



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Disposition of County Property: Darnestown Telecommunications Tower	Executive Order No. 23-19	Subject Suffix
Montgomery County Department of General Services	Department No.	Effective Date 1/30/19

BACKGROUND

WHEREAS, the Darnestown Telecommunications Tower is located at 12100 Darnestown Road, on the site of Rockville Fire Station #31; and

WHEREAS, Verizon Wireless has been occupying space on the Tower at elevation 102 feet and using adjoining land for a 2,000 square foot base station since 1997 (the Tower space and land are referred to as the “Property”).

WHEREAS, the Verizon facilities have a separate tax identification number; and

WHEREAS, the County and Washington D.C. SMSA Limited Partnership entered into a License Agreement dated February 19, 1997 for the use of the Property (the “Agreement”), an Amendment to License Agreement dated February 25, 2002 (the “First Amendment”), a Second Amendment to License Agreement dated August 26, 2003 (the “Second Amendment”), a Third Amendment to License Agreement dated November 21, 2006 (the “Third Amendment”), a Fourth Amendment to License Agreement dated September 17, 2009 (the “Fourth Amendment”), a Fifth Amendment to License Agreement dated October 6, 2011 (the “Fifth Amendment”), a Sixth Amendment to License Agreement dated July 30, 2014 (the “Sixth Amendment”), and a Seventh Amendment to License Agreement dated August 21, 2018 (the “Seventh Amendment”) (the Agreement, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment and Seventh Amendment hereafter referred to as the “License”); and

WHEREAS, CELLCO PARTNERSHIP d/b/a Verizon Wireless (the “Licensee”) herein is the successor in interest to Washington D.C. SMSA Limited Partnership; and

WHEREAS, the County and the Licensee desire to extend the term of the License, and to adjust the fee, pursuant to the terms of this Eighth Amendment; and

WHEREAS, the term of the License extension shall be five years with an option for one five-year term renewal extension; and

WHEREAS, the annual fee would be the fair market value of \$42,000 for the first year with a three percent increase for each subsequent year; and



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WHEREAS, the County Executive has determined the property is no longer needed for County use and should be licensed to the Licensee through a long-term license agreement; and

WHEREAS, the material terms of the license agreement are as stated above; and

WHEREAS, in accordance with the provision of Montgomery County Code Section 11B-45, Disposition of Real Property, the County Executive must issue an Executive Order declaring that County owned or controlled real property is no longer needed for County use.

ACTION

In consideration of the above recitals, the County Executive hereby declares that the Property is no longer needed for County use and is available for disposition through a five-year license agreement with an optional renewal to CELLCO PARTNERSHIP d/b/a Verizon Wireless in the manner described in this Executive Order.

Approved as to Form and Legality
Office of the County Attorney

By: Clifford Royalty
Date: 1/29/19

APPROVED

Fariba Kassiri
Fariba Kassiri
Assistant Chief Administrative

Officer

Distribution:

- County Council
- County Attorney
- Department of General Services