

ORDINANCE NO. 2016-10

AN ORDINANCE AUTHORIZING AND APPROVING CERTAIN AGREEMENTS WITH T-MOBILE USA TOWER LLC FOR THE VILLAGE OF STICKNEY

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, T-Mobile USA Tower LLC d/b/a Crown Castle (“Crown Castle”) currently leases a certain portion of Village owned-property located at 6419 W. 43rd Street (the “Property”) pursuant to an existing site lease (the “Site Lease”); and

WHEREAS, Crown Castle desires to clarify its easement rights at the Property and has presented the Village with the Third Amendment to Site Lease and related documents (the “Agreements”), attached hereto and incorporated herein as Group Exhibit A; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Board,” and together with the President, the “Corporate Authorities”) have determined that it is necessary, advisable and in the best interests of the Village and its residents to enter into and approve agreements with substantially the same terms as the terms of the Agreements; and

WHEREAS, the President is authorized to enter into and the Village Attorney (the “Attorney”) is authorized to revise agreements for the Village making such insertions, omissions and changes as shall be approved by the President and the Attorney;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: PURPOSE. The purpose of this Ordinance is to authorize the President or his or her designee to enter into the Agreements whereby Crown Castle’s easement rights will be clarified at the Property and to further authorize the President or his or her designee to take all steps necessary to carry out the terms and intent of this Ordinance and to ratify any steps taken to effectuate those goals.

SECTION 3: AUTHORIZATION. The Board hereby authorizes and directs the President or his or her designee to authorize, enter into and approve the Agreements in accordance with their terms, or any modifications thereof, and to ratify any and all previous action taken to effectuate the intent of this Ordinance. The Board further authorizes and directs the President or her designee to execute the Agreements with such insertions, omissions and changes as shall be approved by the President and the Attorney. The Village Clerk is hereby authorized and

directed to attest to and countersign the Agreements and any other documentation as may be necessary to carry out and effectuate the purpose of this Ordinance. The Village Clerk is also authorized and directed to affix the Seal of the Village to such documentation as is deemed necessary. The officers, agents and/or employees of the Village shall take all action necessary or reasonably required by the Village to carry out, give effect to and consummate the purpose of this Ordinance and shall take all action necessary in conformity therewith.

SECTION 4. HEADINGS. The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER. All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION. A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective and in full force immediately upon passage and approval as provided by law.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

PASSED this 19th day of April, 2016.

AYES: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this 20th day of April, 2016.

Deborah Morelli, President

**ATTESTED AND FILED in my
office this 20th day of April, 2016.**

Audrey McAdams, Village Clerk

GROUP EXHIBIT A