

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City Manager to Execute a First Amendment to Lease between the City of Lowell ("City") and Cellco Partnership d/b/a Verizon Wireless ("Verizon"), which Lease granted the right to Verizon to install, maintain and operate communications equipment in and/or upon that certain existing light pole owned, leased or controlled by the City at 91 Dutton Street, Lowell, Massachusetts.

The City and Cellco Partnership d/b/a Verizon Wireless entered into a Lease Agreement which was made part of and incorporated into that certain Small Cell Agreement dated October 14, 2017; and

The Parties agree to modify various sections of the original lease; and

BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

That the City Council hereby approves the First Amendment to Lease between the City of Lowell and Cellco Partnership d/b/a Verizon Wireless, relative to communications equipment in and/or upon that certain existing light pole owned, leased or controlled by the City at 91 Dutton Street, Lowell, Massachusetts. Said First Amendment to Lease is attached hereto and marked "A".

BE IT FURTHER VOTED:

That the City Manager be and she is hereby authorized to execute any and all documents that may be required in connection with said amendment.

FIRST AMENDMENT TO LEASE

THIS FIRST AMENDMENT TO LEASE (“1st Amendment”), effective as of the later of the dates on which it is signed below, is made by and between the City of Lowell, a Massachusetts municipal corporation, with its principal offices located at 375 Merrimack Street, Lowell, Massachusetts 01852 (“LESSOR”) and Cellco Partnership d/b/a Verizon Wireless with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (“LESSEE”), with reference to the following facts:

RECITALS:

A. WHEREAS, LESSOR and LESSEE entered into that certain Lease Agreement granting the right to LESSEE to install, maintain and operate communications equipment in and/or upon that certain existing light pole owned, leased or controlled by LESSOR at 91 Dutton Street, Lowell, Merrimack County, Massachusetts (the “Lease”); and

B. WHEREAS, the Lease was made part of and incorporated into that certain Small Cell Agreement dated October 14, 2017 between LESSOR and LESSEE (the “Small Cell Agreement”); and

C. WHEREAS, Section 16.0 of the Small Cell Agreement requires the Parties to modify the agreement to conform to changes in law regarding the siting and installation of small wireless facilities and the authority of municipalities to regulate and impose conditions on such activity; and

D. WHEREAS, on September 26, 2018, the Federal Communications Commission released its Declaratory Ruling and Third Report and Order, FCC 18-133, detailing, among other things, the fees municipalities may impose for small wireless facilities located in the public rights-of-way; and

E. WHEREAS, LESSOR and LESSEE desire to amend the Lease to conform to the change of law as hereinafter described.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, and for such other good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby expressly acknowledged, the parties agree as follows:

1.0 Section 4(a) of the Lease shall be deleted in its entirety and replaced with the following:

(a) Rental payments shall begin on the Commencement Date and shall be due at a total annual rental of \$270.00 to be paid on or before January 31st of each year, to LESSOR at the address set forth in the Lease, or to such other person, firm or place as LESSOR may, from time to time, designate at least 30 days in advance of the rental payment date.

2.0 Exhibit B to the Lease is hereby be replaced and superseded by Exhibit B-1 attached hereto and made a part hereof. All references to Exhibit B contained in the Lease shall hereby refer to Exhibit B-1 as modified hereby.

3.0 The Parties agree that this 1st Amendment constitutes the agreement prior to installation contemplated by Section 3.3 of the Small Cell Agreement.

4.0 For avoidance of doubt, the signature of LESSEE's representative below to this 1st Amendment shall also serve to acknowledge that LESSEE is bound to the Lease as if LESSEE has executed the Lease as of the date it was signed by the LESSOR's representative, which was September 18, 2017.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

LESSOR:

City of Lowell, a Massachusetts municipal corporation

By: _____

Name: _____

Its: _____

Date: _____

LESSEE:

Cellco Partnership d/b/a Verizon Wireless

By: _____

Name: Keith Murray

Its: Director – Network Field Engineering

Date: _____

Site Name: LOWELL_MA_SC77
Site ID Number: 5016573

EXHIBIT B-1

Revised Lease Exhibit

Site Name: LOWELL_MA_SC77, Site Address: 91 Dutton Street, Lowell, MA

91 DUTTON ST, LOWELL, MA 01852

LOWELL MA SC77

LEASE EXHIBIT



Hudson Design Group, LLC

1600 OSGOOD STREET
BUILDING 20 NORTH, SUITE 3090
N. ANDOVER, MA 01845

TEL: (978) 557-5553
FAX: (978) 336-5586

CHECKED BY: JX

APPROVED BY: DPH

SUBMITTALS

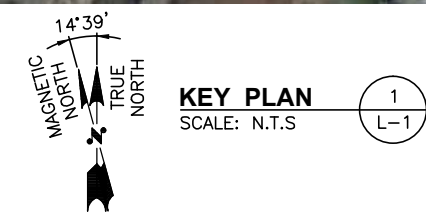
REV.	DATE	DESCRIPTION	BY
5	09/19/17	ADDED TRENCH	MR
4	08/02/17	REVISED PER NEW STANDARDS	CL
3	03/31/16	REVISED PER COMMENTS	CP
2	03/03/16	REVISED PER COMMENTS	RP
1	02/26/16	REVISED PER COMMENTS	ED
0	01/04/16	LEASE EXHIBIT	ED

SITE NAME:
LOWELL MA SC77

SITE ADDRESS:
91 DUTTON ST
LOWELL, MA 01852

SHEET TITLE
KEY PLAN

SHEET NUMBER
L-1



FIELD INSPECTIONS DATE: 07-27-2017

APPROXIMATE COORDINATES: LAT: N42° 38' 45.91" LONG: W71° 18' 45.77"


STRUCTURAL NOTE:

1. AN ANALYSIS OF THE CAPACITY OF THE EXISTING STRUCTURE TO SUPPORT THE PROPOSED LOADING HAS NOT BEEN COMPLETED BY HUDSON DESIGN GROUP, LLC. DRAWINGS ARE SUBJECT TO CHANGE PENDING OUTCOME OF A STRUCTURAL ANALYSIS.
2. SHOP DRAWINGS OF FINAL EXTENSION AND/OR ANTENNA MOUNT TO BE PROVIDED TO ENGINEER OF RECORD PRIOR TO CONSTRUCTION.

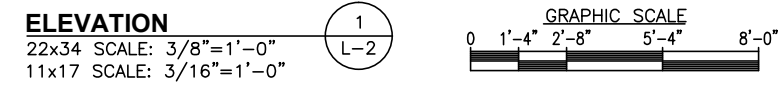
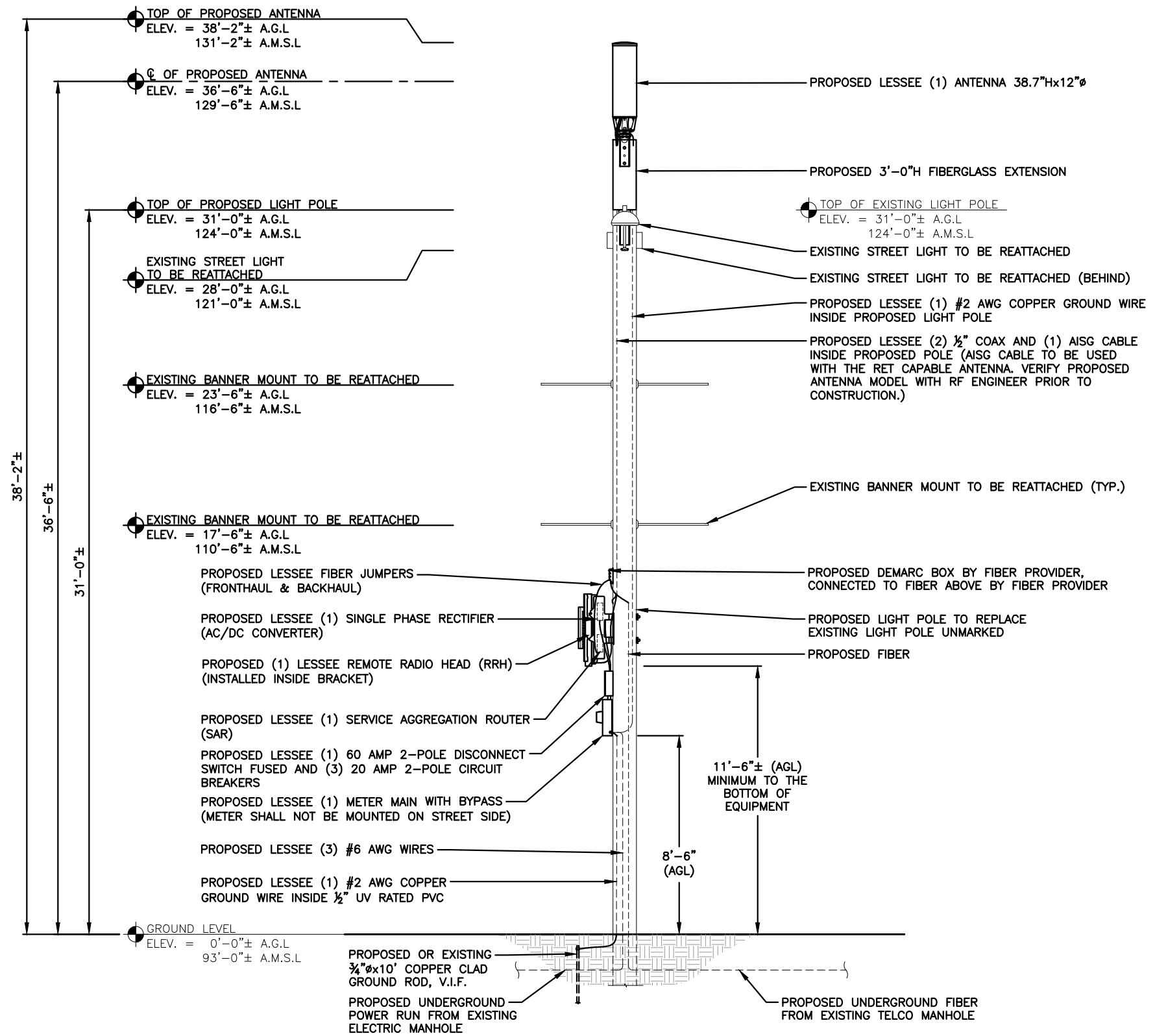
LEASE EXHIBIT:
THIS LEASE PLAN IS DIAGRAMMATIC IN NATURE AND IS INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION AND SIZE OF THE PROPOSED WIRELESS COMMUNICATION FACILITY. THE SITE LAYOUT WILL BE FINALIZED UPON COMPLETION OF SITE SURVEY AND FACILITY DESIGN.

APPROXIMATE COORDINATES: LAT: N42° 38' 45.91" LONG: W71° 18' 45.77"

LEASE EXHIBIT



1600 OSGOOD STREET
BUILDING 20 NORTH, SUITE 3090 TEL: (978) 557-5553
N. ANDOVER, MA 01845 FAX: (978) 336-5586



EXISTING PHOTO DETAIL 2
SCALE: N.T.S.

CHECKED BY: JX

APPROVED BY: DPH

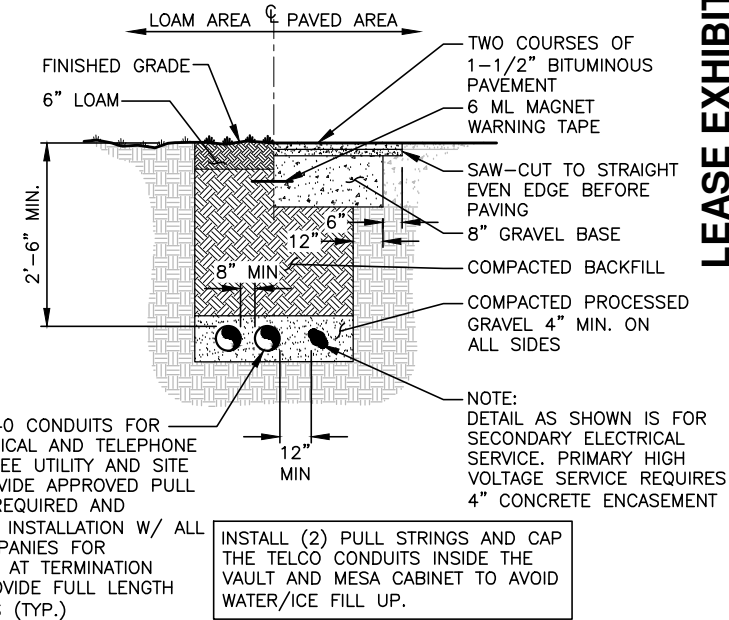
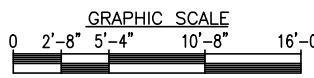
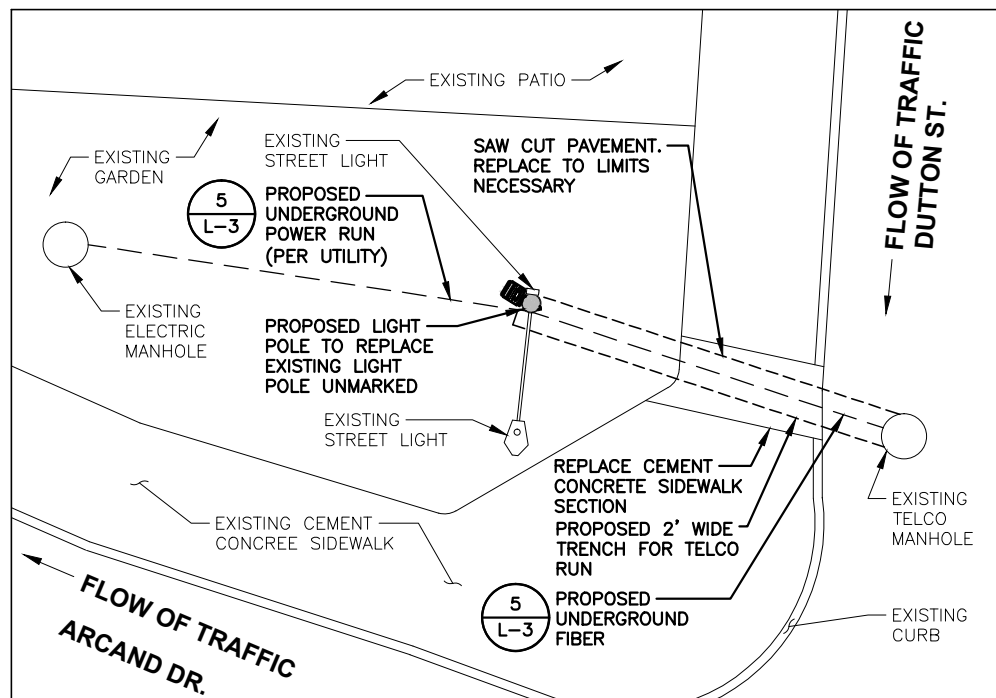
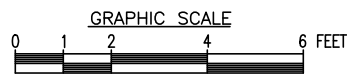
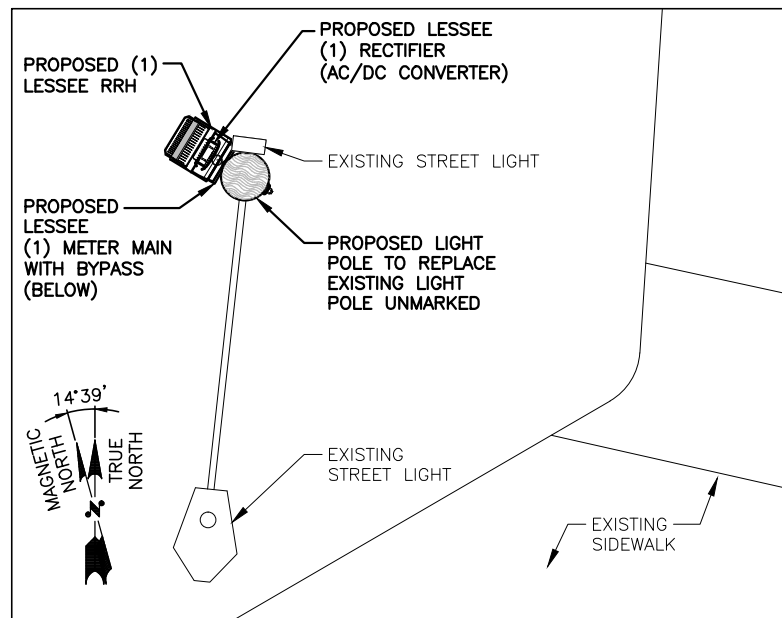
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1	02/26/16	REVISED PER COMMENTS	ED
0	01/04/16	LEASE EXHIBIT	ED

SITE NAME:
LOWELL MA SC77

SITE ADDRESS:
91 DUTTON ST
LOWELL, MA 01852

SHEET TITLE
ELEVATION & PHOTO

SHEET NUMBER
L-2

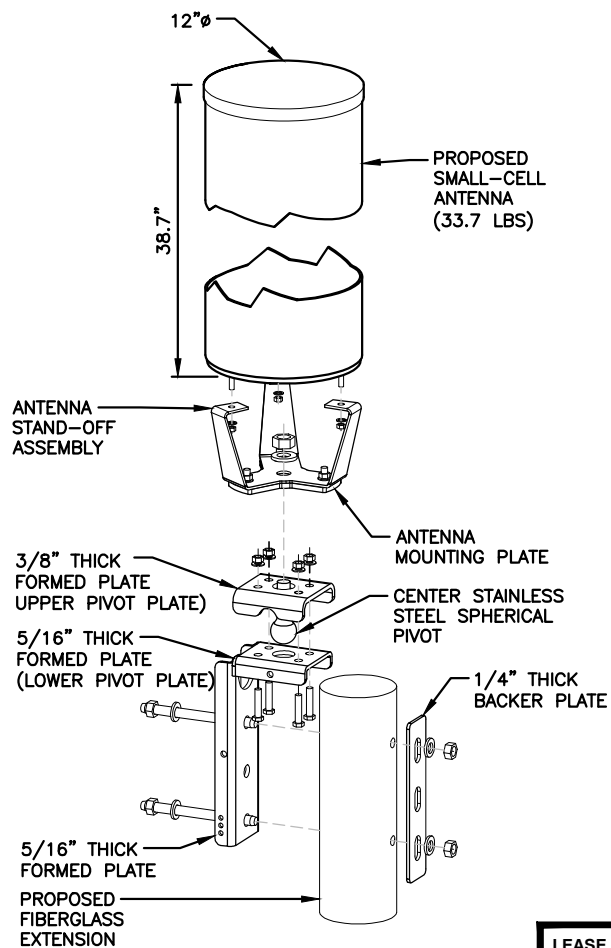


SCHEDULE 40 CONDUITS FOR NEW ELECTRICAL AND TELEPHONE SERVICES, SEE UTILITY AND SITE PLANS. PROVIDE APPROVED PULL BOXES AS REQUIRED AND COORDINATE INSTALLATION W/ ALL UTILITY COMPANIES FOR INTERFACING AT TERMINATION POINTS. PROVIDE FULL LENGTH PULL ROPES (TYP.)

INSTALL (2) PULL STRINGS AND CAP THE TELCO CONDUITS INSIDE THE VAULT AND MESA CABINET TO AVOID WATER/ICE FILL UP.

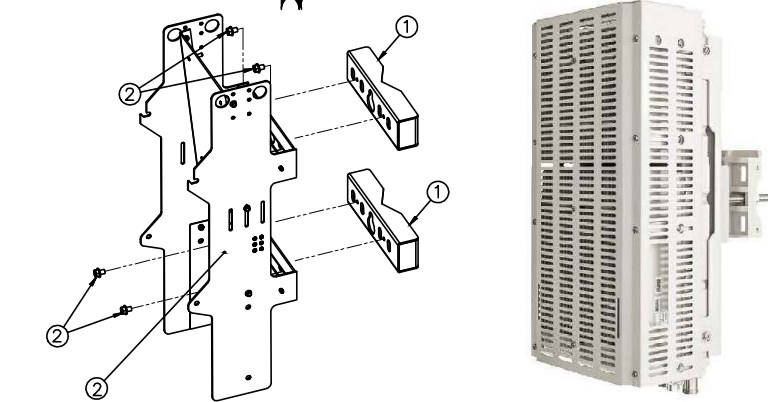
LEASE EXHIBIT

Hudson Design Group
 1600 OSGOOD STREET
 BUILDING 20 NORTH, SUITE 3090
 N. ANDOVER, MA 01845
 TEL: (978) 557-5553
 FAX: (978) 336-5886



3 L-3

LEASE EXHIBIT:
 THIS LEASE PLAN IS DIAGRAMMATIC IN NATURE AND IS INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION AND SIZE OF THE PROPOSED WIRELESS COMMUNICATION FACILITY. THE SITE LAYOUT WILL BE FINALIZED UPON COMPLETION OF SITE SURVEY AND FACILITY DESIGN.



WIRELESS CONSTRUCTION, INC. POLE/WALL MOUNT FOR SINGLE RADIO BRACKET

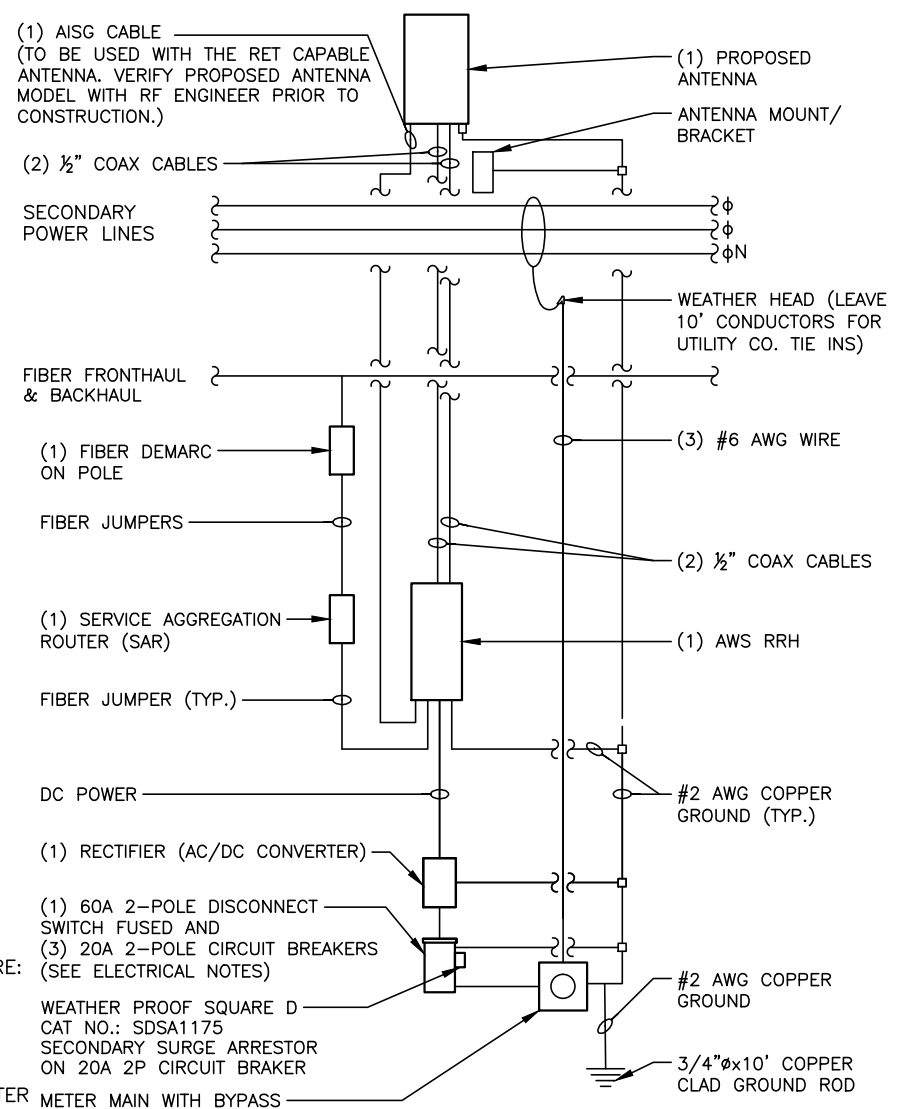
ITEM	DESCRIPTION	QTY.
1	MOUNT	2
2	AWS RRH RACK W/ SUPPLIED HARDWARE	1

- (1) SINGLE RRH BRACKET - 27"x3"x2" - 19 LBS
- (1) AWS RRH - 25.8"Hx12"Wx7.3"D - 56.9 LBS
- (2) RECTIFIER - 14.1"Hx8.3"Wx3.5"D - 14.1 LBS
- (1) ROUTER - 2.6"Hx15"Wx10"D -

RRH & MOUNTING BRACKET
 SCALE: N.T.S.

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 2. SHOP DRAWINGS OF FINAL EXTENSION AND/OR ANTENNA MOUNT TO BE PROVIDED TO ENGINEER OF RECORD PRIOR TO CONSTRUCTION.

ELECTRICAL NOTES:
 120-240V, 1-PHASE, 3 WIRE:
 USE MILBANK MODEL NO.: U2272-RL-5T9-BL METER SOCKET
 USE SQUARE D MODEL NO.: Q0816L100RBCP LOAD CENTER



6 L-3

CHECKED BY: JX

APPROVED BY: DPH

SUBMITTALS

REV.	DATE	DESCRIPTION	BY
5	09/19/17	ADDED TRENCH	MR
4	08/02/17	REVISED PER NEW STANDARDS	CL
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0	01/04/16	LEASE EXHIBIT	ED

SITE NAME:
LOWELL MA SC77

SITE ADDRESS:
 91 DUTTON ST
 LOWELL, MA 01852

SHEET TITLE
EQUIPMENT DETAILS

SHEET NUMBER
L-3



Christine McCall
Assistant City Manager/DPD Director

R. Eric Slagle
Director of Development Services

David Fuller
Building Commissioner

October 21, 2021

City Manager Eileen Donoghue

Mayor John Leahy

Members of the City Council

Re: Vote – To Amend Lease for Light Pole at 91 Dutton St.

Dear Manager Donoghue, Mayor Leahy and Members of the City Council:

The attached Vote by the City Council would amend Verizon Wireless' lease with the City for equipment on the City-owned pole at 91 Dutton St. Specifically, this amendment to the lease amends the fees to comply with the FCC's ruling on such fees.

Yours very truly,

R. Eric Slagle

Director, Development Services