



COMMERCIAL ACCOUNT RIGHT OF ENTRY AGREEMENT WITH CHARTER COMMUNICATIONS

Public Utilities Department

City Council
July 18, 2023

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BACKGROUND

1. On October 13, 2015, the City acquired the Mission Square Building at 3750 University Avenue, which was funded by RPU.
2. On January 26, 2016, the City Council approved an Exclusive Authorization of Lease Agreement with Newmark Knight Frank (NKF) for a five-year term to provide broker leasing services for the Property.
3. On January 5, 2021, the City Council approved a First Amendment to California Exclusive Authorization of Lease Agreement with Newmark Knight Frank (NKF) which extended the Agreement through December 31, 2025. RPU has been coordinating the leasing process for the Property with the Real Property Services Division of the Community & Economic Development Department and NKF as the broker for the Property.
4. In November 2022, Charter contacted NKF requesting to access the Mission Square Office Building for the installation, maintenance, and removal of any equipment, facilities and other communication accessories to provide any of Charter's services to any customers in the building



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PROPOSED AMENDED LEASE TERMS

Staff has reviewed the proposed Commercial Account Right of Entry Agreement and recommends the terms summarized below:

1. Term: Five years after the Effective Date or the date that is six months after the date that Charter is no longer providing Services to any customer in the building.



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STRATEGIC PLAN ALIGNMENT



Strategic Priority 6 - Infrastructure, Mobility & Connectivity

Goal 6.2 - Maintain, protect and improve assets and infrastructure within the City's built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.

Cross-Cutting Threads



Community Trust



Fiscal Responsibility



Sustainability & Resiliency



Equity



Innovation



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RECOMMENDATIONS

That the City Council:

1. Approve a Commercial Account Right of Entry Agreement with Charter Communications, LLC operating as Charter for a five-year term; and
2. Authorize the City Manager, or designee, to execute the Commercial Account Right of Entry Agreement, including making minor, non-substantive changes, and to sign all documents and instruments necessary to complete the transaction.



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