



• **Board of Directors**
Real Property and Asset Management Committee

4/12/2022 Board Meeting

7-8

Subject

Authorize granting a new ten-year license agreement to New Cingular Wireless, PCS LLC, for the continued operation of an existing telecommunications site on Metropolitan's fee-owned property in the city of Yorba Linda, identified as Orange County Assessor 329-021-03; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Executive Summary

This action authorizes the General Manager to enter a new, ten-year license agreement with two, five-year renewal options for New Cingular Wireless, PCS LLC (Cingular) to continue operating its existing wireless telecommunication site on Metropolitan's fee-owned property. Since 1987, Cingular has leased the premises and they have requested to extend the term beyond the June 2022 expiration date. The subject 5,200 square foot premises is located off Green Crest Drive in the city of Yorba Linda. **(Attachment 1)**

Details

Background

The subject Metropolitan property has several telecommunication sites located adjacent to Green Crest Drive in the city of Yorba Linda, which is approximately 4.5 miles east of the Robert B. Diemer Filtration Plant in northeast Orange County. Metropolitan's 96-inch Lower Feeder Pipeline, the Santiago Lateral Control Tower, the 108-inch Santiago Lateral Spillway, and the 72-inch Santiago Lateral Pipelines are located within the subject property's boundaries. The current telecommunications facilities at this location are compatible with Metropolitan's existing facilities.

Cingular is requesting a ten-year extension with two, five-year renewal options, which allows their uninterrupted operation. The existing Cingular facility includes a small equipment building and a 30-foot tall tower. No new equipment or improvements are proposed at this time.

Staff recommends replacing the existing lease structure with current Metropolitan standard telecommunication license provisions. A license agreement allows Metropolitan to have control over specific land uses on the site, is revocable, and is not transferrable. The proposed license will have the following key provisions:

- Subject to Metropolitan's paramount rights reservation.
- Ten-year base term with two, five-year options to renew.
- One-time processing fee of \$9,000.
- Annual license fee of \$45,600 per appraised market rates.
- Fixed license fee increases of three percent annually.
- Metropolitan has right to re-appraise and reset fees every five years.
- Licensee is responsible for weed abatement and utilities.

Staff evaluation has determined that this agreement will not interfere with Metropolitan's operations or facilities in the area. Board authorization of this agreement is required because the term of the license exceeds five years.

Policy

Metropolitan Water District Administrative Code Section 8230: Grants of Real Property Interests

Metropolitan Water District Administrative Code Section 8231: Appraisal of Real Property Interests

Metropolitan Water District Administrative Code Section 8232: Terms and Conditions of Management

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

By Minute Item 48766, dated August 16, 2011, the Board adopted the proposed policy principles for managing Metropolitan's real property assets.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is categorically exempt under the provisions of CEQA and the State CEQA Guidelines. The proposed action consists of the leasing, licensing, maintenance, and operating of existing public or private structures, facilities, and equipment with negligible or no expansion of use beyond that existing at the time of the lead agency's determination. In addition, it will not have a significant effect on the environment. Accordingly, this proposed action qualifies as a Class 1 Categorical Exemption (Section 15301 of the State CEQA Guidelines).

CEQA determination for Option #2:

None required

Board Options

Option #1

Authorize granting a ten-year license agreement with two, 5-year options to New Cingular Wireless, PCS LLC for telecommunication purposes.

Fiscal Impact: Metropolitan will receive annual revenue of \$45,600

Business Analysis: Metropolitan will generate revenue and avoid weed abatement costs.

Option #2

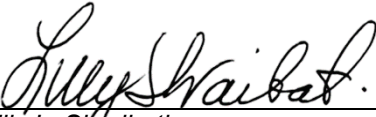
Do not authorize the license agreement

Fiscal Impact: Forgo the opportunity to generate revenue

Business Analysis: The existing telecommunication facility would need to be removed and Metropolitan would be responsible for the weed abatement.

Staff Recommendation

Option #1



Lilly L. Shraibati
Manager, Real Property

3/28/2022

Date



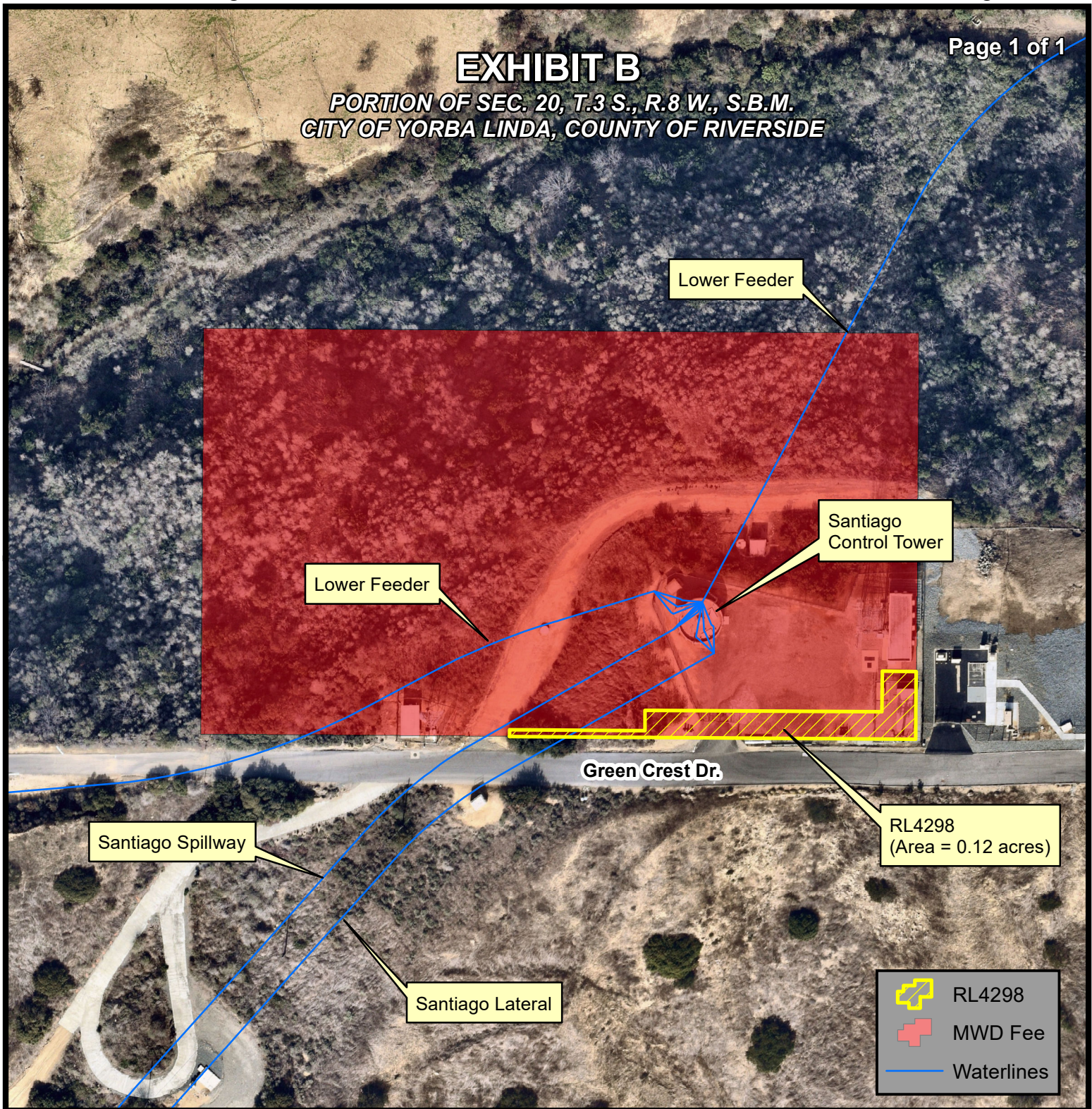
Adel Hagekhalil
General Manager

3/30/2022

Date

Attachment 1 – Location Map

Ref# rpd12687819



Feet
 0 25 50 100

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The Metropolitan Water District of Southern California
 Engineering Services Group

LOWER FEEDER / SANTIAGO LATERAL / SPILLWAY

License
RL4298

MWD
to
New Cingular Wireless PCS, LLC

MWD ROW:1000-24-1

APN: 329-021-03

WSO Team: Orange County Team