



33631

Date: May 29, 2013
To: George Chapjian, Director, Department of Parks, Recreation and Marine
From: Ara Maloyan, PE, Acting Director of Public Works
Subject: **Transfer of Lease WDL-110 with AT&T Mobility from the Department of Public Works to the Department of Parks, Recreation and Marine**

This memorandum serves to memorialize the transfer of the administration and revenues of Lease WDL-110 with AT&T Mobility from the Department of Public Works to the Department of Parks, Recreation and Marine. Background on the Lease and transfer are as follows:

Since 1996, AT&T Mobility (Lessee) and its predecessors in interest have leased approximately 1,134 square feet of City-owned property at 1280 West Willow Street (Premises) for the operation of a cellular telephone facility. The Premises include a monopole antenna tower and a prefabricated building, which are situated immediately adjacent to Storm Pump Station SD-6 (SD-6). In 1998, the City transferred ownership of SD-6, the storm drain system, and the existing cell tower lease to the Long Beach Water Department (Water). Concurrent with the transfer of ownership, Water executed a new lease, Lease No. WDL-110 (Lease), for a five-year term through September 30, 2006, with two five-year options to further extend the term. In 2003, ownership of the storm drain system and SD-6 were transferred back to the City; however, Water continued to manage the Lease. In April 2011, the Lessee exercised its second and final option to extend the Lease through September 30, 2016 and concurrently Water transferred all rights and interests in the Lease back to the City.

Recently, the City Manager's Office has identified the revenue from the Lease as a source of funding to offset Fiscal Year 2013 programmatic cuts within the Department of Parks, Recreation and Marine (PRM). As such, Public Works has been directed to transfer the administration of the Lease and all corresponding revenue to PRM, effective October 1, 2012. The current monthly rent payable under the Lease is \$2,848.83 and pursuant to said direction, all lease administration and associated revenue retroactive to this date shall be transferred to PRM.

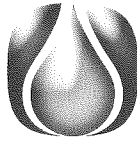
Please have the appropriate PRM staff contact Matthew Brookes, Development Project Manager at 8-6122 to coordinate transfer of the payments and notification to the Lessee of the change in administration of the Lease.

Thank you.

AM:JLR:MTB

Attachments:

Lease No. WDL-110
First Amendment to Lease No. WDL-110.



Long Beach Water Department

The Standard in Water Conservation &
Environmental Stewardship

Date: October 14, 2013
To: Richard Anthony, Deputy City Attorney
From: Kevin Wattier, General Manager *KW*
Subject: Correction of Contract Number for AT&T Mobility Lease

Lease WDL-110 by and between the Board of Water Commissioners and AB Cellular LA, LLC, dba AT&T Wireless, dated March 7, 2003, for the City-owned property at 1280 West Willow Street, and its First Amendment to Lease No. WDL-110 by and between New Cingular Wireless PCS, LLC, successor in interest to AB Cellular LA, LLC, dba AT&T Wireless, and the Board of Water Commissioners, dated October 1, 2006, have been transferred from the Long Beach Water Department (Water Department) to the Department of Public Works (Public Works) and is awaiting recordation. When Public Works attempted to have the lease conformed with the City Clerk's Office, it was discovered that Lease WDL-110 had already been assigned to a different property with a different lessee. In order to correct the duplication in assigned contract numbers, the Water Department would like to amend contract number WDL-110 to now be WDL-110 A.

If you should have any questions regarding this matter, please contact Jessica Stoudenmire, Administrative Analyst, at extension 2355.

Approved:

Richard Anthony, Deputy City Attorney

10.16.13

Date

Cc: Anatole Falagan, Long Beach Water Department
Kenneth Bott, Long Beach Water Department
Rick Gonzalez, Long Beach Water Department
Matthew Brookes, Department of Public Works



Date: June 14, 2013

To: ~~From:~~ Gary J. Anderson, Deputy City Attorney

From: ~~TO:~~ Matthew Brookes, Development Project Manager, Asset Management Bureau

Subject: Request for Approval for Conformance of Fully Executed Copy of Lease WDL-110 and First Amendment to Lease WDL-110 for City-Owned Property at 1280 West Willow Street

In 2003, the Water Department executed the attached Lease WDL-110 (Lease) with AB Cellular LA, LLC, predecessor in interest to AT&T Mobility (Lessee), for approximately 1,134 square feet of City-owned property at 1280 West Willow Street, for an initial term through September 30, 2006, with two five-year options to renew the Lease. In 2007, the Water Department executed the First Amendment to Lease WDL-110 to extend the term through September 30, 2011. In April 2011, the Lessee exercised its second and final option to extend the Lease through September 30, 2016. Concurrently Water transferred all rights and interests in the Lease back to the City.


Recently, the City Manager's Office has identified the revenue from the Lease as a source of funding to offset Fiscal Year 2013 programmatic cuts within the Department of Parks, Recreation, and Marine. As such, Public Works has been directed to transfer the administration of the Lease and corresponding revenue to PRM, effective October 1, 2012 (see attached transfer memo).

Records within the Water Department, Public Works and the Office of the City Clerk indicate that original documents were never provided to the City Clerk for conformance. Further, fully executed original documents cannot be found, however copies are available.

The City Clerk requires your approval for the conformance of the attached fully executed copy of WDL-110 and First Amendment to Lease WDL-110.

I may be reached at extension 8-6122 if you have any questions or require additional information. Thank you.

Approved:


GARY J. ANDERSON
DEPUTY CITY ATTORNEY

6/18/13



Long Beach Water Department

The Standard in Water Conservation &
Environmental Stewardship

Date: April 16, 2012
To: Mike Conway, Director of Public Works
From: Kevin Wattier, General Manager *KW*
Subject: Transfer Lease with AT&T Mobility ("WDL-110") from Long Beach Water Department to the Department of Public Works

Long Beach Water Department and Department of Public Works have been working on the transfer of Lease WDL-110 located at 1280 W. Willow Street. A portion of this property is leased pursuant to WDL-110 to AT&T Mobility for a cellular mobile telephone facility, including a monopole antenna tower and a prefabricated building. The Storm Pump Station SD-6, transferred by the Board of Water Commissioners to the City on October 1, 2003, is also located on this site. Since the storm drain system and SD-6 are under the jurisdiction of the City, through the Department of Public Works, the parties agree that Lease WDL-110 should be under the jurisdiction of Public Works. Therefore, the Long Beach Water Department hereby transfers to Public Works all rights and interests in WDL-110 retroactive to October 1, 2011. The Water Department will transfer lease payments, corresponding to the date of transfer to Public Works. The parties agree that this transfer of WDL-110 is not intended to affect title or ownership of the real property commonly known as 1280 W. Willow.

Background information has been attached herein.

Attachment

Copy: Anatole Falagan, Long Beach Water Department
Kenneth Bott, Long Beach Water Department
Victor Grgas, Department of Public Works
Juan Lopez-Rios, Department of Public Works
✓ Matthew Brookes, Department of Public Works

Long Beach Water Department
AT&T Mobility Lease WDL-110 at 1280 W. Willow Street

OVERVIEW

The Long Beach Water Department currently leases property at 1280 W. Willow Street to AT&T Mobility. Storm Pump Station SD-6 is located on this property.

Property Description:

Nearest Major Cross Streets:	Willow Street and DeForest Avenue
Address:	1280 W. Willow Street
LA County Assessor Parcel:	7201-027-910

Current Use:

Cellular mobile telephone facility, including a monopole antenna tower and prefabricated building. WDL-110 expired on October 1, 2011. Current monthly lease payment is \$2,739.26 (\$32,871.12 annually).

Because the storm drain system and SD-6 are under the jurisdiction of the City, through the Department of Public Works, the 1280 W. Willow Street lease will also be transferred back to the City. The lease is up for renewal and will be transferred retroactively effective October 1, 2011. The Water Department will transfer lease payments, corresponding to the date of transfer, back to the City.

HISTORICAL BACKGROUND

The original lease for the 1280 W. Willow Street site was between the City of Long Beach and Los Angeles Cellular Telephone Company for the term of April 1, 1996, through March 31, 2001. The lease was transferred to the Long Beach Water Department in 2001 following the 1998 transfer of the storm drain system from the Department of Public Works to the Water Department. The Board of Water Commissioners subsequently transferred ownership of the storm drain system back to the City effective October 1, 2003.