

12-0-0058

(Do Not Write Above This Line)

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO AMEND SECTION 2-1547 OF THE REAL ESTATE CODE (LEASES OF CITY-OWNED PROPERTY, MULTI-TERM LEASES) SO AS TO ADD A NEW SUBSECTION (I) ALLOWING AUTOMATIC RENEWAL OF LEASES OF CITY-OWNED PROPERTY USED FOR TELECOMMUNICATIONS TOWERS AND RELATED EQUIPMENT, AND FOR OTHER PURPOSES.

FILED

APR 18 2012

By Council

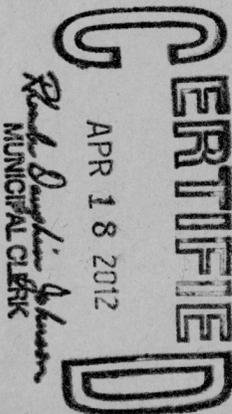
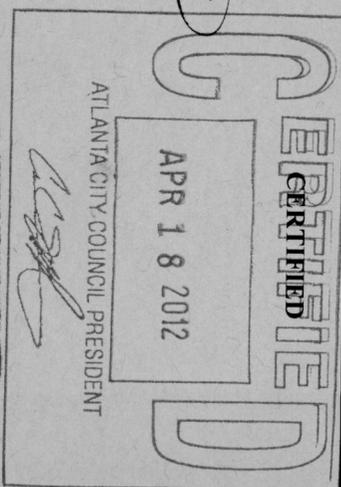
First Reading

Committee Finance/Executive
Date 1/11/2012
Chair Patricia A. Moore
Referred To Finance/Executive

3 Committee

Patricia A. Moore Chair
3/28/12 Date
Fav, Adv, Hold, other
WJ Su
padman
Ab

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote



MAYOR'S ACTION

1 Committee

Finance/Executive
Date 2/1/2012
Chair Patricia A. Moore
Action Fav, Adv, Hold (see rev. side)
Other
Members: Mark Smith
Mark Smith
Patricia A. Moore
padman
Refer To none

2 Committee

Finance/Executive
Date 2/15/2012
Chair
Action Fav, Adv, Hold (see rev. side)
Other
Members
Refer To

CONSENT REFER

REGULAR REPORT REFER

ADVERTISE & REFER

1ST ADOPT 2ND READ & REFER

PERSONAL PAPER REFER

Date Referred

1/17/12
Fin/Exc

Referred To:

Date Referred

2/9/12
Fin/Exc

Referred To:

Date Referred:

Referred To:

RCS# 1901
4/18/12
11:41 AM

Atlanta City Council

12-O-0058

AMEND SECTION 2-1547 REAL ESTATE CODE
ALLOWING AUTOMATIC RENEWAL OF LEASES
FILE

YEAS: 9
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 2
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Bond
E Hall	NV Wan	Y Martin	E Watson
Y Young	Y Shook	NV Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

12-O-0058

RCS# 1900
4/18/12
11:31 AM

Atlanta City Council

- Taken under Committee of the Whole -

PROCEDURE

LEAVE COMMITTEE OF THE WHOLE AND RETURN
TO REGULAR SESSION
LEAVE COW

YEAS: 9
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 2
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Bond
E Hall	NV Wan	Y Martin	E Watson
Y Young	Y Shook	NV Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

PROCEDURE

RCS# 1899
4/18/12
11:30 AM

Atlanta City Council

- Taken under Committee of the Whole -

12-O-0058

AMEND SECTION 2-1547 REAL ESTATE CODE
ALLOWING AUTOMATIC RENEWAL OF LEASES
APPROVE

YEAS: 7
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 2
ABSENT 0

Y Smith	NV Archibong	N Moore	N Bond
E Hall	NV Wan	Y Martin	E Watson
Y Young	Y Shook	NV Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

12-O-0058

RCS# 1898
4/18/12
11:30 AM

Atlanta City Council

- Taken under Committee of the Whole -

12-O-0058

AMEND SECTION 2-1547 REAL ESTATE CODE
ALLOWING AUTOMATIC RENEWAL OF LEASES
REMOVE TABLED

YEAS: 9
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 2
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Bond
E Hall	NV Wan	Y Martin	E Watson
Y Young	Y Shook	NV Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

12-O-0058

RCS# 1896
4/18/12
10:42 AM

Atlanta City Council

PROCEDURE

ENTER COMMITTEE OF THE WHOLE

ENTER COW

YEAS: 9
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 6
EXCUSED: 0
ABSENT 0

Y Smith	NV Archibong	N Moore	Y Bond
Y Hall	NV Wan	Y Martin	NV Watson
Y Young	Y Shook	NV Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

PROCEDURE

RCS# 1863
4/16/12
3:17 PM

Atlanta City Council

12-O-0058

AMEND SECTION 2-1547 REAL ESTATE CODE
TO ALLOW AUTOMATIC RENEWAL OF LEASES
TABLE

YEAS: 12
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	N Moore	NV Bond
N Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

12-O-0058

**AN ORDINANCE BY
FINANCE / EXECUTIVE COMMITTEE**

12-O-

AN ORDINANCE TO AMEND SECTION 2-1547 OF THE REAL ESTATE CODE (LEASES OF CITY-OWNED PROPERTY, MULTI-TERM LEASES) SO AS TO ADD A NEW SUBSECTION (j) ALLOWING AUTOMATIC RENEWAL OF LEASES OF CITY-OWNED PROPERTY USED FOR TELECOMMUNICATIONS TOWERS AND RELATED EQUIPMENT, AND FOR OTHER PURPOSES.

WHEREAS, the increase in wireless communication has led to a great increase in the need for telecommunications towers by providers of wireless service; and

WHEREAS, the practice in the telecommunications industry is to maintain maximum flexibility with regard to the choice of tower sites such that leases typically involve an initial five-year term followed by automatic renewals of the leases in five-year increments, resulting in a full lease term totaling as many as 25 to 30 years; and

WHEREAS, communications providers use leases that include multiple terms and automatic renewals to protect the financial investment associated with the improvements they make to the lease area, including but not limited to the tower structure; and

WHEREAS, Section 2-1547(i) of the City of Atlanta's Real Estate Code states that in relation to multi-term leases that "if the lease may be renewed or extended beyond its original term, the chief procurement officer shall comply with the requirements of section 2-1205, as applicable" and

WHEREAS, Section 2-1205(d) of the City of Atlanta's Procurement Code states that in relation to the renewal of multi-term contracts that "any renewal of a contract shall be expressly authorized by ordinance or resolution of the city council"; and

WHEREAS, the initial decision to lease City owned property for telecommunications uses will always appear before the City Council but without automatic renewal being allowed, each lease extension must also appear before the City Council; and

WHEREAS, the location of sites to be made available for telecommunications towers are governed by complex regulations at every level of government; and

WHEREAS, the location of telecommunication towers on City property often results in a better use of land, is often less controversial and reduces litigation more than the location of telecommunication towers on private property; and

WHEREAS, the City currently has over 40 leases with various communications providers that predominantly include automatic renewals within said leases; and

WHEREAS, the City currently generates nearly one million dollars annually from leasing City-owned property to communications providers; and

WHEREAS, given the potential for increasing such revenue, it is in the City's best interest that the Code be amended to allow the City to lease property to communications providers and related companies, under terms that reflect industry practice; and

WHEREAS, the opportunity for increasing rents by converting telecommunication tower sites to other land uses which can generate higher revenue is generally not an alternative due to the small footprint of such sites; and

WHEREAS, it is in the City best interest to allow co-location of antennas on existing towers located on City-owned property in order to reduce the number of telecommunications towers in the City and to allow the equipment which supports co-location to be regulated in the same manner as telecommunications towers with respect to renewal terms.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That Section 2-1547 of the Code of Ordinances of the City of Atlanta be amended by adding a new subsection (j) which will read as follows:

(j) *“Leases of city-owned property for telecommunications towers and related equipment.* Notwithstanding the language of Sec. 2-1205, leases of city-owned property on which telecommunications towers and related equipment are located may contain automatic renewal terms that do not require express authorization by ordinance or resolution of the city council for such automatic renewal terms to become effective; provided that the initial lease contains a definite expiration date and the legislation approving the lease authorized the total number of automatic renewal terms, the potential number of years the lease might remain active if all automatic renewals are exercised and the latest expiration date of the lease or such terms were included in the lease attached to the legislation authorizing the initial lease.

(1) This subsection shall also permit automatic renewal terms to be included in leases of city owned real property leased for the purpose of placing equipment that supports co-location of antennas on telecommunications towers located on city owned property. Automatic renewal provisions for co-location equipment leases shall not exceed the term of the lease for the telecommunications tower where the co-located antenna is located.

(2) This subsection may apply to existing leases of containing a telecommunication tower or related equipment or city owned property where a telecommunications tower or related equipment is permitted to be constructed; provided such automatic renewal terms are already in an existing lease approved by the city council or are added by an amendment approved by the city council

SECTION 2: This ordinance shall be become effective when signed by the Mayor or as otherwise provided by City Charter Sec. 2-403.