

RESOLUTION NO. 11 - 2020

A RESOLUTION AUTHORIZING AND APPROVING A MASTER POLE ATTACHMENT AGREEMENT BETWEEN CHICAGO SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS AND THE VILLAGE OF STICKNEY RELATED TO THE PLACEMENT OF SMALL CELL FACILITIES ON CERTAIN VILLAGE-OWNED POLES OR STRUCTURES IN THE RIGHT OF WAY FOR THE VILLAGE OF STICKNEY, COUNTY OF COOK, STATE OF ILLINOIS.

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 resolutions and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, resolutions, rules and regulations; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the general welfare of the Village and its residents; and

WHEREAS, the Village currently owns certain poles, including utility and light poles, (“Poles”) within the Village; and

WHEREAS, SMSA Limited Partnership D/B/A Verizon Wireless (“Verizon”) desires to attach and collocate certain small cell facilities as defined by the Small Wireless Facilities Deployment Act, 50 ILCS 840/1, *et seq.*, (the “Act”) upon certain Poles within the Village; and

WHEREAS, Verizon and the Village have negotiated a Master Pole Attachment Agreement (the “Agreement”), a copy of which is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, said Agreement provides that Verizon shall be hereby licensed and authorized to place small wireless facilities on said Poles; and

WHEREAS, it has been determined by the Corporate Authorities that it is in the best interest of the Village and its residents to enter into the Agreement with Verizon; and

WHEREAS, the President is authorized to enter into and the Village’s legal counsel (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 RESOLVED 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 Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

SECTION 2: PURPOSE. The purpose of this Resolution is to execute, enter into and approve the Agreement with terms substantially similar to the terms set forth in Exhibit A. The Agreement is hereby approved with such insertions, omissions and changes as shall be approved by the President and the Attorney.

SECTION 3: AUTHORIZATION. The Agreement is hereby approved and accepted. The Attorney is hereby authorized to negotiate additional terms of the Agreement as needed and undertake any and all actions on the part of the Village to effectuate the intent of this Resolution. The President is hereby authorized and directed to execute the Agreement, with such insertions, omissions and changes as shall be approved by the President and the Attorney. The Village Board further authorizes the President to execute any and all additional documentation that may be necessary to carry out the intent of this Resolution. The officers, employees and/or agents of the Village are authorized and directed to take all action necessary or reasonably required by the Village to carry out, give effect to and consummate the Agreement contemplated herein and shall take all actions necessary in conformity therewith. The Village Clerk is hereby authorized and directed to attest to and countersign any such documents, as required. All prior actions of the Village's officials, employees and agents with respect to the subject matter of this Resolution are hereby expressly ratified.

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

SECTION 5: SEVERABILITY. The provisions of this Resolution are hereby declared to be severable and should any provision of this Resolution 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 Resolution 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 Resolution shall be effective and in full force immediately upon passage and approval as provided by law.

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PASSED this 19th day of May, 2020.

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

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 19th day of May, 2020.

Jeff Walik, President

**ATTESTED AND FILED in my
office this 19th day of
May, 2020.**

Audrey McAdams, Village Clerk

EXHIBIT A