

# MEMO

**To:** Honorable Mayor and Members of City Council

**From:** Brent Soderlin, City Engineer

**Subject:** Resolution Authorizing City Manager to Sign Aircraft Activity Covenant for City-Owned Property located at Northeast Corner of E. 88<sup>th</sup> and Tower Road.

**Purpose:** Approve execution of Aircraft Activity Covent between the City of Commerce City and Crown Castle USA, Inc. (“Lessee”). Lessee is currently operating a cell tower on the property. This resolution authorizes the City Manager and the City Clerk to execute and deliver to Lessee for recording the Covenant.

**Summary/Background:** The City acquired certain real property in unincorporated Adams County in 2018 as part of the Tower Road widening project. The acquired property was subject to an existing lease for a cell tower on the property leased by Crown Castle USA, Inc. Since the property is located within the County, the Lessee is seeking a renewal of the existing telecommunications facility permit through Adams County. As a part of the approval of the permit, the property owner must execute an Aircraft Activity Covenant, which acknowledges the potential intrusion of noise, dust, or particulates resulting from the operation of aircraft to or from the Denver International Airport.

**Financial Impact:** None. The City receives a payment of \$120 annually for leasing the property to Lessee.

**Staff Recommendation:** Approve/Execute Aircraft Activity Covent with Lessee.