

ROCKDALE COUNTY

Policy
Resolution No. 2002-1-12

CONYERS, GEORGIA

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF ROCKDALE COUNTY, GEORGIA PROVIDING FOR A POLICY FOR LEASING OF COUNTY-OWNED REAL PROPERTY FOR LOCATION OF TELECOMMUNICATIONS TOWERS, PROVIDING FOR A POLICY FOR LEASING OF COUNTY-OWNED BUILDINGS AND STRUCTURES FOR LOCATION OF TELECOMMUNICATIONS ANTENNAS.

WHEREAS, the public's use of cellular telecommunications services has increased substantially in recent years;

WHEREAS, the substantial increase in the infrastructure required to provide cellular services has resulted in a substantial increase in the necessity for telecommunications facilities throughout Rockdale County;

WHEREAS, cellular telecommunications services are subject to the federal Telecommunications Act of 1996;

WHEREAS, the Rockdale County Board of Commissioners recognizes that the provision of cellular services within the County is of substantial benefit to the citizens;

WHEREAS, the Board of Commissioners desires to encourage the location of telecommunications facilities within unincorporated Rockdale County in order to minimize- the proliferation of towers and related equipment, especially in residential areas, and to encourage the co-location of antennas upon existing and proposed telecommunications facilities;

WHEREAS, the Board of Commissioners further desires to protect the County's natural and built environment and to minimize the visual impact of telecommunications facilities on the surrounding community by the use of alternative telecommunication technologies;

WHEREAS, the Board of Commissioners finds that the leasing of County-owned property for telecommunications facilities may serve to accomplish these goals; and

WHEREAS, the Board of Commissioners desires to set broad policy governing the leasing of County-owned property for the location of telecommunications facilities.

NOW THEREFORE BE IT RESOLVED, by the Rockdale County Board of Commissioners that the following is hereby adopted as Rockdale County's Policy for the leasing County-owned property for telecommunications facilities.

POLICY ON LEASING COUNTY-OWNED PROPERTY FOR TELECOMMUNICATIONS FACILITIES

The purpose of this policy is to establish general requirements for the leasing of real property owned by Rockdale County for the siting of telecommunications facilities, and for leasing County-owned buildings and structures for telecommunications antennas and related structures and equipment. The Board of Commissioners finds that leasing County-owned property may (1) encourage the location of towers in non-residential areas and minimize the overall number of towers throughout the County, (2) encourage co-location on existing towers and joint use of new tower sites, (3) encourage the use of alternative tower structures and other technology to minimize the visual impact on the surrounding community, and (4) enhance the ability of telecommunications providers to provide such services to the community quickly, effectively, and efficiently.

I. Subject to the approval of the Board of Commissioners, a lease agreement entered into with a telecommunications provider to erect a telecommunications tower shall generally make provision for the following:

A. The telecommunications provider shall construct, own and maintain the tower at its own expense. The tower shall be a monopole design or an alternative tower structure as defined by Section 9-3023 of the Rockdale County Code of Ordinances (hereinafter the Telecommunications Ordinance).

B. The lease agreement shall, in a manner consistent with the applicable provisions of the Rockdale County Zoning Ordinance, and to the extent deemed necessary by County staff, provide for (1) setbacks, (2) specified fencing and anti-climbing designs, and (3) such landscaping and buffering necessary to minimize the impact of the telecommunications facility on adjacent and surrounding properties.

C. The lease agreement shall specify that the telecommunications tower shall be designed to meet or exceed the capacity for future co-locators, based on the tower's height, as required in the Telecommunications Ordinance.

D. The telecommunications provider shall pay a market level rent to the County which shall be recommended by Rockdale County staff. Terms of the lease agreement shall call for an increase in rent payable in the event of an additional use of the facility by the provider, or an additional antenna or use belonging to a third party provider being added to the facility.

E. Prior to the execution of any lease agreement, the telecommunications provider shall submit to the Rockdale County Department of Public Services & Engineering (1) a letter of intent to lease the applicable premises, and (2) a proposed preliminary site plan for the premises specifying the location, design and all dimensions of the proposed telecommunications facility. County staff shall thereafter determine the terms and conditions of any lease agreement which they will recommend to the Board of

Commissioners. The telecommunications provider shall have forty-five (45) days after mailing to it of notification of such terms and conditions in order to accept or reject them. The telecommunications provider shall, as a condition precedent to the execution of the lease agreement, provide to Rockdale County a proposed site plan and a boundary survey of the leased premises specifying the location, design and all dimensions of the telecommunications facilities, plus a survey of any parent tract if determined necessary by Rockdale County staff. Rockdale County shall have thirty (30) days after receipt of the site plan and survey(s) to approve or reject the site plan and survey(s).

F. The telecommunications provider shall bear the costs of any necessary changes to ingress and egress which may be later reasonably required by Rockdale County. If a change in ingress and egress is necessary, Rockdale County, where reasonably possible, will avoid the relocation of underground utilities which have been installed by the telecommunications provider. The telecommunications provider shall be guaranteed and agrees to maintain appropriate ingress and egress for the life of the lease agreement.

G. Prior to the preparation of the lease agreement, Rockdale County staff shall make a determination that the proposed use of County property does not conflict with the utilization of the property by Rockdale County.

H. Prior to the preparation of the lease agreement, the need of County departments for space on the proposed tower shall be evaluated by Rockdale County.

I. All lease agreements shall be for a specified period as determined by the Board of Commissioners. The lease agreement shall provide for removal of the telecommunications facility and all related structures within sixty (60) days by the telecommunications provider at the close of the lease or in the case of abandonment of the telecommunications facility. After the removal of the lessee's telecommunications equipment the leased area shall be left in a condition satisfactory to Rockdale County as being similar to the condition of the lease area before the lease was executed.

J. The lease agreement shall not prevent the sale of the subject property by Rockdale County, provided that any such sale shall be subject to the lease agreement.

K. The lease agreement shall provide for indemnification of Rockdale County in a form satisfactory to the Board of Commissioners as recommended by the County Attorney.

L. The lease agreement shall require the lessee to comply with all applicable federal, state, and local ordinances, regulations and statutes, and shall provide that Rockdale County may review and approve all construction plans and specifications prior to the construction of the telecommunications facility. All such construction plans and specifications shall be sealed and countersigned by a registered professional engineer.

M. The lease agreement shall require insurance coverage by the lessee, including, but not limited to, coverage for public liability and property damage, in a form and amount satisfactory to the Rockdale County Board of Commissioners.

N. Rockdale County shall have the right to approve the assignment of the lease agreement to any third party, and shall require a performance bond or other security from any such third party for the purpose of securing the performance of the terms and conditions of the lease agreement, including removal of the tower and related facilities and structures at the conclusion of the lease. The third party owner of any additional antenna shall provide for indemnification of Rockdale County in a form satisfactory to the Board of Commissioners as recommended by the County Attorney. If the tower is designed to accommodate multiple antennas, the lessee shall be required to notify Rockdale County within twenty (20) days of any third-party offer made to the lessee for co-location of an antenna upon the tower.

O. For proposals to erect a telecommunications tower a duly noticed public hearing shall be held by the Board of Commissioners prior to approval of the applicable lease agreement. If the telecommunications equipment is to be placed on an existing tower or structure, a public hearing is not required.

II. Subject to the approval of the Board of Commissioners, a lease agreement entered into with a telecommunications provider to locate telecommunications antennas or other equipment on County-owned buildings or structures shall generally make provision for the following:

A. Prior to the preparation of the lease agreement, Rockdale County staff shall ensure that the proposed installation of a telecommunications antenna and related structures and equipment will not conflict with any utilization of the building or structure by Rockdale County.

B. Prior to the preparation of the lease agreement, the applicant shall provide to the Rockdale County Zoning Administrator an evaluation of their proposal for installation of telecommunications antennas upon County-owned buildings or structures for a determination of the structural impact of the proposed telecommunications equipment on the building or structure. This evaluation shall be performed by a qualified engineer licensed in the State of Georgia.

C. The telecommunications provider shall pay a market level rent which shall be recommended by Rockdale County staff.

D. The telecommunications provider shall be guaranteed appropriate access to the antenna and related structures and equipment for the life of the lease agreement, and the provider shall bear the costs of any necessary changes in access which may be later reasonably required by Rockdale County. The telecommunications provider shall be responsible for all public utilities servicing their telecommunications equipment.

E. The lease agreement shall provide for removal of the antenna and related structures and equipment within sixty (60) days by the telecommunications provider at the close of the lease or in the case of abandonment of the antenna. The lease area shall be left in a condition satisfactory to Rockdale County as being similar to the condition of the lease area before the lease was executed. The lease agreement shall also require that the lessee shall remediate any hazardous waste or toxic substance contamination caused by the telecommunications provider or its assignees, subtenants, or licensees.

F. The lease agreement shall not prevent the sale of the subject property by Rockdale County, provided that any such sale shall be subject to the lease agreement.

G. The lease agreement shall provide that Rockdale County may reasonably require relocation of the antenna and related structures and equipment to another location upon the building or structure, or relocation to a different County-owned building or structure.

H. The lease agreement shall provide for indemnification of Rockdale County in a form satisfactory to the Board of Commissioners as recommended by the County Attorney.

I. The lease agreement shall require the lessee to comply with all applicable federal, state, and local ordinances, regulations and statutes, and shall provide that Rockdale County may review and approve all construction plans and specifications prior to the installation of the antenna and related structures and equipment. All such construction plans and specifications shall be sealed and countersigned by a registered professional engineer.

J. The lease agreement shall require insurance, including, but not limited to, coverage for public liability and property damage, in a form and amount satisfactory to Rockdale County.

K. If determined by the County Attorney to be more advantageous to Rockdale County, the agreement shall be instead in the form of a license or easement, provided that the foregoing guidelines are adhered to.

SO ADOPTED, this 9 day of April, 2002.

ROCKDALE COUNTY BOARD OF COMMISSIONERS,
ROCKDALE COUNTY, GEORGIA

BY: Norman Wheeler
NORMAN WHEELER
Chairman

BY: Barbara Nunn McCarthy
BARBARA NUNN McCARTHY

BY: 
ARTHUR VAUGHN

ATTEST:


JENNIFER RUTLEDGE, Ex Officio Clerk

APPROVED AS TO FORM:


JOHN ANDREW NIX, County Attorney