



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 9/12/2024

File ID: 2024-1846

Department: ITS

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and Celco Partnership d/b/a Verizon Wireless for temporary construction of a cell tower for the South Star Festival at John Hunt Park

Resolution No.

Finance Information:

Account Number: N/A

City Cost Amount: \$

Total Cost: \$

Special Circumstances:

Grant Funded: \$

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address:

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

Additional Comments:

RESOLUTION NO. 24-688

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to enter into an Agreement by and between the City of Huntsville and Cellco Partnership d/b/a Verizon Wireless on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as “Agreement between the City of Huntsville and Cellco Partnership d/b/a Verizon Wireless,” consisting of nine (9) pages and the date of September 12, 2024, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk of Huntsville, Alabama.

ADOPTED this the 12th day of September, 2024.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 12th day of September, 2024.

Mayor of the City of Huntsville,
Alabama

Site Name:South Star Temp
MDG Location #:5000963025

AGREEMENT

This Agreement made this ____ day of _____, 20__, between **City of Huntsville, Alabama**, with an address at 305 Fountain Circle SW, Huntsville, AL 35801, hereinafter referred to as "**Licensor**" and **Cellco Partnership d/b/a Verizon Wireless**, with an address at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 866-862-4404), hereinafter referred to as "**Licensee**".

1. Licensor does hereby grant to Licensee a license to use a _____' by _____, parcel located at 2200 Jaycee Way, Huntsville, Madison County, AL 35801 and being part of Tax Parcel 17 06 13 0 000 017.000 as shown on the tax map of the Assessor's Office of Madison County, Alabama (the "**Property**"), together with the right to install and operate on the Property a communications facility ("**Facility**"). The Licensor also grants unto the Licensee the non-exclusive right-of-way for ingress and egress, seven (7) days a week, twenty-four (24) hours a day, on foot or motor vehicle, including trucks. The right-of-way and Property are generally described and/or depicted on **Exhibit A**, attached hereto and made a part hereof. Further, the Licensee shall have the right to install and maintain conduits, pipes, fiber, cables and wires to its Facility within the Property as necessary to supply utility service and power to the Facility or as otherwise needed to service the Facility as reasonably determined by Licensee. Licensee may install and maintain a temporary diesel generator on the Property to supply utility service and power to the Facility.

2. The term of this Agreement shall be for the period from September 18, 2024 to October 17, 2024.

3. In consideration for the rights granted herein, Licensor's Property will receive the benefits of enhanced wireless communications arising from operation of the Facility.

Site Name:South Star Temp
MDG Location #:5000963025

4. Licensee reserves the right to terminate this Agreement on thirty (30) days written notice and upon such termination, Licensee will remove all of its equipment and improvements and restore the Property to its original condition.

5. Licensee shall defend, indemnify, and hold Licensors harmless against any claim of liability or loss from bodily injury or property damage resulting from or arising out of the negligence or willful misconduct of the indemnifying party and, its employees, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the Licensors, or its employees. Licensee shall maintain at its own expense during the term of this Agreement, commercial general liability insurance with limits of \$1,000,000.00 for bodily injury and property damage and \$1,000,000 general aggregate. The Licensee shall provide a certificate of insurance to the Licensors as proof of said coverage.

6. Licensors covenants that Licensee, upon performing the covenants set forth herein, shall peacefully and quietly have, hold and enjoy the Property. Further, Licensors covenants that Licensors is seized of good and sufficient title and interest to the Property and has full authority to enter into this Agreement.

7. This Agreement may be sold, assigned or transferred by Licensee to Licensee's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of Licensee's assets the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization, without the consent of the Licensors. As to any other parties, any sale, assignment or transfer must be with the written consent of the Licensors, which consent will not be unreasonably withheld.

8. All notices hereunder must be in writing and shall be sent certified mail, return receipt requested, to:

Site Name:South Star Temp
MDG Location #:5000963025

Licensors: City of Huntsville, Alabama
Attention: Jason Benson
P.O. Box 308
Huntsville, Alabama 35804

Licensee: Cellco Partnership
d/b/a Verizon Wireless
Attention: Network Real Estate
180 Washington Valley Road
Bedminster, New Jersey 07921

With a copy to: Basking Ridge Mail Hub
Attn: Legal Intake
One Verizon Way
Basking Ridge, NJ 07920

****SIGNATURE PAGE TO FOLLOW****

Site Name:South Star Temp
MDG Location #:5000963025

IN WITNESS WHEREOF, Licensors and Licensees have executed this Agreement the day
and year first above written.

LICENSOR:

City of Huntsville, Alabama

By: _____

Printed Name: Tommy Battle

Title: Mayor

Date: September 12, 2024

LICENSEE:

Cellco Partnership

d/b/a Verizon Wireless

By: _____

Printed Name:

Title:

Date: September 12, 2024

President of the City Council of the
City of Huntsville, Alabama
Date: September 12, 2024

Site Name:South Star Temp
MDG Location #:5000963025

Exhibit A

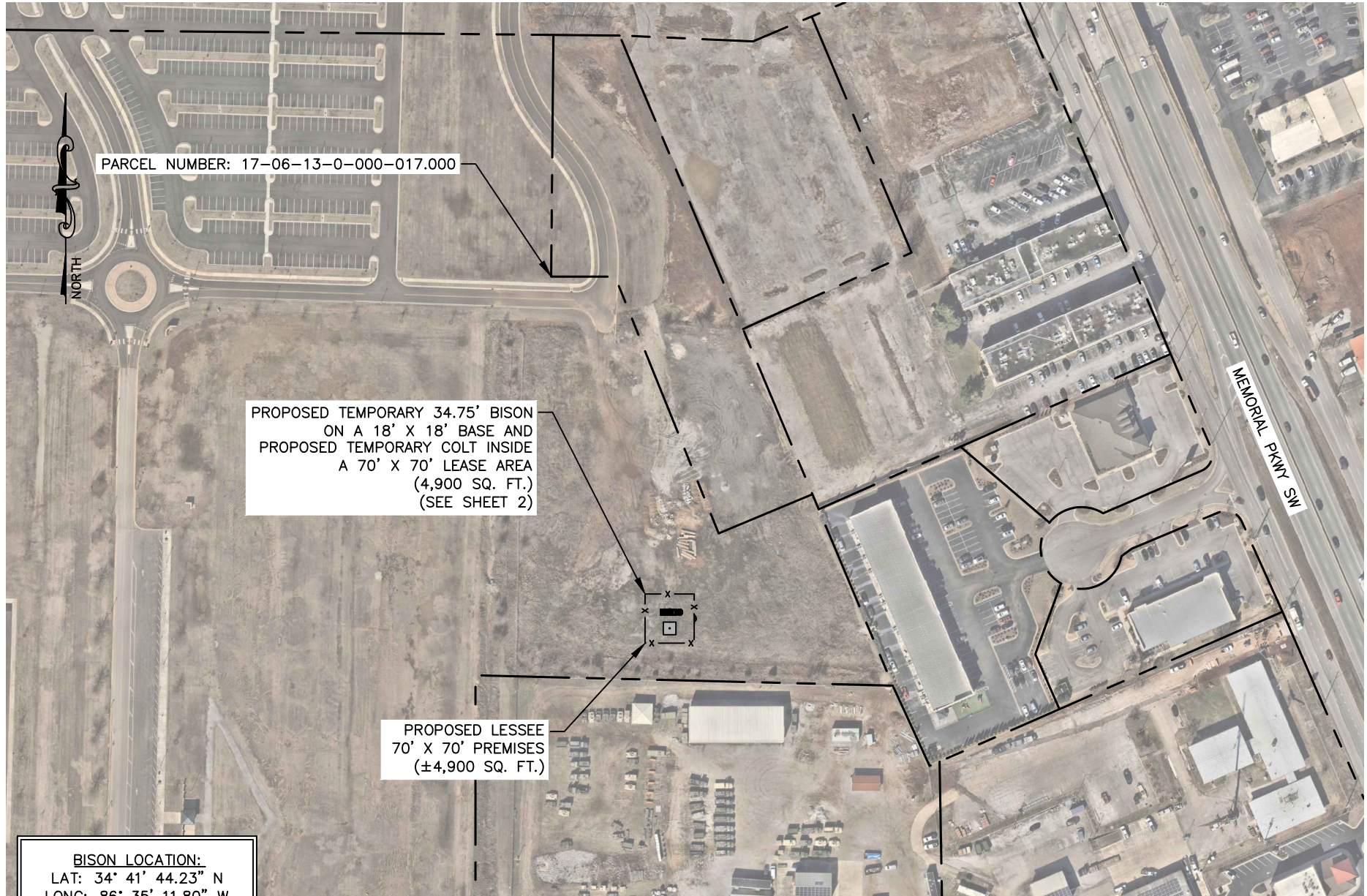
Description of Property

2200 Jaycee Way
Huntsville, Madison County, AL 35801
Parcel 17 06 13 0 000 017.000

(See Attached Site Plan)

PROPERTY OWNER APPROVAL _____ DATE _____

VERIZON APPROVAL _____ DATE _____



JOB No.: 013509531

DATE: 09/09/24

REV.: 0

DRAWN: JVR

CHECKED: DRC

Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600, ALPHARETTA, GA 30009
PHONE: 770-619-4280 WWW.KIMLEY-HORN.COM

Site Visit Attendees:

DALE LEE

ZACH JOHNSTON

TEMPORARY BISON & COLT
SOUTH STAR TEMP

2200 JAYCEE WAY
HUNTSVILLE, AL 35801
MADISON COUNTY

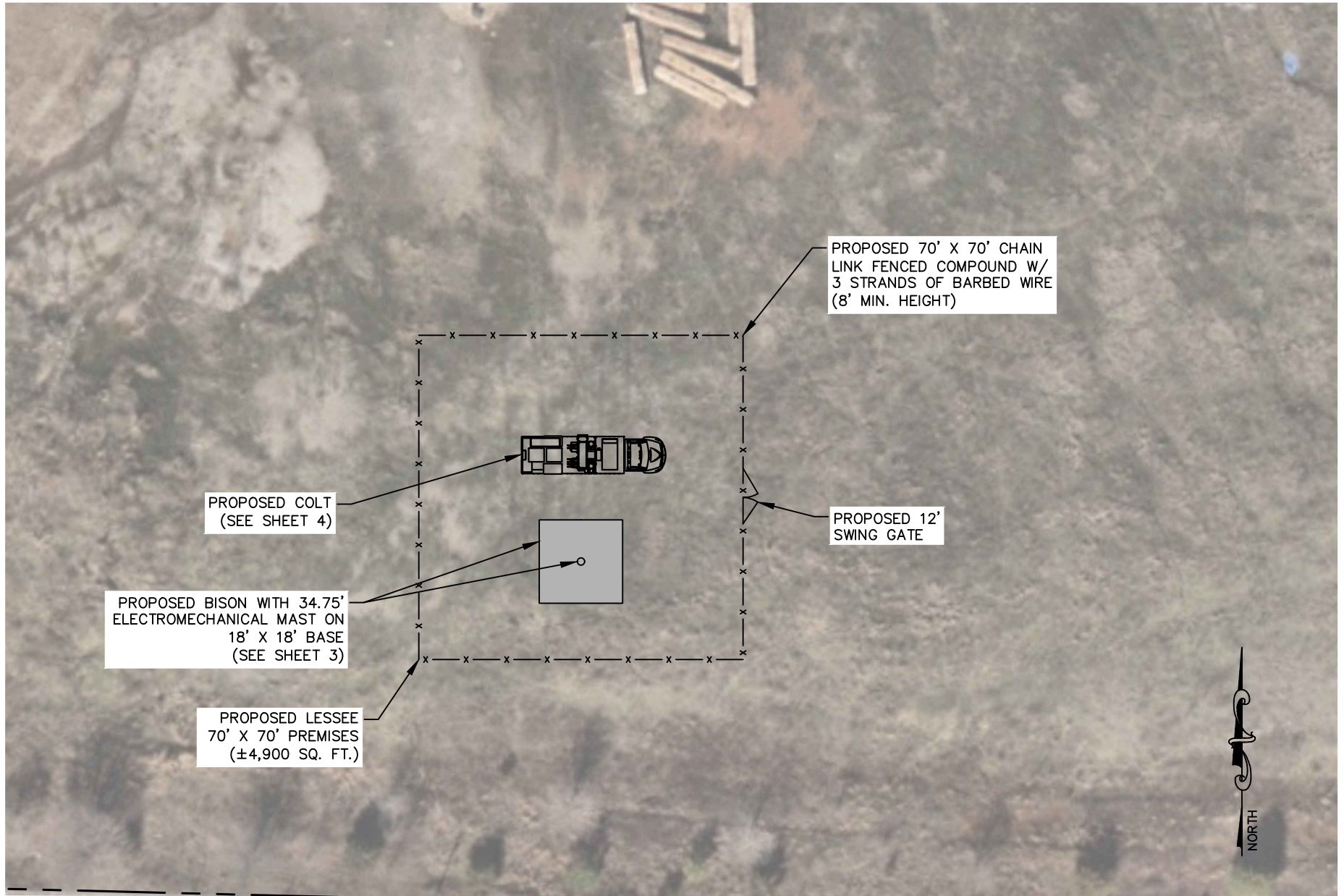
OVERALL AERIAL PLAN
SHEET 1 OF 4

SCALE: 1" = 200'

NOT FOR CONSTRUCTION

PROPERTY OWNER APPROVAL _____ DATE _____

VERIZON APPROVAL _____ DATE _____



JOB No.: 013509531

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2200 JAYCEE WAY
HUNTSVILLE, AL 35801
MADISON COUNTY

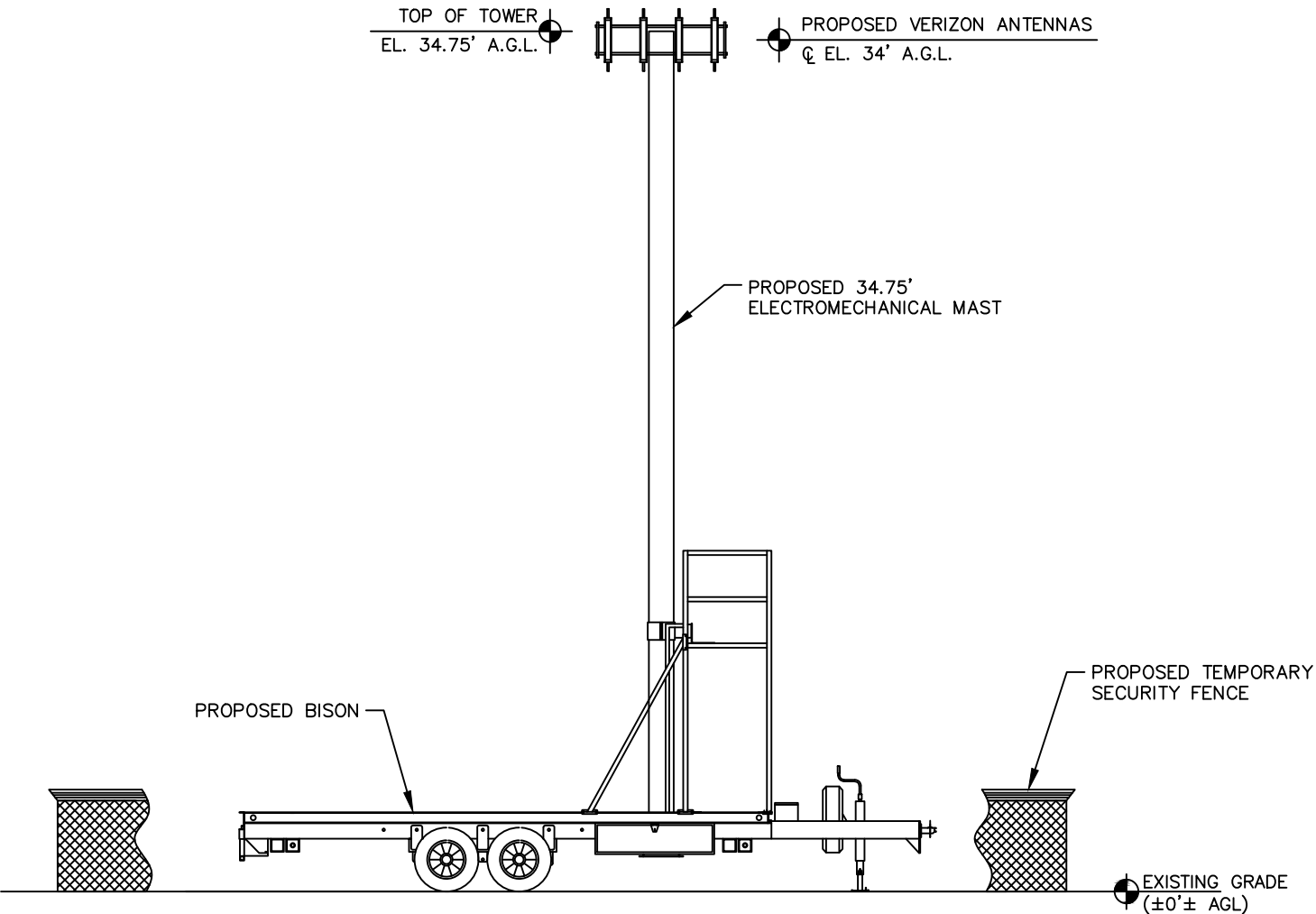
SITE PLAN
SHEET 2 OF 4

SCALE: 1" = 30'

NOT FOR CONSTRUCTION

PROPERTY OWNER APPROVAL _____ DATE _____

VERIZON APPROVAL _____ DATE _____



JOB No.: 013509531

DATE: 09/09/24

REV.: 0

DRAWN: JVR

CHECKED: DRC

Kimley»Horn

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ZACH JOHNSTON

TEMPORARY BISON & COLT
SOUTH STAR TEMP

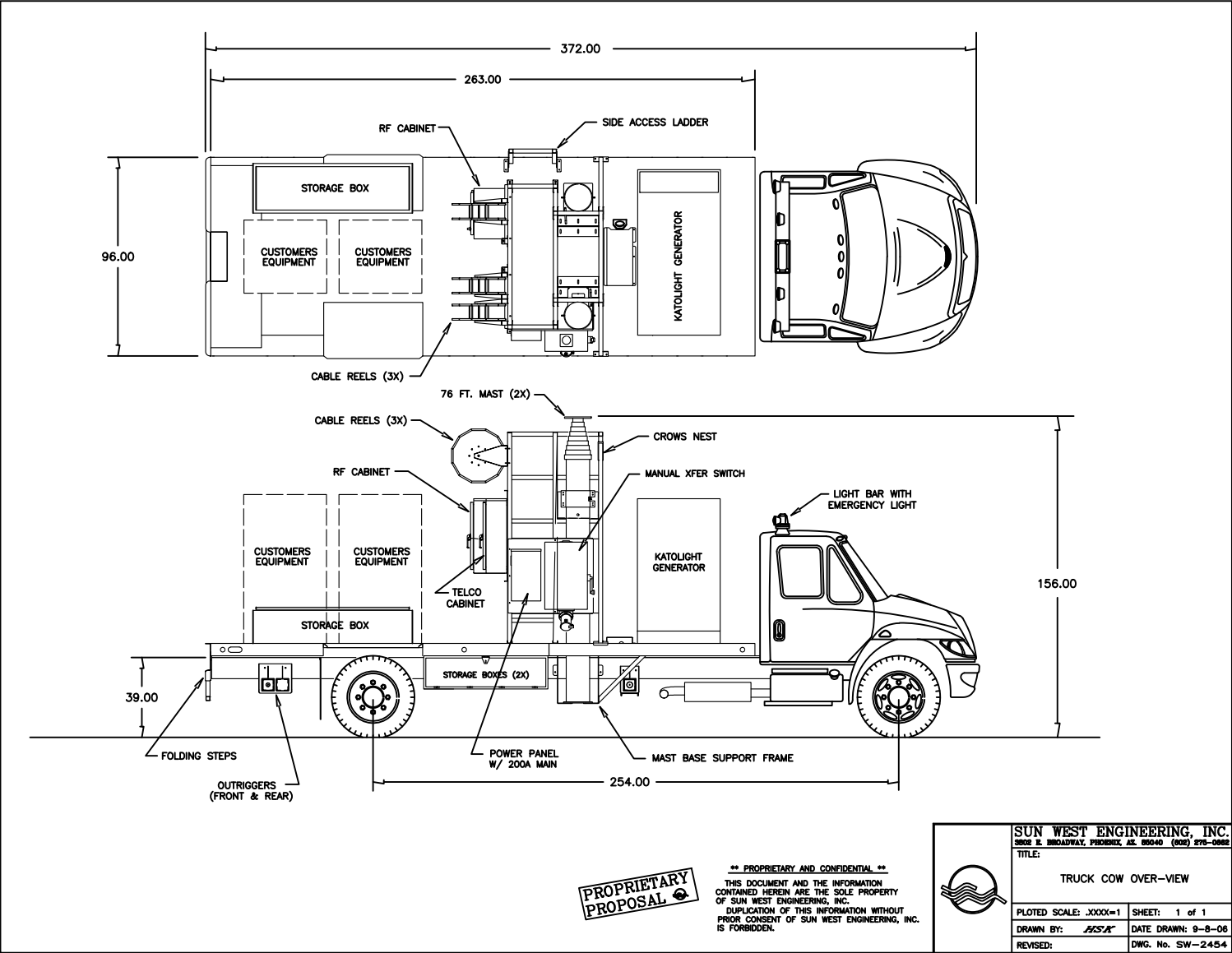
2200 JAYCEE WAY
HUNTSVILLE, AL 35801
MADISON COUNTY

BISON ELEVATION
SHEET 3 OF 4

NOT TO SCALE
NOT FOR CONSTRUCTION

PROPERTY OWNER APPROVAL _____ DATE _____

VERIZON APPROVAL _____ DATE _____



JOB No.:	013509531
DATE:	09/09/24
REV.:	0
DRAWN:	JVR
CHECKED:	DRC

Kimley»Horn

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PHONE: 770-619-4280 WWW.KIMLEY-HORN.COM

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TEMPORARY BISON & COLT
SOUTH STAR TEMP

2200 JAYCEE WAY
HUNTSVILLE, AL 35801
MADISON COUNTY

COLT ELEVATION
SHEET 4 OF 4

NOT TO SCALE
NOT FOR CONSTRUCTION