



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 20-00002

City Council

1/16/2020

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** Grover C. Robinson, IV, Mayor

**SUBJECT:**

**REVISED:** CITY OF PENSACOLA/ST. PAUL CATHOLIC CHURCH AGREEMENT - REAL PROPERTY EXCHANGE AT EXCHANGE PARK

### **RECOMMENDATION:**

That City Council declare a small, defined portion of the Michael J. DeSorbo Exchange Park as surplus and authorize the Mayor to execute a deed and all other necessary documents to transfer ownership of the property for the benefit of St. Paul Catholic Church for stormwater construction purposes in exchange for the execution and recording of a reasonable access easement from the Church to the City across Church property to allow City and City lessee access to the park and to the cell towers located in the Michael J. DeSorbo Exchange Park.

**HEARING REQUIRED:** No Hearing Required

### **SUMMARY:**

The City has been negotiating with St. Paul Catholic Church, a parish of the Diocese of Pensacola-Tallahassee, and the Crown Castle Corporation, owner of T-Mobile, which has a large cell tower in the Michael J. DeSorbo Exchange Park. The agreement being finalized is for the City to deed to the Church a defined piece of property (Area A on Map) for its use as a stormwater holding pond, and the Church will grant the City reasonable access easement (Area B) across a portion of its property to facilitate servicing the Michael J. DeSorbo Exchange Park and the three towers located near the Church property.

The property known as the Michael J. DeSorbo Exchange Park is owned by the City and has two ground space tenants: Escambia County and T-Mobile (facilities managed by Crown Castle). Escambia County Emergency Management has a communications tower and equipment shelter. T-Mobile has a concrete monopole, fenced compound, and radio equipment cabinets. AT&T has a communication shelter and is subletting ground space from T-Mobile. In the center of the park is an FAA Non-Directional Beacon (NDB) tower supporting the Pensacola International Airport.

The City has agreements for tower and ground space with two tenants as follows:

**Escambia County** - The tower was constructed by ConTel in 1993 under an agreement with the City and County in which ownership of the tower conveyed to the County on commencement of the tower.

ConTel would have non-exclusive use of the tower site, free of costs or fees, for a period of 25 years. After 25 years, ConTel is eligible for one 10-year extension term. ConTel Corporation has since conveyed the communications tower and shelter to the County.

**T-Mobile** - On June 28, 2000, an agreement was approved between the City and T-Mobile's predecessor cell phone provider for the construction of a cell tower in the Michael J. DeSorbo Exchange Park. The tower is now managed by Crown Castle under lease with the City and the City is obligated to provide the company with reasonable access to the tower for improvement and maintenance purposes. Crown Castle provides compensation to the City for this privilege. In order to maximize the available park land for City sports purposes, the most efficient access to the tower is across a portion of the Church parking lot, and the church is agreeable to a recorded easement granting such access to the City in exchange for a comparable portion of the park which the Church needs to construct a stormwater pond.

The process being followed is consistent with the guidelines Council has established for the disposition of non-port and non-airport city property. Policies of the City Council, Sec. 4.29-4.30. The Mayor has been in direct negotiation with St. Paul's Church to identify a remote and unused portion of Exchange Park to serve as a stormwater facility for the church's planned expansion, in exchange for a recordable, reasonable access easement across the church's parking lot so that the city and its cell tower tenants will be able to service the leases that the towers have with the city. By declaring the stormwater portion of the park as surplus, the Council will be finding that it is not serving a public purpose at the present time and that it is therefore available for disposition in a manner that will serve the city's public purpose in securing more convenient access to the tower sites in the park.

**PRIOR ACTION:**

July 8, 1993 - City Council authorized an agreement with ConTel Cellular and Escambia County, Florida to lease space on a communications tower at Exchange Park.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**CITY ATTORNEY REVIEW:** Yes

1/6/2020

**STAFF CONTACT:**

Keith Wilkins, City Administrator  
Kerrith Fiddler, Deputy City Administrator - Community Development  
Brian Cooper, Parks and Recreation Director

**ATTACHMENTS:**

- 1) Map (with highlights)
- 2) Survey

**PRESENTATION:** No