



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: March 5, 2019

Title: Resolution for Consent to Sale of Communications Easement. (File E-0112)

Introduction/Background:

County owns and operates the approximately 87 acre parcel of land located at 4502 N. First Avenue, Tucson as Rillito Regional Park (the "Park"). County has leased a 30' x 40' parcel in the Park for an equipment shelter, and a 10' x 10' parcel for a monopalm (the "Leased Area") to Alltel Communications Southwest Holdings, Inc., dba Verizon Wireless ("Verizon"), together with an easement for access and utilities, pursuant to which Verizon owns and operates a cell tower (the "Tower Lease"). The Tower Lease (CTN-IT-CMS140419) will expire on 3/07/2020. ATC Sequoia, LLC, a Delaware Limited Liability Company, wishes to purchase a Communications Easement for 50 years over the Leased Area (the "Easement") in consideration of an up-front payment of \$365,000.00. The Easement will include the nonexclusive access and utility easement, and an assignment of the Tower Lease. The Purchase Price of \$365,000.00 would be paid to County and deposited in a Special Revenue Fund to be established and administered by the Natural Resources Parks and Recreation Department ("NRPR") for the benefit of the Park.

Discussion:

Staff requests consent to auction the Communications Easement to the highest bidder pursuant to ARS Section 11-251(9).

Conclusion:

The sale of the Easement would provide NRPR with \$365,000.00 to be used to enhance the Park.

Recommendation:

It is recommended that the Board of Supervisors approve the sale of the Communications Easement by auction for the minimum price of \$365,000.00.

Fiscal Impact:

The appraised value of the Communications Easement is \$372,500.00. The minimum sales price for the Communications Easement is \$365,000.00 (90% of appraised value).

Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

Department: Real Property Services

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Department Director Signature/Date:  2/22/2019

Deputy County Administrator Signature/Date:  2/22/19

County Administrator Signature/Date:  2/22/19

RESOLUTION NO. 2019-_____

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
AUTHORIZING SALE OF COMMUNICATIONS EASEMENT**

The Board of Supervisors of Pima County, Arizona, finds:

1. County owns the approximately 87 acre parcel located at 4502 N. First Avenue known as Rillito Regional Park (the "Park").
2. County leases a portion of the Park to Alltell Communications Southwest Holdings, Inc., dba Verizon Wireless ("Verizon"), pursuant to a Tower Lease dated March 8, 2005 (the "Tower Lease"). The Tower Lease expires on March 7, 2020. The area leased to Verizon (the "Leased Area") consists of a 30' x 40' parcel for an equipment shelter, and a 10' x 10' parcel for a monopalm, and includes a nonexclusive easement for access and utilities.
3. ATC Sequoia, LLC, a Delaware Limited Liability Company ("ATC") desires to purchase a 50 year Communications Easement (the "Easement") over the Leased Area, and an Assignment of the Lessor's rights under the Tower Lease (the "Assignment").
4. The Easement and Assignment will be sold by public auction to the highest bidder in accordance with A.R.S. §11-251(9), and the sale proceeds will be placed in a Special Revenue Fund to be administered by the Natural Resources Parks and Recreation Department ("NRPR") for the benefit of the Park.

NOW, THEREFORE, BE IT RESOLVED: the Board consents to (i) the sale of the Communications Easement by public auction to the highest bidder for a minimum price of \$365,000; (ii) the Assignment, and (iii) the deposit of the sale proceeds in a Special Revenue Fund to be administered by NRPR for the benefit of the Park.

Passed and adopted, this _____ day of _____, 2019.

Richard Elías, Chairman,
Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM

Julie Castañeda, Clerk of the Board



Kell Olson, Deputy County Attorney

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