



Connecticut State University System

Developing a State of Minds

BR#01-18



RESOLUTION

concerning

LEASE OF A PORTION OF THE COMMUNICATIONS TOWER
AT
WESTERN CONNECTICUT STATE UNIVERSITY
TO
SNET CELLULAR, LLC; SPRINT PCS; AND METRICOM, INC.

April 5, 2001

WHEREAS, Section 4b-38 of the Connecticut General Statutes provides that the Board of Trustees may lease land or buildings and facilities under their control and supervision, and

WHEREAS, SNET Cellular, LLC, Sprint PCS, and Metricom, Inc. have requested permission from Western Connecticut State University to lease a portion of the communications tower for installation of antennas, and

WHEREAS, It has been determined by Western that the space is not needed for use by the university, and

WHEREAS, The lease agreement stipulates that use of the property is contingent upon meeting all policies, regulations and laws of local, state and federal agencies, therefore be it

RESOLVED, That the Board of Trustees for the Connecticut State University System approve the agreement with SNET Cellular, LLC, Sprint PCS, and Metricom, Inc. to lease space at Western Connecticut State University's communication tower for the installation of communications equipment.

A Certified True Copy:

Handwritten signature of William J. Cibes, Jr.
William J. Cibes, Jr.
Chancellor

ITEM

Lease of a portion of the communications tower at Western Connecticut State University to SNET Cellular, LLC; Sprint PCS; and Metricom, Inc.

BACKGROUND

The Board of Trustees under its statutory authority – Section 4b-38 – “...may lease land or buildings, or both, and facilities under the control and supervision of such board when such land, buildings or facilities are otherwise not used or needed for use by the constituent unit and such action seems desirable to produce income or is otherwise in the public interest, provided the treasurer has determined that such action will not affect the status of any tax-exempt obligations issued or to be issued by the State of Connecticut...”

ANALYSIS

SNET Cellular, LLC; Sprint PCS; and Metricom, Inc. have requested permission from management at Western Connecticut State University to lease a portion of the communications tower located on the Westside Campus. They would like to lease this space for the installation and maintenance of wires, cable, conduits and pipes associated with antenna structures. All improvements and alterations made to the tower as part of the installation of the antennae will be at SNET Cellular, LLC; Sprint PCS; and Metricom, Inc.'s expense and subject to approval by Western.

The lease agreement stipulates that SNET Cellular, LLC; Sprint PCS; and Metricom, Inc.'s ability to use the property is contingent upon meeting all obligations of compliance with any and all environmental laws, including permits, regulations, guidelines, standards, or policies of all local, state and federal agencies. The agreement will be reviewed by the Office of the State Treasurer to ensure that the agreement does not affect the State's tax-exempt status. Once it has received approval from the Treasurer, it will be reviewed for approval as to form by the Office of the Attorney General. The agreement was reviewed initially by the CSU Assistant Attorney General.

The initial term of the lease is for five (5) years with an annual rental of \$20,400. The agreement may be automatically extended for two (2) five-year terms unless terminated by either the lessee or lessor by giving written notice of at least thirty days.

CHANCELLOR'S RECOMMENDATION

Approve the lease of space at Western Connecticut State University to SNET Cellular, LLC; Sprint PCS; and Metricom, Inc.