

PORTLAND DEVELOPMENT COMMISSION
Portland, Oregon

RESOLUTION NO. 6678

**AUTHORIZING A LAND LEASE AGREEMENT WITH NEW
CINGULAR WIRELESS, PCS, LLC FOR THE CO-LOCATION
OF CELLULAR COMMUNICATION FACILITIES AT THE
BURNSIDE BRIDGEHEAD SITE IN THE CENTRAL EASTSIDE
URBAN RENEWAL AREA**

WHEREAS, on February 17, 1999 (Resolution No. 5228), the Portland Development Commission ("PDC") Board of Commissioners (the "Board") adopted the Eastbank at Burnside: Lower East Burnside Redevelopment Plan ("Eastbank at Burnside Plan"), which emphasizes a mixed-use gateway project at the foot of the Burnside Bridge in the Central Eastside Urban Renewal Area;

WHEREAS, in order to implement the Eastbank at Burnside Plan by acquiring the remaining property needed for the proposed Burnside Bridgehead project, PDC entered into an Option and Agreement of Purchase and Sale on January 16, 2004, for the Convention Plaza Property ("Option Agreement") located on Blocks 67, 68 and portions of Block 69 ("Convention Plaza Property");

WHEREAS, on January 11, 2006 (Resolution No. 6327), the Board authorized the Executive Director to exercise the Option Agreement; and on May 11, 2006, PDC acquired the Convention Plaza Property subject to all existing leases;

WHEREAS, on the date PDC acquired the Convention Plaza Property, New Cingular Wireless, PCS, LLC, a Delaware limited liability company (otherwise known as "AT&T") had a valid lease for cellular communication facilities which were located at the Convention Plaza Office Building;

WHEREAS, PDC staff and representatives of AT&T agreed to work closely together to find a suitable relocation site in the immediate neighborhood since AT&T needs to maintain a facility or facilities in reasonable proximity to the Convention Plaza Property in order to maintain cellular service;

WHEREAS, on December 12, 2007, the Board authorized a lease with Verizon Wireless for the installation of a cellular communications tower on a portion of the Convention Plaza Property next to the Burnside Bridgehead site, and Verizon has recently completed construction of the tower which is now fully operational;

WHEREAS, with Verizon's cell tower in place, it is beneficial to all parties, and is strongly encouraged by the City of Portland, to co-locate cellular facilities whenever possible pursuant to City Planning and Zoning Code 33.274.040;

WHEREAS, the Verizon site meets AT&T's technical requirements, and AT&T is negotiating an agreement with Verizon to allow AT&T to co-locate antennae and associated equipment on Verizon's cellular communications tower;

WHEREAS, in order to co-locate its equipment on Verizon's cellular communications tower, AT&T must have access to ground space in order to locate additional equipment required to operate its cellular communications facility; and

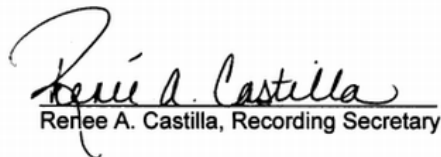
WHEREAS, PDC staff and AT&T have reached agreement on the terms of a Land Lease Agreement for the lease of approximately 362 square feet of land space immediately adjacent to the Verizon site and the maintenance of City-required landscaping outside of the lease area.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is hereby authorized to execute a Land Lease Agreement with New Cingular Wireless, PCS, LLC, a Delaware limited liability company, substantially in the form attached hereto as Exhibit A, for the lease of a portion of Block 69 in the Central Eastside Urban Renewal Area for the purpose of co-locating cellular communications facilities;

BE IT FURTHER RESOLVED that the Executive Director is further authorized to adjust the initial annual rental amount by up to ten percent (10%) due to changes in the lease area; and

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon its adoption.

Adopted by the Portland Development Commission on March 11, 2009.


Renee A. Castilla, Recording Secretary

PDC

PORTLAND DEVELOPMENT COMMISSION

Resolution Number 6678

Title:

AUTHORIZING A LAND LEASE AGREEMENT WITH NEW CINGULAR WIRELESS, PCS, LLC FOR THE CO-LOCATION OF CELLULAR COMMUNICATION FACILITIES AT THE BURNSIDE BRIDGEHEAD SITE IN THE CENTRAL EASTSIDE URBAN RENEWAL AREA

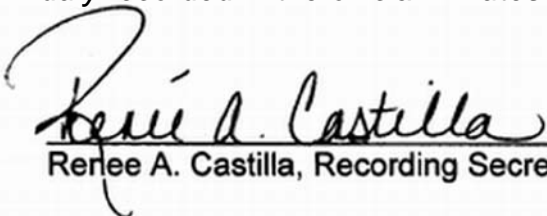
Adopted by the Portland Development Commission on March 11, 2009.

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Charles Wilhoite, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Scott Andrews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Bertha Ferrán	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	John Mohlis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Consent Agenda		<input type="checkbox"/> Regular Agenda		

Certification

The undersigned hereby certifies that:

The attached resolution is a true and correct copy of the resolution as finally adopted at a Board Meeting of the Portland Development Commission and duly recorded in the official minutes of the meeting.


Renee A. Castilla, Recording Secretary

Date: March 16, 2009