

APPROVALS OF CELL TOWER LEASES

(Approved by Council as the ordinary practice of the Presbytery, September 1, 2015)

The *Book of Order* requires that the Presbytery (or the agent to which it has delegated the responsibility) approve cell tower leases on church properties.

1. Contact the Business Manager of the Presbytery to secure copies of two documents:
 - A model cell tower lease contract prepared by Kay Gustafson Webster, Presbytery's counsel for property matters, as a guide for Los Ranchos churches. As a model contract, this is all legal language.
 - A Memorandum on Cell Tower Installations/leases prepared by Chuck Noble, former Trustee and long-time commercial realtor for the Presbytery. As a body of advice, this is a useful guide to the normal course of these negotiations, to the choices the congregation would face, and to some recommendations.
2. Use these two documents as references as you negotiate the lease proposed for your church property.
3. Submit the draft lease contract to Ms. Gustafson Webster, Esq., for detailed review and comment. (She will bill you for this service at a negotiated below-market hourly rate. It is customary to include in each contract a provision for the church to receive a one-time payment for "Closing Costs." This sum is intended to cover your costs of the negotiation, including this legal fee.) You will receive back a marked-up copy of your draft; **save this**.
4. Respond to Ms. Gustafson Webster's comments in the course of your next stage of the negotiation.
5. When the church representatives are satisfied with the lease agreement, submit the newly-revised draft **and** the marked-up draft (#3, above) to the Trustees by filing them with the Business Manager.
6. The Trustees may very well be prepared to approve the new draft as submitted, or a trustee may be delegated to consult with the church representatives about their choices first. In either case, the approval authority is the Trustees—not any external agent.