

Item Title: Ground Lease Agreement with Towns of Cary and Apex for Radio Tower

Specific Action Requested:

That the Board of Commissioners authorizes the County Manager to execute a thirty-year ground lease agreement with two (2) ten-year renewal options with the Town of Apex and the Town of Cary.

Item Summary:

Purpose: The Board of Commissioners approves all multi-year contracts and real estate transactions.

Background: Wake County operates an 800 MHz public safety radio communication system which is used by municipal police, fire, county law enforcement and emergency medical services within Wake County. Today, over 7,700 mobile and portable radios are in use on the County's radio system. Each of these users depends heavily on the Wake County radio system as a fundamental communication tool in performing their duties.

Information Services is currently upgrading the radio system as the current platform is reaching end of technical support. One of the County's goals in the upgrade project is to eliminate gaps in radio coverage, including a prominent gap in the southwest corner of the County. Western Wake Regional WRF was identified as a preferred location for a new radio tower to eliminate this gap.

Board Goal: This agreement complements the Board's Public Safety objective #3: Study and identify opportunities for enhanced public safety communications and interoperability within the county.

Fiscal Impact: There is no fiscal impact associated with the ground lease agreement. The project to upgrade the County's public safety radio system, including improving radio system coverage was previously funded in the FY2015 Capital Improvement Plan.

Additional Information:

In the initial phase of the radio system upgrade project, Information Services staff in conjunction with their consultant Mission Critical Partners (MCP), conducted interviews with system user representatives and focus groups to gain a full understanding of coverage problem areas with the existing communications system. From these interviews, locations where individuals perceived radio reception as limited or unavailable were identified and incorporated into the system design documentation utilized in the procurement process for the replacement system. Specifically, four areas were identified that lack reliable coverage: the northern part of the County above Bay Leaf, the RDU/Brier

Creek area, the eastern portion of the County towards Clayton, and the southwest portion of the County including the Apex area.

The resulting system design bid by the County incorporates the existing County tower sites (relocating two for improved coverage) plus three new sites necessary to provide increased radio coverage in the areas identified by our public safety first responders.

To address the radio coverage gap in the southwest corner of the County (Figure 1), Western Wake Regional WRF was identified as the preferred location for a new radio tower. Staff from Wake County, Apex and Cary worked to determine if a suitable site at the plant could meet these criteria:

- Not interfere with daily Western Wake Regional WRF plant operations
- Utilize land not needed by Apex and Cary to increase Western Wake Regional WRF treatment capacity in the future
- Be within the existing developed area of the site, and not require removal of trees or impinging on buffer areas
- Be consistent with the facility's operating and environmental permits which limit noise, light and wetland impacts
- Not located adjacent to residential neighbors

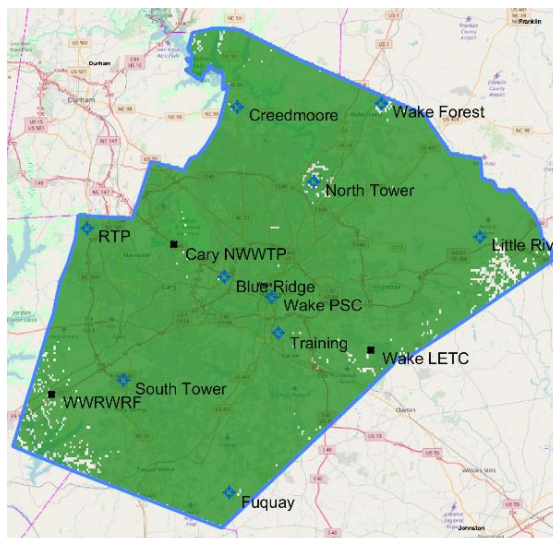


Figure 1-Proposed Wake County radio tower at Western Wake WRF will address gaps in public safety communication coverage in southwest corner of County

Staff determined that an area at the southern end of the site is suitable for the proposed tower (Figure 2). After the candidate site at Western Wake Regional WRF was identified, County staff negotiated a lease agreement with Apex and Cary (joint owners of the facility) to construct and operate the proposed tower on the site. County staff also applied to Apex, and received, a special use permit for the tower, since the WRF is in the Town limits of Apex.



Figure 2-Aerial view of Western Wake Regional WRF, from the southeast. Proposed tower location is in lower left corner of photo, at south end of site.

The ground lease agreement is designed to define the terms and conditions under which the radio tower and its appurtenances will be constructed and operated by the County. Wake County, Apex and Cary technical staff and attorneys developed terms for the lease agreement which are mutually-agreeable to all the parties, including:

- Allocating rights and responsibilities of the lease for each party, including the rights and limitations of access
- Permitted uses of the leased site, including the specific structures to be allowed
- Tower operation and maintenance may not interfere with operation of the WRF
- Tower must have a separate electrical feed
- Apex and Cary will be permitted to co-locate their public safety communication equipment on the County's tower
- Insurance requirements and liability
- Tower structure must be periodically inspected
- Responsibilities if the tower is seriously damaged, and at the end of the lease period

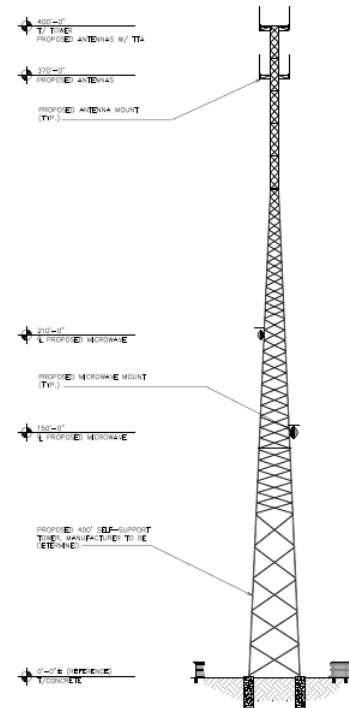


Figure 3- Elevation view of proposed 400-ft public safety radio tower

Apex Town Council anticipates considering this on July 17, 2018, and Cary Town Council on July 26, 2018. The agreement would become effective upon execution by all three parties. The proposed lease agreement has an initial 30-year term, to 2048, with additional 10-year terms through 2068.

All costs associated with construction, maintenance and operation of the radio tower will be the County's responsibility. The lease is being provided pursuant to NC General Statute 160A-274, and no rent will be paid by the County for the lease. Similarly, no rent will be paid by Apex or Cary for co-location of Town communication equipment on the tower.

Attachments:

1. WWRWRF Tower Lease Agreement - Final (06-08-2018)