



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Legislation Details (With Text)

**File #:** [24-0112]      **Version:** 1      **Name:**  
**Type:** Consent      **Status:** Passed  
**File created:** 2/23/2024      **In control:** Town Council  
**On agenda:** 3/6/2024      **Final action:** 3/6/2024  
**Title:** Notice of Intent to Renew a Wireless Lease Agreement with T-Mobile

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Small Service Homestead Wireless, 2. Encroachment and Lease Agreement Exhibit A Site Plan, 3. Exhibit A Encroachment and Lease Agreement, 4. RESOLUTION GIVING PUBLIC NOTICE OF TOWN COUNCIL INTENT TO EXECUTE AN ENCROACHMENT AND LEASE AGREEMENT FOR A PORTION OF THE NORTHERN COMMUNITY PARK FOR THE PURPOSE OF ALLOWING T-MOBILE SOUTH, LLC TO MAINTAIN THEIR CELLULAR EQUIPMENT ON A DUKE ENERGY TOWER

| Date     | Ver. | Action By    | Action  | Result |
|----------|------|--------------|---------|--------|
| 3/6/2024 | 1    | Town Council | adopted | Pass   |

### Notice of Intent to Renew a Wireless Lease Agreement with T-Mobile

**Staff:**  
Chris Butts, Chief Information Officer

**Department:**  
Technology Solutions

**Overview:** The attached resolution would give public notice about the Council’s intent to execute an encroachment and lease agreement for the maintenance and operation of T-Mobile’s existing wireless communications system. The system is located in Northern Community Park on a Duke Energy Corporation transmission tower. The term of the agreement is five years with the option to extend for another five years. In return, T-Mobile pays the Town \$37,391.11 per year with an annual increase of 3%. The lease for the wireless communications equipment was originally approved by Council in 1998 and was amended to last for 15 years.

☆ **Recommendation(s):**

That the Council adopt the attached resolution that gives public notice about the Council’s intent to execute a new encroachment and lease agreement for the maintenance and operation of T-Mobile’s existing wireless communications system on an existing Duke Energy Corporation transmission tower for a period of up to ten years.

**Key Issues:**

- North Carolina Statute 160A-272 authorizes the Town to lease or rent Town property pursuant to adoption of a Council resolution authorizing the execution of the lease or rental agreement upon 10 days’ public notice.

**Fiscal Impact/Resources:**

The Town would receive \$37,391.11 per year with an annual increase of 3% over the previous year paid in one lump sum within 30 days of the lease and encroachment approval.



**Attachments:**

- Resolution
- Town Contract
- Encroachment and Lease Agreement

**A RESOLUTION GIVING PUBLIC NOTICE OF TOWN COUNCIL INTENT TO EXECUTE AN ENCROACHMENT AND LEASE AGREEMENT FOR A PORTION OF THE NORTHERN COMMUNITY PARK FOR THE PURPOSE OF ALLOWING T-MOBILE SOUTH, LLC TO MAINTAIN THEIR CELLULAR EQUIPMENT ON A DUKE ENERGY TOWER (2024-03-06/R-2)**

WHEREAS, the Town Council previously authorized SprintCom, Inc to place a wireless communications system on and around an existing Duke Energy tower; and

WHEREAS, T-Mobile South, LLC, is the successor in interest to SprintCom, Inc; and

WHEREAS, the North Carolina Statute 160A-272 authorizes the Town to lease or rent Town property pursuant to a resolution of the Council authorizing the execution of the lease or rental agreement adopted at a regular Council meeting upon 10 days' public notice.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby gives notice of intent to authorize at its regular meeting on March 20, 2024, the execution of a new encroachment and lease agreement for the maintenance and operation of T-Mobile's existing wireless communications system on a Duke Energy Corporation transmission tower located in the Northern Community Park.

BE IT FURTHER RESOLVED that the Council directs that notice of this proposed lease be published as provided under North Carolina General Statute 160-272.

This the 6<sup>th</sup> day of March, 2024.

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council hereby gives notice of intent to authorize at its regular meeting on March 20, 2024, the execution of a new encroachment and lease agreement for the maintenance and operation of T-Mobile's existing wireless communications system on a Duke Energy Corporation transmission tower that is in the Town's Northern Community Park. The term of the agreement is five years with the option to extend for another five years.