



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2025-992, **Version:** 1

A resolution approving Amendment 1 to a Location Agreement between The Metropolitan Government of Nashville and Davidson County, through the department of Water and Sewerage Services, and T-Mobile South, LLC.

WHEREAS, O98-1429 approved a Location Agreement dated December 1, 1998 ("Location Agreement") between the Metropolitan Government of Nashville and Davidson County ("Metro") and T-Mobile's predecessor in interest for the installation of certain communications equipment and appurtenances ("Equipment") on properties belonging to Metro, for a term length of twenty five (25) years; and,

WHEREAS, T-Mobile previously installed Equipment solely at one (1) location pursuant to the Location Agreement, which location is identified as 4601 Carlton Drive, Nashville TN ("Location"); and,

WHEREAS, the Location Agreement expired on December 31, 2023, and the Parties hereto wish to extend the term of the Location Agreement and amend such other terms of the Location Agreement as set forth in Amendment 1, attached hereto and incorporated herein; and,

WHEREAS, O98-1429 provided that amendments to the Location Agreement shall be approved by resolution; and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that Amendment 1 to the Location Agreement be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Amendment 1 to the Location Agreement between The Metropolitan Government of Nashville and Davidson County, through the department of Water and Sewerage Services, and T-Mobile South, LLC, attached hereto and incorporated herein, is hereby approved.

Section 2. That this resolution shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This resolution approves the first amendment to a location agreement between the Department of Water and Sewerage Services ("Metro") and T-Mobile South, LLC ("T-Mobile"). T-Mobile previously installed certain communications equipment and associated items at a Metro-owned property at 4601 Carlton Drive, as provided through the agreement approved by Ordinance No. O98-1429. Amendments to O98-1429 may be approved by resolution.

The location agreement expired on December 31, 2023. The proposed amendment would extend the term of the agreement for five years following Metropolitan Council approval and filing with the Metropolitan Clerk. The parties may extend the agreement by another five years by written amendment.

Pursuant to the amendment under consideration, T-Mobile would agree to pay an annual fee of \$20,780.12 for

the use of 4601 Carlton Drive, with three percent increases to the fee after each year. T-Mobile states that it will actively pursue an alternative location for its equipment. The proposed amendment also provides that T-Mobile shall pay all costs to install, operate, and maintain its equipment that Metro shall pay to maintain its own structure. T-Mobile would be responsible for any damage to the Metro structure caused by its equipment. The amendment would also be required to temporarily remove its equipment upon reasonable notice from Metro of at least 30 days or immediately in case of an emergency.

If the agreement is terminated, T-Mobile will be refunded on a prorated basis for the remainder of the agreement for the time that T-Mobile was not using and had no equipment at 4601 Carlton Drive.