



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Execute Amendment to Lease Agreement with T-Mobile West, LLC, for Ground Space Lease at 1331 South Ham Lane

**MEETING DATE:** August 21, 2013

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution authorizing City Manager to execute amendment to lease agreement with T-Mobile West, LLC, for ground space lease at 1331 South Ham Lane.

**BACKGROUND INFORMATION:** The original term of this lease was for 10 years, commencing on July 1, 1999 and ending on June 30, 2009. The lease also granted the tenant an option to extend for one additional five-year period. This option period commenced on July 1, 2009 and is set to expire June 30, 2014. The amendment to this agreement would allow for two additional and successive five-year option periods to extend the contract. The option periods would allow for automatic extensions of the contract through June 30, 2024. Subsequent extensions will be by mutual consent of the tenant and the City. The City currently receives monthly rent in the amount of \$756.29. The lease allows for a yearly rent escalator of 3 percent.

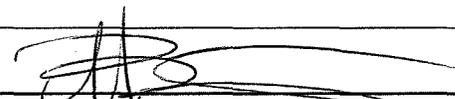
**FISCAL IMPACT:** The two additional five-year extension periods would collect approximately \$119,724 in revenue to the General Fund.

**FUNDING AVAILABLE:** Not applicable.

FOR   
F. Wally Sandelin  
Public Works Director

Prepared by Rebecca Areida-Yadav, Management Analyst

FWS/RAY/pmf

APPROVED:   
Konradt Bartlam, City Manager

**FIRST AMENDMENT TO LEASE AGREEMENT  
(Ground Space at 1331 S. Ham Lane)**

THIS FIRST AMENDMENT TO LEASE AGREEMENT (this "**First Amendment**") is entered on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City of Lodi, a municipal corporation ("**Landlord**"), and T-Mobile West LLC, a Delaware limited liability company, formerly known as T-Mobile West Corporation, as successor-in-interest to TMO CA/NV LLC, formerly known as Pacific Bell Wireless, LLC, successor in interest to Pacific Bell Mobile Services ("**Tenant**").

WHEREAS, Landlord and Tenant are parties to that certain Lease Agreement dated August 18, 1999 (referred to herein as the "**Lease**"), whereby Landlord leased to Tenant certain ground space therein described (the "**Premises**"), located on property commonly known as 1331 S. Ham, City of Lodi, County of San Joaquin, State of California, APN 031-040-50 (the "**Property**"), formerly known as 1145 S. Ham Lane, Lodi, San Joaquin County, Assessor's Parcel Number 031-040-21.

WHEREAS, Landlord and Tenant desire to amend the Lease to: (i) extend the Term of the Lease and (ii) update Tenant's notice address.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. Section 2, Term. Section 2 of the Lease entitled, "**Term**" is hereby deleted in its entirety and replaced in full follows:

"a. The Term of this Lease ("**Term**") shall be ten (10) years commencing on July 1, 1999 (the "**Commencement Date**") and ending on June 30, 2009.

b. Tenant is hereby granted options to extend the Term of this Lease on the same terms and conditions as set forth herein for up to three (3) additional and successive five (5) year periods each (each an "**Option Period**"). This Lease shall automatically be extended for each Option Period unless Tenant notifies Landlord in writing of Tenant's intention not to extend this Lease at least ninety (90) days prior to the expiration of the then current Option Period. Subsequent extensions other than as set forth above will be by mutual consent of Tenant and Landlord under the same terms and conditions; provided, however, that if Tenant and Landlord fail to agree to subsequent extensions, then this Lease shall continue in force upon the same terms and conditions for a further period of one (1) year and for like annual periods thereafter, until and unless terminated by either party by giving to the other written notice of its intention to so terminate at least one (1) year in advance prior to the date of lease expiration."

Market: Sacramento  
Site Number: SC02225A  
Site Name: City of Lodi

2. Section 24, Notices. Section 24 of the Lease entitled, "Notices" is hereby amended to delete the notice address for Tenant in its entirety and replace it in full with the following:

"T-Mobile USA, Inc.  
12920 SE 38<sup>th</sup> Street  
Bellevue, WA 98006  
Attn: Lease Compliance / SC07246A"

3. Signature Authority. The persons who have executed this First Amendment represent and warrant that they are duly authorized to execute this First Amendment in their individual or representative capacity as indicated.

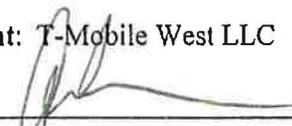
4. Miscellaneous. Unless otherwise defined herein, capitalized terms shall have the meanings ascribed to them in the Lease. In case of any inconsistency between the terms and conditions contained in the Lease and the terms and conditions contained in this First Amendment, the terms and conditions herein shall control. The Lease remains in full force and effect as amended hereby.

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the day, month and year of last execution as set forth below.

Landlord: City of Lodi

Tenant: T-Mobile West LLC

By: \_\_\_\_\_

By:  \_\_\_\_\_

Name: Konradt Bartlam

Name: Anthony Howard

Title: City Manager

Title: Market Manager

Date: \_\_\_\_\_

Date: 5-29-13

ATTEST:

  
T-Mobile/Legal Approval  
Kevin Brinkley

\_\_\_\_\_  
Randi Johl-Olson  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Stephen Schwabauer  
City Attorney



RESOLUTION NO. 2013-153

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING AND AUTHORIZING CITY MANAGER TO  
EXECUTE AMENDMENT TO LEASE AGREEMENT  
WITH T-MOBILE WEST, LLC, FOR GROUND SPACE  
LEASE AT 1331 SOUTH HAM LANE

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WHEREAS, the original term of the lease between T-Mobile West, LLC, for ground space at 1331 South Ham Lane was for a ten-year period, commencing on July 1, 1999 and ending on June 30, 2009; and

WHEREAS, the option for a five-year lease extension was exercised, extending the lease to June 30, 2014; and

WHEREAS, the amendment to this agreement provides for two additional and successive five-year option periods and will allow for automatic extensions of the contract through June 30, 2024; and

WHEREAS, the City currently receives monthly rent in the amount of \$756.29 and the lease allows for a yearly rent escalator of 3 percent.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve an amendment to the lease agreement with T-Mobile West, LLC, for ground space at 1331 South Ham Lane; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute the amendment.

Dated: August 21, 2013

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I hereby certify that Resolution No. 2013-153 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 21, 2013, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL-OLSON  
City Clerk