

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO A WATER TOWER LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC; AND DECLARING AN EMERGENCY.

WHEREAS, in 1998, via Resolution No. 98-35, this Council authorized the City Manager to enter into a lease agreement with Ameritech Wireless Communications, Inc. for space to install wireless communications equipment on the Hudson water tower located at 85 Milford Road for a term of twenty (20) years; and

WHEREAS, the aforementioned lease has expired and New Cingular Wireless PCS, LLC (successor by merger to Ameritech Wireless) has proposed an amendment to the original lease that will extend the term of the original lease an additional twenty (20) years.

NOW, THEREFORE, BE IT RESOLVED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. The City Manager is authorized to enter into both a first amendment to water tower lease agreement and a first amendment to memorandum of water tower lease agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company, in a form that is acceptable to the City Solicitor.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that 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. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that it is immediately necessary to authorize the agreement which is the subject of this Resolution due to the need for: (1) the removal of the City's indemnification obligations in the lease that are no longer permissible in Ohio, and (2) the continued retention and operation of communications equipment which are essential to the provision of wireless communication services within the City; wherefore, this Resolution shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five (5) members of Council elected thereto or six (6) affirmative votes if all members of Council are present at the meeting at which it is passed; otherwise, it shall take effect and be in force from the earliest period allowed by law.

PASSED:

David A. Basil, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution No. 19-117 was duly passed by the Council of said Municipality on _____, 2019.

Elizabeth Slagle, Clerk of Council