

ORDINANCE NO. 2022-17

AN ORDINANCE AUTHORIZING AND APPROVING A FOURTH AMENDMENT TO THE EXISTING LEASE AGREEMENT 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, Md7 Capital Three, LLC (“Md7”) is currently the Landlord under the Lease, as more fully set forth in the “Assignment and Assumption of Lease” recorded on January 19, 2011, as Document No. 1101933005 in the Official Records; and

WHEREAS, Md7 and Crown Castle have informed the Village of their collective desire to lease an additional three-hundred square feet (300 sq. ft.) of the Village’s property next to the existing cell tower in order to place some equipment at the Property and likewise, they presented the Village with the Fourth 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 designee to enter into the Agreements as presented and to further authorize the President or his 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 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 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.

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PASSED this 4th day of October, 2022.

AYES: Trustees White, Milenkovic, Torres, Kapolnek and Hrejsa

NAYS: None

ABSENT: Trustee Savopoulos

ABSTENTION: None

APPROVED by me this 4th day of October, 2022.

Jeff Walik, President

ATTESTED AND FILED in my
office this 4th day of October, 2022.

Audrey McAdams, Village Clerk

GROUP EXHIBIT A