



Legislation Text

File #: 18-4614, Version: 1

Title:

Decline Right of First Refusal - Charlotte-Mecklenburg Schools Lease Agreement - Crown Castle Towers 06-2 LLC

Summary

ACTION:

Decline the County's statutory right of first refusal for a five-year extension of the current lease term of the Charlotte-Mecklenburg Schools with Crown Castle Towers 06-2 LLC for cell towers at Jay M. Robinson Middle School and Myers Park High School

Staff Contact: Jacqueline McNeil, Asset and Facility Management

Presentation: No

BACKGROUND/JUSTIFICATION:

North Carolina General Statute (NCGS) 115C-518(a) requires local school boards to give local boards of county commissioners the first opportunity to acquire any school owned real estate that is proposed for disposal.

The Charlotte-Mecklenburg Board of Education proposes a five-year extension of the current lease terms with Crown Castle Towers 06-2 LLC for a portion of the properties located on the campuses of Jay M. Robinson Middle School, located at 5925 Ballantyne Commons Parkway, Charlotte, NC and Myers Park High School, located at 2322 Colony Road for the continued use for a cell tower at each campus. The properties are also a portion of parcel number 22915109 (Jay M. Robinson MS) and parcel number 17507102 (Myers Park HS). The five-year extension of the current lease terms was approved by the Board of Education on March 13, 2018.

Jay M. Robinson MS - There is an existing lease between The Charlotte Mecklenburg Board of Education ("Landlord") and Crown Castle Towers 06-2 LLC ("Tenant") scheduled to expire on March 31, 2018. Tenant requests that Landlord extend the current lease term by an additional five years for the new lease to then expire on March 31, 2023. The BOCC previously declined its statutory right of first refusal on August 14, 2012.

Myers Park HS - There is an existing lease between The Charlotte Mecklenburg Board of Education ("Landlord") and Crown Castle Towers 06-22 LLC ("Tenant") set to expire on July 31, 2019. Tenant requests that Landlord extend the current term by an additional four years and eight months for the new lease to then expire on March 31, 2023. The BOCC previously declined its statutory right of first refusal on August 14, 2012.

To comply with this statute, CMS must offer the above cell tower sites to the County prior to entering into a lease extension with Crown Castle Towers 06-LLC. The terms of both agreements are as follows:

Locations - Jay M. Robinson MS - 5925 Ballantyne Commons Parkway, Charlotte, NC and Myers Park HS - 2322 Colony Road, Charlotte, NC

Extended Lease Term - Current lease term for each lease will be extended to continue until March 31, 2023

Other - All other terms and conditions of the current Lease remain in full force and effect.

PROCUREMENT BACKGROUND:

N/A

POLICY IMPACT:

N/A

FISCAL IMPACT:

N/A