

## FOR BOARD ACTION

Agenda Item #

6

Meeting Date:

11/29/05

**SUBJECT:**

Amendment to Site Agreement

(CC VIII Operating, LLC d/b/a Charter Communications – SE Water Tower Site)

**PREPARED BY:**

Doug Rovang, Senior Civil Engineer

*SCR*

ITEM DESCRIPTION:

CC VIII Operating, LLC d/b/a Charter Communications has requested the attached housekeeping amendment to the Site Agreement with Charter Communications dated June 14, 2005, for locating a communications facility at the Southeast Water Tower site.

Staff has prepared the attached proposed Amendment to Site Agreement which corrects the address for the Southeast Water Tower site as follows:

From:	501 10 <sup>th</sup> St SE	(In error)
To:	501 20 <sup>th</sup> St SE	(Corrected address)

UTILITY BOARD ACTION REQUESTED:

Staff recommends the Utility Board approve the proposed Amendment to Site Agreement with CC VIII Operating, LLC d/b/a Charter Communications (which amends the June 14, 2005 Site Agreement with Charter Communications for the communications facility located at the Southeast Water Tower site), and request the Mayor and City Clerk to execute the Amendment to Site Agreement.

*Reviewed 11-22-05 WNF*

*Jary Koshic*  
\_\_\_\_\_  
General Manager

*11/22/05*  
\_\_\_\_\_  
Date

AMENDMENT TO SITE AGREEMENT

This Amendment to the SITE AGREEMENT dated June 14, 2005 ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2005 by and between City of Rochester, a Minnesota municipal corporation, ("CITY"), and ~~Charter Communications~~ (LESSEE), whose address is 1225 East Circle Drive, Rochester, Minnesota 55906.

*CCV III Operating, LLC d/b/a Charter Communications KAL*

In Paragraph 1, the location (address) of the Southeast Water Tower Site is changed as follows:

FROM: 501 10th Street SE, Rochester, Minnesota

TO: 501 20th Street SE, Rochester, Minnesota

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 ~~Charter Communications~~.

CC VIII OPERATING, LLC d/b/a CHARTER COMMUNICATIONS KAC

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 \_\_\_\_\_, 2005, 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 \_\_\_\_\_





## RESOLUTION

BE IT RESOLVED by the Public Utility Board of the City of Rochester, Minnesota, to approve the attached Amendment to Site Agreement with CC VIII Operating, LLC d/b/a Charter Communications (which amends the June 14, 2005 Site Agreement with Charter Communications), and to request that the Mayor and the City Clerk execute the Site Agreement for

Correcting the address of the Southeast Water Tower site

Passed by the Public Utility Board of the City of Rochester, Minnesota, this 29th day of November, 2005.

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President

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Secretary