMENT OF SHELDED WIRE MESH JOINT CONSTRUCTION AND SAW CUTTING.

REVISED 11/18/98  
REVISED 10/29/98  
REVISED 10/22/98

## LEASE SITE

Situated in the City of Findlay, County of Hancock, State of Ohio, Township 1 North, Range 11 East and known as being a part of Lot Nos. 8234 and 8231 and a part of a 15 foot wide alley in the Plot of the Mill Addition to Findlay as recorded in Plot Book 2, Page 66, also known as being a portion of a parcel of land conveyed to the City of Findlay as recorded in Dead Book 123, Page 100 and Dead Book 173, Page 338 of said County's records, and being further bounded and described as follows:

Commencing at the southeast corner of said Lot No. 8251, thence along the south line of said Lot 8251 and the north line of a 15 foot wide Alley, N 89° 58' 43" W for a distance of 23.24 feet to a 5/8 inch rebar with cap GPD set, said rebar set being the True PVI Beginning of the parcel of land hereinafter described, thence clockwise along the following four (4) courses and distances:

- 1) Thence continuing along said south line, said north line of 15 foot wide Alley and along to south line of said Lot 8250, N 89° 58' 43" W for a distance of 53.00 feet to a 5/8 inch rebar cap GPD set;
- 2) Thence N 0° 23' 54" W for a distance of 70.00 feet to a 5/8 inch rebar with cap GPD set;
- 3) Thence S 89° 58' 43" E for a distance of 53.00 feet to a 5/8 inch rebar with cap GPD set;
- 4) Thence S 0° 23' 54" E for a distance of 70.00 feet to the True Place of Beginning and containing 0.0884 acres of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of James E. Karing, P.S. Number 7539, for Glous, Pyle, Schorner, Burns and DeHoven, Inc., in October of 1998.

Basis of Bearing is True North

## 20' WIDE ACCESS EASEMENT

Situated in the City of Findlay, County of Hancock, State of Ohio, Township 1 North, Range 11 East and known as being a part of Lot No. 8252 and a part of a 15 foot wide alley in the Plot of the Mill Addition to Findlay as recorded in Plot Book 2, Page 66, also known as being a portion of a parcel of land conveyed to the City of Findlay as recorded in Dead Book 131, Page 478 of said County's records, and being further bounded and described as follows:

Commencing at the northwest corner of said Lot No. 8252, said corner also being at the east right of way line of McManness Avenue (60 feet wide), thence along the west line of said Lot No. 8252 and said east right of way line, S 0° 03' 17" W for a distance of 15.11 feet to a point, said point being the True Place of Beginning of the parcel of land hereinafter described, thence clockwise along the following six (6) courses and distances:

- 1) Thence N 89° 38' 06" E for a distance of 110.81 feet to a point of curvature;
- 2) Thence along the arc of a curve to the left having the following properties:  
Delta = 90° 00' 00"  
Radius = 29.00'  
Tangent Chord = 41.01'  
Chord Bearing = N 44° 36' 06" E for a distance of 48.59 feet to a point on the north line of a 15 foot wide Alley;
- 3) Thence along the south line of said Lot 8250, south line of Lot 8251 and said north line of foot wide Alley, S 89° 58' 43" E for a distance of 20.00 feet to a point;
- 4) Thence S 0° 23' 54" E for a distance of 48.84 feet to a point;
- 5) Thence S 89° 38' 06" W for a distance of 160.07 feet to a point on said east right of way line and said west line of Lot 8252;
- 6) Thence along said east right of way line and said west line, N 0° 03' 17" E for a distance of 20.00 feet to the True Place of Beginning and containing 0.0054 acres of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of James E. Karing, P.S. Number 7539, for Glous, Pyle, Schorner, Burns and DeHoven, Inc., in November of 1998.

Basis of Bearing is True North

## 10' WIDE UTILITY EASEMENT

Situated in the City of Findlay, County of Hancock, State of Ohio, Township 1 North, Range 11 East and known as being a part of Lot No. 8251 and a part of a 15 foot wide alley in the Plot of the Mill Addition to Findlay as recorded in Plot Book 2, Page 66, also known as being a portion of a parcel of land conveyed to the City of Findlay as recorded in Dead Book 123, Page 100 of said County's records, and being further bounded and described as follows:

Commencing at the southeast corner of said Lot No. 8251, said southeast corner being the True Place of Beginning of the parcel of land hereinafter described, thence clockwise along the following five (5) courses and distances:

- 1) Thence S 0° 03' 17" W for a distance of 2.81 feet to a point;
- 2) Thence N 83° 03' 50" W for a distance of 23.41 feet to a 5/8 inch rebar with cap GPD set on the south line of Lot 8251 and the north line of a 15 foot wide Alley;
- 3) Thence N 0° 23' 54" W for a distance of 10.08 feet to a point;
- 4) Thence S 83° 03' 50" E for a distance of 23.49 feet to a point on the east line of said Lot 8251;
- 5) Thence along said east line, S 0° 03' 17" W for a distance of 7.27 feet to the True Place of Beginning and containing 0.0054 acres (235 sq. ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of James E. Karing, P.S. Number 7539, for Glous, Pyle, Schorner, Burns and DeHoven, Inc., in October of 1998.

Basis of Bearing is True North

LAWYERS TITLE INSURANCE CORP.  
COMMITMENT #98-1990  
SCHEDULE B - SECTION 2

Item 3, Special Exceptions

b) Easements, restrictions and conditions of record as shown in Volume 2, Page 66 of the Plot Records of Hancock County, Ohio.

c) Subject to the rights of the public and others in and to that portion of the premises described in Schedule A that lies within the bounds of Tiffin Avenue (State Route 224/12), a dedicated Highway(4) and also an east-west utility adjacent to and directly north of Lot 8252 and to the south of Lots 8248 and 8249.

ITEM 3(b) & 3(c), (ON VACATION OF RECORD FOR THE 15 FOOT WIDE ALLEY NORTH OF LOT NO. 8252, DOES NOT AFFECT SITE)

PREPARED FOR:  
OHIO RSA 5  
LIMITED PARTNERSHIP  
OLD MILLSTREAM CELL SITE

