

**PROPOSED LEASE AGREEMENT FOR CELL TOWER**  
**AT COLLEGE STATION HIGH SCHOOL**

**Agenda Item:**

Consider approval of a lease with New Cingular Wireless PCS, LLC (“**AT&T**”) for the installation of a cell phone tower at College Station High School.

**RESOLUTION**

On motion made and seconded, it is hereby resolved that:

- A. WHEREAS, College Station High School is a secondary school in the College Station Independent School District (“**CSISD**”) located at 4002 Victoria Avenue in the City of College Station, County of Brazos, Texas (the “**Property**”); and
- B. WHEREAS, New Cingular Wireless PCS, LLC (“**AT&T**”) desires to use a portion of the property (“**Leased Property**”) in connection with its federally licensed communication business; and
- C. WHEREAS, CSISD Board of Trustees (“**Board**”), has determined that allowing AT&T to use the Leased Property will not interfere with school purposes; and
- D. WHEREAS, Texas Education Code § 11.151 vests the Board with the right and title to school district property, including the right to dispose of district property;
- E. WHEREAS, the rights contained in Texas Education Code § 11.151 have been recognized to include the right to lease district property;
- F. WHEREAS, Texas Attorney General Opinion GA-0321 determined that school district leases are not subject to Texas Local Government notice and bidding provisions so long as the lease does not interfere with the property’s use for school district purposes, and so long as the lease does not divest the district of its right to manage and control the property;
- G. WHEREAS, the Board has determined that it would be in the best interest of CSISD to lease the Leased Property to AT&T; and
- H. WHEREAS, the Parties have negotiated the terms of a lease agreement, the form of which is attached hereto as **Exhibit A** and incorporated by reference herein (“**Lease Agreement**”); and
- I. WHEREAS, the Lease Agreement does not interfere with the Leased Property’s use for CSISD purposes, nor does it divest CSISD with its right to control and manage the Leased Property.

Now, therefore, the Board makes the following resolutions:

1. The Board approves the lease of the Leased Property to AT&T pursuant to the terms of the Lease Agreement.
2. The Board authorizes the Board President, the Superintendent or their appointed designees, to execute and deliver the Lease Agreement, and any other documents necessary evidencing the Board's resolution set forth above.
3. The Board further resolves that the lease of the Property as approved by this resolution does not interfere with school purposes and is in the best interest of CSISD.

\_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit A  
(Lease Agreement)