

## Agenda Item C-11

### **MARIN EMERGENCY RADIO AUTHORITY**

95 Rowland Way, Novato, CA 94945

**DATE:** December 10, 2014

**TO:** MERA Governing Board

**FROM:** Maureen Cassingham, Executive Officer

**SUBJECT:** AGENDA ITEM C-11: REPORT ON BODEGA/BAY HILL  
TOWER AND SITE LEASES

Recommended Action: Receive and file the Report on Bay Hill Tower Site.

Background: In July, MERA was contacted by Incline Partners on behalf of Rancho Vista Del Mar, Bodega/Bay Hill property owners and advised they would be replacing Crown Castle (AT&T, et al.) as the Site's primary lessor effective August 1, 2014. MERA and Sonoma County, current subleasees of Crown Castle, have been invited to become subleasees of Incline Partners.

There is longstanding dispute between Rancho Vista Del Mar and Crown Castle as to who owns the Tower itself. Crown Castle asserts it is theirs and, with the expiration of their lease with Rancho Vista Del Mar, proposed to move it to a nearby site. MERA General Counsel Ortiz and I concur with Crown Castle's Tower ownership assertion, along with their ownership of MERA's facilities on the Tower. Incline concurs that Tower ownership is not settled and is proceeding with design and permitting with Sonoma County to replace it with a taller tower to accommodate more subleasees.

In the meantime, Crown Castle has requested MERA's list of extensive criteria to successfully locate our facilities on their relocated tower. Crown Castle is currently reviewing these criteria. DPW has completed the Carrier Information Sheet requested by Incline Partners to compare our current facilities with what was permitted in the 2009 Master Use Permit and what we might like to add or modify. This information assisted Incline Partners with preparation of their permit drawings and tower engineering submittals to Sonoma County in September.

When Incline Partners recently put MERA on notice that, per AT&T Wireless, Crown Castle no longer has any interest or ownership in the Bodega/Bay Hill Site or Tower, MERA requested Incline Partners and Crown Castle to document this, with nothing provided to date from either party. MERA subsequently held Sublease payments to Crown beginning with the November payment of \$2,052.40. MERA has continued to pay Rancho Vista Del Mar, the Property Owner, directly and now through Incline Partners, their Property Manager.

Until proof of Tower ownership is provided, MERA is preliminarily reviewing Incline's proposed sublease. MERA's Executive and Operations Officers will participate in a conference call with Incline to better understand the technical requirements and challenges posed with Incline's planned Tower deconstruction and reconstruction project, including potentially substantial costs to MERA.

It should be noted that both Crown Castle and Incline Partners have confirmed they have no intent to disrupt MERA's mission-critical communications at this location.