

ORDINANCE NO. _____

Date Passed: August 25, 2014

**ORDINANCE RATIFYING AND AUTHORIZING WATER TOWER LEASES
FOR TELECOMMUNICATION PURPOSES
(Sprint Nextel Lease, T-Mobile Lease and Verizon Lease)**

WHEREAS, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and

WHEREAS, the City has heretofore entered into certain leases with third parties for space on the City's water tower located at 700 2nd Avenue, and ground space adjacent to the water tower, to be used for telecommunication purposes; and

WHEREAS, there are currently two (2) such leases in effect: (1) a lease with Nextel West Corp, a Delaware corporation d/b/a Nextel Communications, dated June 1, 2000 ("Sprint Nextel Lease"); and a lease with Voicestream GSM 1 Operating Co., LLC, a Delaware limited liability corporation, dated June 11, 2005 ("T-Mobile Lease"); and

WHEREAS, the Sprint Nextel Lease and the T-Mobile Lease each have an initial term of five (5) years and three (3) automatic 5-year renewal terms, and each have an initial rent payment for the first year of the lease, with annual increases thereafter of four per cent (4%); and

WHEREAS, the City currently receives rental payments of \$2,124.31 from the Sprint Nextel Lease and \$2,189.71 from the T-Mobile Lease; and

WHEREAS, the City has negotiated an additional water tower lease with Illinois RSA 1 Limited Partnership d/b/a Verizon Wireless ("Verizon Lease"), for a 5-year term with four automatic 5-year renewal terms, and an initial rental payment of \$2,200.00 per month, with annual increases of four per cent (4%) thereafter; and

WHEREAS, it appears that no City Council ordinance was adopted approving the Sprint Nextel Lease or the T-Mobile Lease; and

WHEREAS, the City wishes to approve, confirm and ratify the execution and delivery of the Sprint Nextel Lease and the T-Mobile Lease, and to authorize the City Manager to execute and deliver the Verizon Lease;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, as follows:

1. The execution and delivery of the Sprint Nextel Lease and the T-Mobile Lease by previous City Managers are hereby approved, confirmed and ratified.
2. The City Manager is authorized to execute and deliver the Verizon Lease.

PASSED AND APPROVED this 25th day of August, 2014.

Ayes:_____ Nays: _____ Abstain:_____

Mayor

Attested:_____
City Clerk

Alan H. Cooper
LAW OFFICES OF ALAN H. COOPER
233 East Route 38, Suite 202
P.O. Box 194
Rochelle, IL 61068
(815) 562 2677