



MEMORANDUM

Council Agenda
Item No. IX. DM
6/21/2022

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Assignment of Lease and Easement Agreement with SWI Funds Tower Holdings, LLC, for operation and maintenance of an existing cellular communications tower in South Rotary Park, 1604 SW 15th Street. Ward 6.

Location:

South Rotary Park, 1604 Southwest 15th Street

Purpose:

To transfer management and operation of the cellular communications tower from Dragon Communications, LLC, to its parent company, SWI Funds Tower Holdings, LLC.

Background:

In September 2009, The City of Oklahoma City entered into a Lease and Easement Agreement with Dragon Communications, LLC. The Lease authorized Dragon to install and operate the communications tower referenced above.

Recently, staff was notified that Dragon is being acquired by SWI Funds Tower Holdings, LLC, (SWI). Dragon requested that the Lease be assigned to SWI.

The Lease commenced on March 22, 2010. It provided an initial term of five years, with the option for four, five-year renewals, for a total of 25 years. The current (second) renewal term expires on March 21, 2025.

All other terms of the Lease will remain in effect under this Assignment of Lease and Easement Agreement. The Assignment Agreement will be null and void if the transaction between SWI and Dragon is not completed within 30 calendar days after the City approves the Assignment Agreement. In addition, SWI must provide City staff with a valid insurance certificate on or before the date it completes the assignment transaction with Dragon.

The Lease includes an annual rental payment to the City that increases by 15% at the start of each renewal term. The current annual payment is \$17,192.50.

Revenue:

General Fund – General Operations – Parks-Facility Leases-Agreements (001-0001-42050019)

Review:

Parks and Recreation Department

Recommendation: Assignment of Lease and Easement Agreement be approved.