|  |  |  |  |
| --- | --- | --- | --- |
| 9/14/16 |  |  | **1** |
| HSP |  |  |  |
|  |  |  |
|  | Sponsor: | Upthegrove | |
|  |  |  |  |
|  | Proposed No.: | 2016-0337 | |
|  |  |  |  |

**AMENDMENT TO PROPOSED ORDINANCE 2016-0337, VERSION 1**

Delete Attachment A, Lease Agreement, and insert Attachment A, Lease Agreement, dated September 14, 2016.

**EFFECT: The amendment makes the following changes based on Council’s legal counsel’s review: delete undefined term “substantive expansions” as used in section 2 and 14 and add language that explicitly describes the degree of alterations to the Site that would require pre-approval from the city of Bothell; correct technical errors to ensure defined terms and the terms of the lease are internally consistent and to refine language in the lease to ensure clarity (§9, 21(C), 23, 32, 41(F)); correct the tower height for the newly constructed tower from 120 feet to 130 feet (§9); delete “substantive expansions” and add language that explicitly describes the degree of alterations to the Site that would require pre-approval from the city of Bothell (§14); delete language that relates to pro rata refund of any rent paid or pre-paid monies since the lease agreement would be a zero-dollar rent lease and no services would be pre-paid (§19, 21(G), 22(B), 29); replace “commencement date” with “execution date” in section 22 in order to identify the existing users (or “Senior Lessees”) of the existing radio tower at the time the contract is executed and to clarify the process on how an interference issue would be rectified when it involves the county and a “Senior Lessee”, including if the “Senior Lessee” is a private communication carrier (§22(A), 22(B), 22(C)); clarify parties’ intent that if the “Senior Lessee” is a private communication carrier and is causing the interference, the city of Bothell would require the private communication carrier to cease its use of the radio tower until the interference is eliminated (§22(B)); add language relating to condemnation to clarify the county’s right to pursue an award for depreciation for the removal or relocation of structures and/or equipment on the Site(§30); and substitute the revised Exhibit 1 for the transmitted Exhibit 1, as requested by the Executive. The transmitted Exhibit 1 includes a three-leg radio tower and the revised Exhibit 1 includes a four-leg radio tower.**