

Contract Number: CTN-IT-13\*194-02  
Effective Date: 12-3-13  
Term Date: 6-30-18  
Cost: ✓  
Revenue: ✓  
Total: ✓ NTE: ✓  
Action: ✓  
Renewal By: 4-1-18  
Term: 6-30-18  
Reviewed by: ✓

## **BOARD OF SUPERVISORS AGENDA ITEM SUMMARY**

Requested Board Meeting Date: 12/03/2013

### **ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:**

This Amendment to the Nonexclusive Right-of-Way Use License for Fiber Transport Facilities between Crown Castle NG West, Inc. (formerly known as NextG Networks of California, Inc.) and Pima County, allows the Licensee to relocate one of their poles identified as "Node 45". This site is located at the intersection of Campbell Avenue and Camino Miraval. The original approved site plans indicated the pole would be erected within the right-of-way adjacent to property address 2420 E Camino Miraval. Once erected, it was discovered the pole was actually situated inside the property boundary. This Amendment allows the Licensee to relocate the pole from its current location to a site within the Right-of-Way (across the street on the Northeast corner of the intersection), which is consistent with the original Agreement. The Amendment does not modify any other terms of the Agreement with Crown Castle NG West, Inc., which grants permission to encroach on the County's right-of-way within unincorporated Pima County for the purpose of constructing, installing, maintaining, and/or operating fiber transport facilities to provide wireless capacity and coverage services to wireless telecommunication providers, with the ultimate objective to improve cellular communication services to Pima County residents.

CONTRACT NUMBER (If applicable): CTN-IT-130000000000000000194

### **STAFF RECOMMENDATION(S):**

The Information Technology Department recommends that the Pima County Board of Supervisors adopt and the Chairman sign the Second Amendment to the Nonexclusive Right-of-Way Use License for Fiber Transport Facilities between Crown Castle NG West, Inc. and Pima County.

CORPORATE HEADQUARTERS: Delaware

Page 1 of 2

To: CoB. 11-20-13  
Agenda 12-3-13  
(2)

Document 11/27/13 PM 04:00

**CLERK OF BOARD USE ONLY: BOS MTG.** \_\_\_\_\_

**ITEM NO.** \_\_\_\_\_

**PIMA COUNTY COST:** N/A **and/or REVENUE TO PIMA COUNTY:\$** N/A

**FUNDING SOURCE(S):** N/A

(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

**Advertised Public Hearing:**

<input type="checkbox"/>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>NO</b>
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**Board of Supervisors District:**

1	<input checked="" type="checkbox"/>	2	<input type="checkbox"/>	3	<input type="checkbox"/>	4	<input type="checkbox"/>	5	<input type="checkbox"/>	All	<input type="checkbox"/>
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**IMPACT:**

**IF APPROVED:**

Crown Castle NG West, Inc. will relocate the pole and ancillary equipment (Node 45) to an approved site within the Right-of-Way to continue providing wireless capacity and coverage services to wireless telecommunication providers, which subsequently improves cellular communication services to Pima County residents in the affected area.

**IF DENIED:**

Crown Castle NG West, Inc. will not be allowed to relocate its existing pole and ancillary equipment (Node 45) to an approved site within the Right-of-Way, which could result in the pole being removed entirely from the intersection, thus substantially reducing services to wireless telecommunication providers and ultimately compromising cellular communication services to Pima County residents in the affected area.

**DEPARTMENT NAME:** Information Technology

**CONTACT PERSON:** Julie K McWilliams **TELEPHONE NO.:** 724-8066



CONTRACT	
NO.	CTN-IT-1300000000000000194
AMENDMENT NO.	02
This number must appear on all invoices, correspondence and documents pertaining to this contract.	

PIMA COUNTY

**SECOND AMENDMENT TO  
NONEXCLUSIVE RIGHT-OF-WAY USE LICENSE  
FOR FIBER TRANSPORT FACILITIES**

**Document #CTN-IT-1300000000000000194**  
(formerly CTN-IT-CMS141023, aka 12-14-N-141023-0708)

THIS AMENDMENT is entered into by and between Pima County ("the County"), a political subdivision of the State of Arizona, and Crown Castle NG West Inc., a Delaware corporation, ("the Licensee") and shall be effective upon execution.

RECITALS

The County and NextG Networks of California, Inc., a Delaware corporation, entered into a Nonexclusive Right-Of-Way Use License for Fiber Transport Facilities License dated July 1, 2008, with an expiration date of June 30, 2013. The company subsequently changed its name to Crown Castle NG West Inc., with notice filed in the state of Delaware on May 3, 2012 and filed with the Arizona Corporation Commission on September 27, 2012 (ACC File #F1171725-5, Exhibit C). The First Amendment to License memorialized the name change and extended the term through June 30, 2018.

With this Second Amendment to License, the County agrees to Licensee's request to relocate a tower and equipment located on private property at Campbell Avenue and Camino Miraval (node 45) to a site across the street within County right-of-way. This Amendment shall be void in the event Crown Castle NG West is not granted a permit by Pima County Development Services to occupy the site described in Exhibit D.

AGREEMENT

NOW, THEREFORE, it is agreed as follows:

**ADD:** Exhibit D

All other provisions of the License shall remain in effect and continue to be binding upon the parties.


IN WITNESS WHEREOF, the parties have affixed their signatures to this Second Amendment to License on the dates written below.

**PIMA COUNTY:**

\_\_\_\_\_  
Chair, Board of Supervisors

\_\_\_\_\_  
Date

**CROWN CASTLE NG WEST INC.:**

  
\_\_\_\_\_  
Signature

John A. Timney, Director  
\_\_\_\_\_  
Print Name, Title


11/01/13  
\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Clerk of the Board of Supervisors

\_\_\_\_\_  
Date

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Chief Information Officer

11/14/13  
\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

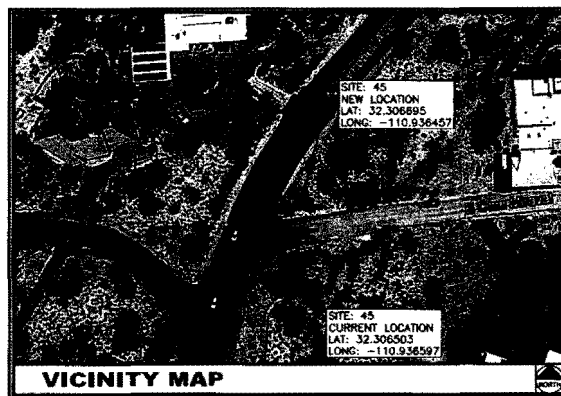
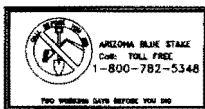
  
\_\_\_\_\_  
Marc Natelsky, Deputy County Attorney

9/27/13  
\_\_\_\_\_  
Date

# EXHIBIT D



## TUCSON CNG1010AZ-N45 PIMA COUNTY TUCSON, AZ 85718 "UNDERGROUND REFERENCE CNG1010AZTUCUFH 09"



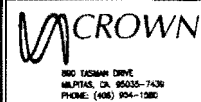
TWN.	RAN.	SEC.
13	14	17

SHEET	DESCRIPTION	REV.
1		
2		
3		

### SHEET INDEX

DO NOT SCALE DRAWINGS

### GENERAL CONTRACTOR NOTES



TUCSON  
CNG1010AZ-N45  
PIMA COUNTY  
TUCSON, AZ 85718

CURRENT ISSUE DATE:

7-8-13

PERMIT SUBMISSION:

REV. DATE DESCRIPTION BY

2	6/12/13	MODE MOVE	EG
3	6/25/13	REVISE DRAWING	EG

PLANS PREPARED BY:



H.P. COMMUNICATIONS, INC.  
13341 Freeway, CARPENTERS  
Corona, CA 92683  
OFFICE: 951-475-1810  
FAX: 951-475-1810

PLANS APPROVED BY:



REP:

COMMENTS:

SHEET TITLE:

### TITLE SHEET

1

1 OF 3

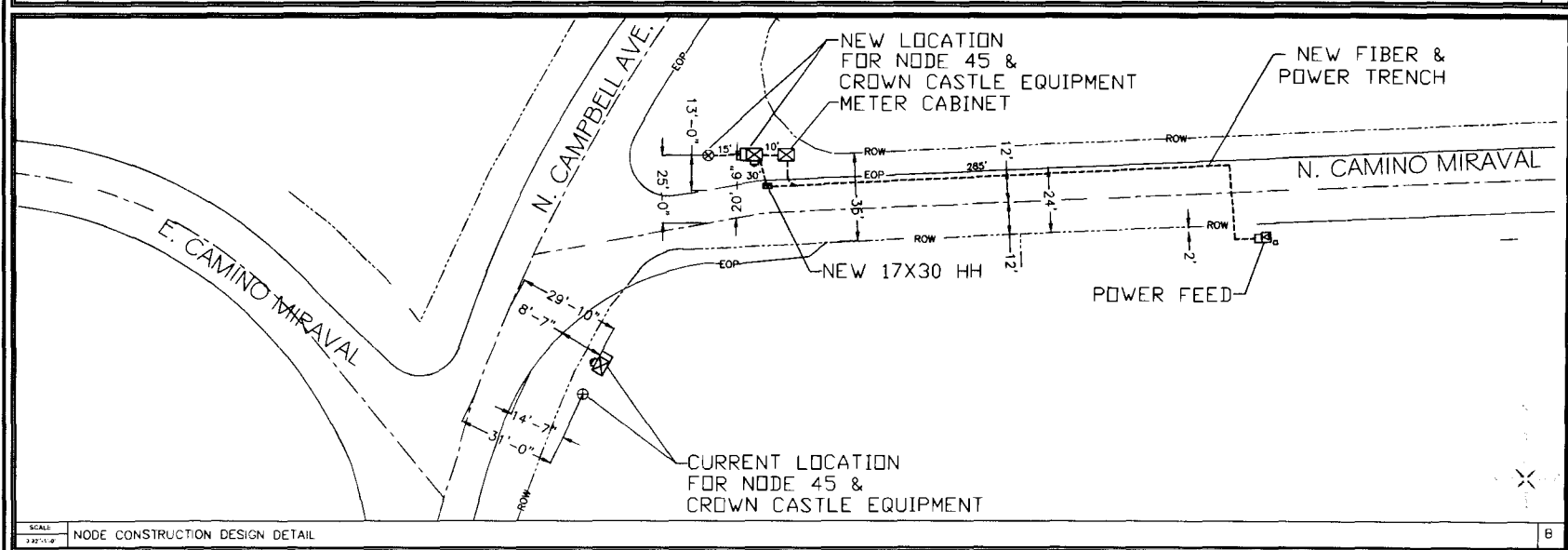
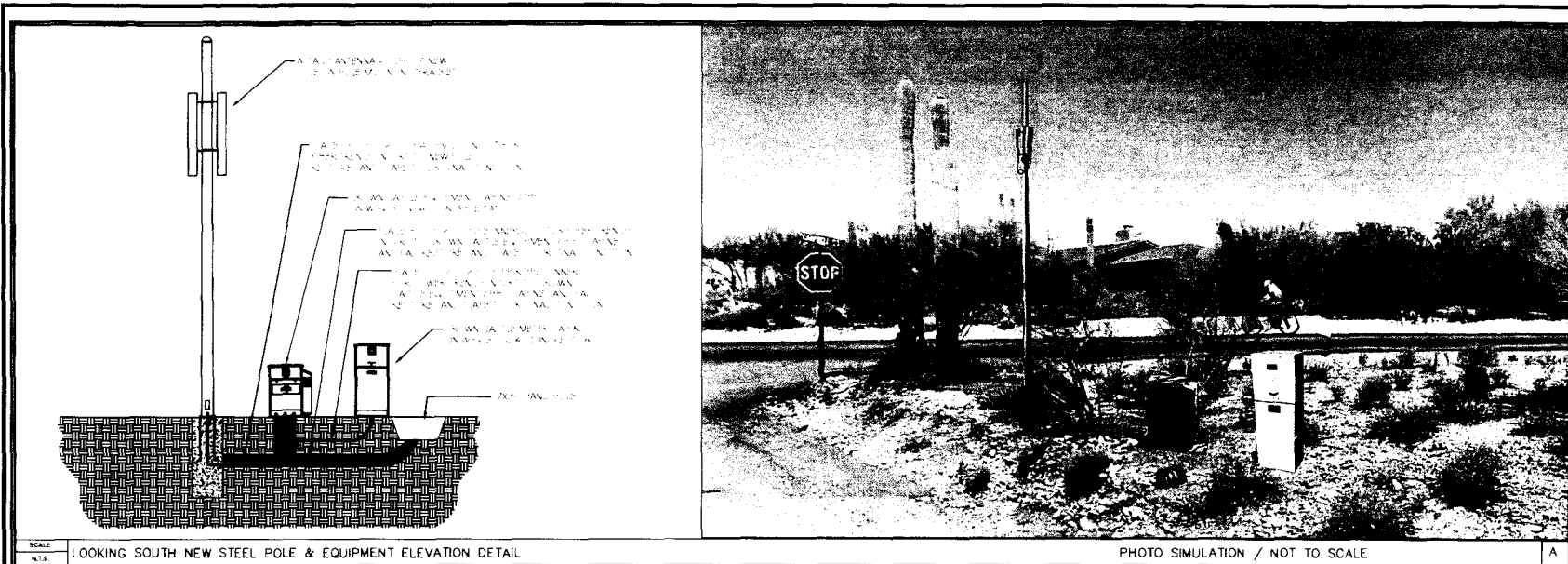
### CODE COMPLIANCE

### PROPERTY INFORMATION

### PROJECT SUMMARY

### PROJECT DESCRIPTION

### PROJECT SCOPE



TWN.	RAN.	SEC.
13	14	17

**NODE CONSTRUCTION DESIGN DETAILS**

**MCROWN**  
800 TASHAM DRIVE  
MILITAS, CA 95035-7438  
PHONE: (408) 954-1280

PROJECT INFORMATION:  
TUCSON  
CH01010AZ045  
PIMA COUNTY  
TUCSON, AZ 85718

CURRENT ISSUE DATE:  
7-8-13

PERMIT SUBMISSION:

REV.	DATE	DESCRIPTION	BY
2	6/12/13	NODE MOVE	EG
3	6/25/13	REVISE DRAWING	EG

PLANS PREPARED BY:

**IP COMMUNICATIONS, Inc.**  
3541 Tepicway, CANYON RD  
Corona, CA 92603  
OFFICE: 951-471-1819  
FAX: 951-288-0080

PLANS APPROVED BY:

**MCROWN**

REP:

COMMENTS:

SHEET TITLE:  
**NODE CONSTRUCTION DESIGN DETAILS**

**2** 2 OF 3

