Pearl River Valley Water Supply District

Article 4
Section 4.17

4.17. From time to time it is necessary for telecommunications companies (the "Companies") to construct, erect and locate cell phone towers and other facilities (the "Facilities") on property owned by the District in order to provide service to their users. It is necessary for the District to control the location of such Facilities and the consideration paid by the Companies for the right to locate in order to regulate activities on lands owned by the District and to protect the water resources and the residential, commercial, recreational and other rights and interests of the District and its leaseholders in such lands and property.

4.7.1 The location and site of Facilities built or erected on property owned by the District shall be determined by the Board, and no such Facilities shall be built or erected without the specific approval of the Board of the site location, the consideration paid for the location and all other terms and conditions of any easement, lease, right-of-way, permit or other instrument authorizing the construction and location of the Facilities. The Companies will provide any and all maps, plats or site drawings needed by the District to make such determinations.

4.7.2 No easement, right-of-way, permit, lease or other instrument authorizing the location and construction or erection of Facilities on the property of the District shall be executed and delivered to the Companies except for fair market value consideration paid for the interest conveyed and containing such terms and provisions determined by the Board as reasonable and necessary to protect the water resources and the residential, commercial, recreational and other rights of the District and its leaseholders in such lands and property.

4.7.3 The Board shall determine the fair market value of any property interest to be conveyed to the Companies and negotiate with the companies to recover such fair market value. The Board may use appraisals, reports or other documents in determining fair market value, but is not required to do so. In instances where Facilities are to be located on lands in which a third party (or parties) has a leasehold interest, the Board shall determine what portion of the consideration paid for the right to locate Facilities on the property shall be received by the leaseholder. The leaseholder shall have the right to submit appraisals and other documents or written evidence concerning the consideration paid to the leaseholder.