

## FOR BOARD ACTION

Agenda Item # 6.

Meeting Date:

2/28/06

**SUBJECT:** Amendment to Site Agreement  
(Rapid Web LLP – North Park Water Tower NW Site)

**PREPARED BY:** Doug Rovang, Senior Civil Engineer *DR*

ITEM DESCRIPTION:

Rapid Web LLP has requested the attached amendment to the Site Agreement dated April 27, 2004, for locating a communications facility at the North Park Water Tower NW site.

Staff has prepared the attached proposed Amendment to Site Agreement which allows for the installation of wireless communications equipment at this site similar to that permitted in other Rapid Web Site Agreements.

The rent amount for this site was the same amount charged at the other Rapid Web installations with the same equipment as is proposed for the updated North Park Water Tower site. Therefore, the current rent terms are not proposed to be changed.

UTILITY BOARD ACTION REQUESTED:

Staff recommends the Utility Board approve the proposed Amendment to Site Agreement with Rapid Web LLP (which amends the April 27, 2004 Site Agreement with Rapid Web LLP for the communications facility located at the North Park Water Tower NW site), and request the Mayor and City Clerk to execute the Amendment to Site Agreement.

Reviewed 2-23-06 WNP

*Larry Koshin*  
\_\_\_\_\_  
General Manager

*2/23/06*  
\_\_\_\_\_  
Date

#### AMENDMENT TO SITE AGREEMENT

This Amendment to the SITE AGREEMENT dated April 27, 2004 ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2006 by and between City of Rochester, a Minnesota municipal corporation, ("CITY"), and Rapid Web LLP, a Minnesota Limited Partnership (LESSEE), whose address is 220 South Broadway, Suite E, Rochester, Minnesota 55904.

In Paragraph 1, the property interests leased are changed as follows:

FROM: "The property interests hereby leased (collectively, the "Leased Premises") and granted by CITY are described as follows: that portion of the Land comprised of approximately eight (8) square feet of ground space within the water tower base for equipment; Structure exterior space for attachment of three (3) antennas (approximately 10 inch wide by 10 inch high operating at 5.7 GHz) to the tank railing; and space required for three (3) 1/4-inch CAT5 cable runs to connect equipment and antennas."

TO: "The property interests hereby leased (collectively, the "Leased Premises") and granted by CITY are described as follows: that portion of the Land comprised of approximately eight (8) square feet of ground space within the water tower base for equipment; Structure exterior space for attachment of one (1) 6-antenna cluster (approximately 36 inch diameter by 20 inch length operating at 5.7 GHz) at approximately ten (10) foot height, one (1) ten foot height omnidirectional antenna (operating at 900 MHz); and space required for seven (7) cable runs (six not to exceed 3/8" outside diameter and one not to exceed 7/8" outside diameter) to connect equipment and antennas."

IN WITNESS WHEREOF, the parties have executed this Amendment to the Agreement as of the day and year first above written.

Signature page to Amendment to Site Agreement between City of Rochester, a Minnesota municipal corporation and Rapid Web LLP.

CITY

City of Rochester, a Minnesota municipal corporation

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

Print Name: \_\_\_\_\_

Its: Mayor

[MUNICIPAL SEAL]

Attest: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: City Clerk

Approved as to Form: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: City Attorney

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

Print Name: \_\_\_\_\_

Its: General Manager, Rochester Public Utilities

Address: City of Rochester  
c/o Rochester Public Utilities  
4000 East River Road NE  
Rochester, MN 55905

Phone: (507) 280-1510

Federal Tax ID No.: 41-6005494

STATE OF \_\_\_\_\_ )

\_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006, by \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, the Mayor, City Clerk, and City Attorney and Rochester Public Utilities General Manager, respectively, of the City of Rochester, a Minnesota municipal corporation, on behalf of the corporation.

[seal]

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

Signature page to Amendment to Site Agreement between City of Rochester, a Minnesota municipal corporation and Rapid Web LLP.

LESSEE

Rapid Web LLP  
A Minnesota Limited Partnership

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

Name: Chris Mullen

Title: Managing Partner

Address: 220 South Broadway, Suite E  
Rochester, MN 55904

STATE OF MINNESOTA)  
)SS  
COUNTY OF OLMSTED)

The foregoing instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2006, by  
\_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_,  
Name Title Company

on behalf of the corporation.

Notary Public \_\_\_\_\_

My commission expires: \_\_\_\_\_

[Seal]



## **RESOLUTION**

**BE IT RESOLVED** by the Public Utility Board of the City of Rochester, Minnesota, to approve the attached Amendment to Site Agreement with Rapid Web LLP (which amends the April 27, 2004 Site Agreement with Rapid Web LLP), and to request that the Mayor and the City Clerk execute the Amendment to Site Agreement for

**Revising the Amount and Type of Wireless Communications Equipment  
Permitted at the North Park Water Tower NW site**

Passed by the Public Utility Board of the City of Rochester, Minnesota, this 28th day of February, 2006.

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**President**

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**Secretary**