RESOLUTION NO. 2022-R-31

A RESOLUTION AUTHORIZING THE MAYOR AND DIRECTOR OF ADMINISTRATION AND FINANCE TO ENTER INTO THE FIRST AMENDMENT TO EASEMENT AND ASSIGNMENT AGREEMENT FOR THE TOWER AREA BEHIND CITY HALL AND DECLARING AN EMERGENCY

WHEREAS, the City entered into a Lease with Unison Site Management, LLC on March 14, 2006 for 600 square feet behind City Hall where the existing cell phone radio tower is now located; and

WHEREAS, over the years that Agreement has been assigned by the Tower company to other tower company and that Lease is now owned by Global Signal Acquisitions, IV, LLC ("Global"); and

WHEREAS, the City and Global have agreed to amend the original Lease to more accurately describe the 600 square feet and also to describe the expanded easement area that is within that 600 square feet. This clarification will make it clear that the City is entitled to receive 50% of any new revenues that are generated by co-locators within the expanded easement area and there is currently a proposal by Dish to locate in the expanded easement area; and

WHEREAS, it is the recommendation of the Administration that the attached First Amendment marked (Exhibit A) be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MENTOR-ON-THE-LAKE, COUNTY OF LAKE, AND STATE OF OHIO, AS FOLLOWS:

Section 1. That the Mayor and Director Of Administration and Finance are hereby authorized to sign the First Amendment to Easement and Assignment Agreement for the tower area behind City Hall attached as Exhibit A in a form that is substantially equivalent to the attached copy.

Section 2. That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22, of the Ohio Revised Code.

Section 3. That this Resolution is hereby declared to be and is passed as an emergency measure, the emergency being the need to make available space within the expanded easement area so that the City can received additional revenues from this location within the 600 square feet. Said Resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the City.

WHEREFORE, this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

ROBERT JOHNSON
PRESIDENT OF COUNCIL

DAVID R. EVA
MAYOR
Dated: 11/9/22

ADOPTED: November 7, 2022

ATTEST: Joyce M. Jago
Clerk of Council