

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

(ITEM ) From the Director, Office of Emergency Management, requesting authorization to enter into a Second Amendment to the Lease Agreement with Bieck Management, Inc., in order to modify the existing 180-foot tower and premises at Lakeshore Towers, 6260 South Lakeshore Drive, Cudahy, Wisconsin, to implement the 800 Megahertz Public Safety Radio System (Build Out Ten Sites to Digital) project, by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, the Director, Office of Emergency Management, is requesting authorization to enter into the Second Amendment to the Lease Agreement with Bieck Management, Inc. (“Licensor”); and

WHEREAS, File No. 13-886 authorized the execution of the Contract for Service with Motorola Solutions, Inc., in an amount not to exceed \$17,751,797 for the implementation of the 800 Megahertz Public Safety Radio System migration from analog to digital; and

WHEREAS, Licensor and Milwaukee County (“Licensee”) entered into a Lease Agreement dated January 1, 2000, for the purpose of installing, maintaining, and operating electrical and/or communications equipment on the property located at 6260 South Lake Drive, Cudahy, Wisconsin, known as Lakeshore Towers; and

WHEREAS, the term of that Lease Agreement was for a four-year period from 2000 to 2004 with automatic year-to-year extensions unless either party provides written notice of its intention to not renew; and

WHEREAS, Licensor and Licensee entered into the First Amendment to the Lease Agreement on March 15, 2005, for the purpose of expanding the amount of floor space at the property used by Licensee as well as for the expansion of electrical service to be used by Licensee; and

WHEREAS, Licensor consents to:

- i) the replacement of one existing radio antenna
- ii) the installation and operation of four additional radio antennas
- iii) the installation and operation of three additional microwave dishes and related equipment
- iv) the further expansion of the floor space used by Licensee at the property
- v) the installation and operation of a generator at the property (as described in Exhibit A to the Second Amendment)

; and

47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84

WHEREAS, the annual rent, effective as of the date of the execution of the Second Amendment, shall increase to \$19,876, which is commensurate with industry standards for rooftop leases of this height (180 feet) in urban areas; and

WHEREAS, commencing January 1, 2016, and on the first day of each January thereafter, the rent will escalate by an amount equal to 3% of the monthly rent for the previous year; and

WHEREAS, the annual utility charge, effective as of the date of the execution of the Second Amendment, will be increased to \$6,000 (an increase from the previous annual utility charge of \$3,131, due to the conversion of this site from its current operations as receive-only to its future operations as transmit-and-receive); and

WHEREAS, the current annual rent and utility cost is \$24,087 with an annual cost in subsequent years of \$26,472 with an escalator of 3% each year, based on the monthly rate; and

WHEREAS, the total rent and utility increase for the current year is \$3,581 and for subsequent years the rent and utility increase is \$5,465 with an escalator of 3% each year, based on the monthly rate; and

WHEREAS, the term of the Lease Agreement shall be 10 years from the execution of the Second Amendment, with two automatic renewal periods of five years each unless terminated by either party, and all other terms and conditions shall remain in full force and effect and are incorporated and restated in the Second Amendment; now, therefore,

BE IT RESOLVED, the Director of the Office of Emergency Management is hereby authorized to enter into a Second Amendment to the Lease Agreement with Bieck Management, Inc., for the digital migration of the 800 Megahertz Public Safety Radio System in order to implement Capital Project WO614 - Build Out Ten Sites to Digital.

ag  
03/31/15  
S:\Committees\2015\April\JSGS\Resolutions\15-270.docx