



Providing Outstanding Service Since 1963

Board of Directors

James Wall, Chair
Raymond Tjulander, Vice Chair
Jane Nye, Director
Janna Orkney, Director
Leon Shapiro, Director

March 23, 2020

Board of Directors
Triunfo Water & Sanitation District
Ventura County, California

AT&T REQUEST FOR TRANSFER OF LEASE TO OCTAGON TOWERS, LLC, AT THE KILBURN SITE

Summary


The Triunfo Sanitation District Board entered into a site lease agreement (TSD No. T93-14) with AT&T Wireless Services of California, LLC (AT&T), on January 28, 1994, for placement of a cell tower facility at the Kilburn water reservoir site. The terms of the agreement include a provision that allows AT&T Wireless to transfer the Lease to other entities with notification to the District. AT&T approached staff with a request that the District sign a Site Lease Estoppel Certificate for the proposed buyer of the Lease. Staff and Legal Counsel have reviewed the Certificate and it is in compliance with the required framework of the Lease for approval. By signing the Certificate, the District agrees to approve an amendment to the Lease to transfer the rights from AT&T Wireless to Octagon Towers, LLC. This proposed change involves no change of the physical dimensions of the antennas or the tower height and will not impair the District's ability to operate its facilities at this site. In addition, the transfer of ownership does not change the provisions of the Lease nor does it extend the Lease termination date of 11/30/2024. Staff recommends that the Board approve the General Manager to sign the Site Lease Estoppel Certificate and approve the Lease Amendment.

Please contact me at (805) 658-4621 or marknorris@trunfowd.com if you have any questions.

Recommendation

It is recommended that the Board approve the General Manager to sign the Site Lease Estoppel Certificate and provide AT&T Wireless Services of California, LLC, with the approval to move this process forward for a Lease Amendment with Octagon Towers, LLC.

REVIEWED AND APPROVED


Mark Norris - General Manager

Attachments: Site Lease Estoppel Certificate

SITE LEASE ESTOPPEL CERTIFICATE
(GROUND LESSEE FA#10086936)

This Site Lease Estoppel Certificate (this "Certificate") is made by the party identified as the ground lessor in the signature block below ("Ground Lessor") for the benefit of the Ground Lessee identified below and Octagon Towers, LLC and its subsidiaries (collectively, "Buyer").

R E C I T A L S:

A. AT&T Wireless Services of California, LLC, d/b/a AT&T Wireless ("Ground Lessee") is the lessee of certain real property pursuant to an Option and Site Lease Agreement (the "Lease") dated 01/28/1994, by and between Ground Lessor and Ground Lessee, relating to premises described in the Lease.

B. Ground Lessee intends to assign its interest in the Lease to Buyer and Buyer intends to assume the obligations under the Lease.

C. In connection with the proposed assignment, Ground Lessee and Buyer have requested this Certificate from Ground Lessor.

Estoppel Certificate. Ground Lessor certifies to Ground Lessee and Buyer that the following statements are true as of the date hereof:

1. Site Lease. A full copy of the Lease, including all amendments thereto, is annexed as Exhibit A and contains the entire agreement between Ground Lessor and Ground Lessee with respect to the premises described in the Lease.

2. Full Force and Effect. The Lease is in full force and effect. Ground Lessee is the current lessee under the Lease and the Lease has not been assigned by Ground Lessor to any other party.

3. Term. The Commencement Date under the Lease was 11/16/1994, and the current term of the Lease will end on 11/30/2024, with no renewal options. The current monthly base rental is \$2,878.40. Monthly rent under the Lease has been paid through February 29, 2020.

4. No Defaults. No default exists under the Lease on the part of Ground Lessor or Ground Lessee, and, to Ground Lessor's knowledge, no event or condition has occurred or exists which, with notice or the passage of time or both, would constitute a default by Ground Lessee under the Lease.

Executed as of _____, 2020.

Triunfo Water & Sanitation District

By: _____

Name:

EXHIBIT A

[SITE LEASE ATTACHED BEGINNING ON NEXT PAGE]

This page is intentionally blank