



## Legislation Text

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**File #:** 081245, **Version:** 0

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ORIGINAL  
001014  
CHAIR

Resolution approving a release and settlement agreement between New Cingular Wireless PCS, LLC, and the City of Milwaukee for the site at 3000 North Lincoln Memorial Drive.

This resolution approves a release and settlement agreement described in the terms and conditions of the document attached to this file titled, "Release and Settlement Agreement" ("Release"), and consisting of 8 pages, including acknowledgments and exhibits, with an effective date to be inserted at p. 1 by parties authorized to execute the Release.

The Release provides for a \$12,000 termination fee and a \$10,050.72 future rent fee, both to be paid to the City of Milwaukee ("City") by New Cingular Wireless PCS, LLC ("Cingular") to terminate the agreement for use of City-owned property at 3000 North Lincoln Memorial Drive for wireless services. Whereas, The Common Council adopted Resolution File Number 960170 on June 25, 1996, establishing a policy for the leasing of City facilities for the provision of wireless telecommunications services; and

Whereas, The Common Council further adopted Resolution File Number 991575 on February 18, 2000, amending this wireless communication policy; and

Whereas, These resolutions designated the Department of Administration as the City's sole negotiating agent for marketing City-owned sites to communication services vendors; and

Whereas, On or about December 15, 2000, a lease for use of the Milwaukee Water Works site at 3000 North Lincoln Memorial Drive, also known as the Linwood Water Treatment Facility, was entered between the City and New Cingular Wireless PCS, LLC (successor in interest to AT&T Wireless PCS, Inc., hereafter "Cingular"); and

Whereas, The Department of Administration has been working with the DPW-Water Works and the City Attorney's Office to negotiate the termination of the lease agreement with Cingular; and

Whereas, The proposed release agreement, attached to this file and incorporated by reference, provides that Cingular will pay the City a \$12,000 fee for termination of the lease; and

Whereas, Cingular further agrees to pay the amount of \$10,050.72 to the City as a future rent fee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves the Release and Settlement Agreement negotiated between the City and Cingular within the terms of the

above recitals and the documents attached to this file, and authorizes the proper City officials to execute the Release on behalf of the City of Milwaukee.

Department of Administration

LRB

RLW

12/29/2008