

RESOLUTION NO. 4525  
(Amended and Restated Cell Tower Lease Agreement)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, EXPRESSING ITS INTENT TO LEASE APPROXIMATELY 450 SQUARE FEET OF REAL PROPERTY LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 18, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, IDENTIFIED AS A PORTION OF ASSESSOR'S PARCEL NUMBER 178-18-801-001 TO BELL ATLANTIC MOBILE SYSTEMS LLC, d/b/a VERIZON WIRELESS THROUGH AN AMENDED AND RESTATED CELL TOWER LEASE AGREEMENT.

- WHEREAS, the City of Henderson ("City") is the owner of approximately 8.72 acres of real property currently zoned PS, (Public and Semipublic), and located in the Southeast Quarter (SE 1/4) of Section 18, Township 22 South, Range 62 East, M.D.M., Assessor's Parcel Number 178-18-801-001 (the "Property"); and
- WHEREAS, City entered into a Lease Agreement with Centel Cellular Company of Nevada, predecessor-in-interest to Bell Atlantic Mobile Systems LLC, a Delaware limited liability company d/b/a Verizon Wireless, dated July 19, 1990, and as amended October 5, 1999 (collectively, the "Original Lease"), with respect to One Thousand Two Hundred Sixty (1,260) square feet of the Property (the "Original Premises"); and
- WHEREAS, the Original Lease expired October 4, 2019, and Verizon Wireless has remained a holdover tenant since that time; and
- WHEREAS, the City requires use of the Original Premises for the expansion of Fire Station 95 no later than April 1, 2023, and will no longer permit Verizon Wireless to continue as a holdover tenant after March 31, 2023, at the Original Premises; and
- WHEREAS, the parties have mutually agreed upon a new location for the telecommunications equipment on the Property, and Verizon Wireless has agreed to surrender the Original Premises no later than March 31, 2023; and
- WHEREAS, the Lease Area, consisting of approximately four hundred fifty (450) square feet, has been appraised by two independent appraisers pursuant to the requirements of NRS 268.059, and based upon the average of the two appraisals, the Fair Market Rent Value of two thousand five hundred dollars and 00/100ths (\$2,500.00) has been established for the Lease Area; and
- WHEREAS, the rental rate for each additional user approved by the City has been established at one thousand one hundred twenty-five dollars and 00/100ths (\$1,125.00); and

WHEREAS, pursuant to Nevada Revised Statutes (“NRS”) 268.063, Landlord may lease real property without first offering the real property to the public in order to retain or expand facilities or operations within the City to create and/or retain opportunities for employment for the residents of the City of Henderson. The continued operation and potential expansion of the Telecommunications Equipment as a vital component of the local communications infrastructure at the present location allows opportunities for employment to be created or retained for the residents of the City of Henderson; and

WHEREAS, the lease of the Lease Area would be in the best interest of the public; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Henderson, Nevada that:

SECTION 1. The City Clerk is hereby authorized and directed to post the resolution and notice in designated public places within the City not less than thirty (30) days prior to the date of the City Council meeting to consider approval the Amended and Restated Cell Tower Lease Agreement, and publish the notice of the proposed lease at least once a week for three successive weeks prior to City Council approval, in accordance with NRS 268 and the requirements of the City Charter and city, state, and federal law, which notice, attached hereto as Exhibit A, consisting of three (3) pages, is by reference incorporated herein and made a part of this Resolution.

SECTION 2 A copy of this resolution and notice can be obtained in the Office of the City Clerk, 240 Water Street, Henderson, Nevada.

SECTION 3. The public meeting at which City Council will consider and possibly approve the Amended and Restated Cell Tower Lease is June 6, 2023, at 4:00 p.m. or as soon thereafter as practical, in the City Council Chambers, 240 Water Street, Henderson, Nevada 89015.

SECTION 3. This resolution is effective upon adoption unless stated otherwise in the notice.

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PASSED, ADOPTED, AND APPROVED THIS 18<sup>th</sup> DAY OF APRIL, 2023, BY THE FOLLOWING ROLL-CALL VOTE OF COUNCIL.

Those voting aye:  
Michelle Romero, Mayor  
Councilmembers:  
Carrie Cox  
Jim Seebock  
Dan K. Shaw  
Dan H. Stewart

Those voting nay: None  
Those abstaining: None  
Those absent: None

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Michelle Romero, Mayor

ATTEST:

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Jose Luis Valdez, CMC, City Clerk

Exhibit A  
NOTICE OF LEASE  
OF CITY OWNED PROPERTY

NOTICE IS HEREBY GIVEN that the City of Henderson, Nevada, a municipal corporation, intends to lease approximately 450 square feet (the "Lease Area") of that certain real property consisting of approximately 8.72 acres of vacant land, being Assessor Parcel No. 178-18-801-001 (the "Property") located in the Southeast Quarter (SE 1/4) of Section 18, Township 22 South, Range 62 East, M.D.M., City of Henderson, Clark County, Nevada, zoned PS (Public and Semipublic), to Bell Atlantic Mobile Systems LLC, d/b/a Verizon Wireless, subject to zoning regulations, reservations for public purposes, easements, restrictions of record, and further subject to the following:

DATE, TIME, AND PLACE OF PROPOSED LEASE

The Lease Area is to be leased to Bell Atlantic Mobile Systems LLC, d/b/a Verizon Wireless ("Lessee"), for a Fair Market Rent of Two Thousand Five Hundred dollars (\$2,500.00), subject to all existing easements and encumbrances of record, for the purpose of relocating and constructing a wireless telecommunications facility.

The public meeting at which City Council will consider and possibly approve an Amended and Restated Cell Tower Lease Agreement between the City and Lessee is June 6, 2023 at 4:00 p.m., or as soon after such time as practical, in the City Council Chambers, 240 Water Street, Henderson, Nevada 89015.

Resolution No. \_\_\_\_ and this Notice of Lease shall be posted at the Henderson Multigenerational Center, 280 S. Green Valley Parkway; City Hall, 240 Water Street, 1st Floor Lobbies; Whitney Ranch Recreational Center, 1575 Galleria Drive; and Fire Station No. 86, 1996 E Galleria Drive. Any interested party may obtain copies of the resolution and notice in the Office of the City Clerk, 240 Water Street, Henderson, Nevada.

DESCRIPTION OF PROPERTY FOR LEASE

An approximately 450 square foot portion of Lot 2, as shown on File 38, Page 76 of Parcel Maps, Official Records, Clark County, Nevada, located in the Southeast Quarter (SE 1/4) of Section 18, Township 22 South, Range 62 East, M.D.M., City of Henderson, Clark County, Nevada.

This Lease Area is graphically depicted on Attachment 1.

DATE, TIME, AND PLACE FOR APPROVAL OF  
THE AMENDED AND RESTATED CELL TOWER LEASE

The public meeting at which City Council will consider and possibly approve the Amended and Restated Cell Tower Lease is June 6, 2023 at 4:00 p.m. or as soon thereafter as practical, in the City Council Chambers, 240 Water Street, Henderson, Nevada 89015.

THIS NOTICE IS GIVEN pursuant to and subject to Section 2.320 of the Charter of the City of Henderson, Nevada and NRS 268.061 and 268.062.

For further information, contact the City Clerk at 240 Water Street, P.O. Box 95050, Henderson, Nevada, 89009-5050.

DATED this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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JOSE LUIS VALDEZ, CMC  
CITY CLERK

Attachment 1

