



Agenda Date: 2/3/2021
Agenda Placement: 7F

Napa Sanitation District Board Agenda Letter

TO: Honorable Board of Directors
FROM: Timothy Healy - General Manager
NS-Technical Services/Engineer
REPORT BY: Andrew Damron, Technical Services Director - 707-258-6000
SUBJECT: Authorize the General Manager to Sign Consent Agreement with AT&T

RECOMMENDATION

Authorize General Manager to sign a consent, non-disturbance and attornment agreement with New Cingular Wireless PCS, LLC (AT&T) for subleasing by Eagle Vines Golf Course to AT&T for a new cell tower on NapaSan-owned property on South Kelly Road that is substantially similar to the attached agreement.

EXECUTIVE SUMMARY

NapaSan owns a 42-acre parcel on South Kelly Road which is leased to Eagle Vines Golf Course. AT&T and Eagle Vines Golf Course are preparing to enter into a sublease agreement for approximately 550 square feet area for construction and operation of a cell tower. AT&T is requesting NapaSan enter into the attached consent, non-disturbance and attornment agreement.

The agreement sets the following terms and conditions:

- | NapaSan agrees to the subleasing of part of the property by Eagle Vines to AT&T; and
- | If NapaSan's lease with Eagle Vines is terminated or expires, the lease with AT&T continues between AT&T and NapaSan.

The sublease payment by AT&T to Eagle Vines is \$2,500 per month (increasing by 3% annually). If the lease agreement between NapaSan and Eagle Vines is terminated or expires, the lease payments by AT&T will be made to NapaSan.

Staff recommends that the Board authorize the General Manager to enter into a consent agreement with AT&T in a form substantially similar to the one attached.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

NapaSan entered into an agreement to lease the property in 1999 for a 34-year term, expiring in 2033.

SUPPORTING DOCUMENTS

A . Conccent, Non-Disturbance and Attornment Agreement

Napa Sanitation District: Approve

Reviewed By: Timothy Healy