

1 RESOLUTION NO. 2014-372

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3 SPONSOR Mr. Pry, Mr. Kostandaras

4
5 DATE September 8, 2014 COMMITTEE Planning

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7 **A Resolution authorizing the County Executive to execute the Second Amendment to a**
8 **Land Lease Agreement with STC Two, LLC, subject to the approval of the Board of**
9 **Control, to lease an additional 700 square feet of real property owned by the County of**
10 **Summit, located at 126 Highland Drive, Macedonia, Ohio, in Council District 1, for use for**
11 **a cell telephone tower, for a prepaid rent of \$50,000.00 for a nine-year prepayment period**
12 **following execution, and thereafter, 25% of the rental payments actually received by STC**
13 **Two, LLC from its current subtenant, Verizon Wireless, while the sublease is in force, for**
14 **the Executive's Department of Law, Insurance and Risk Management, and declaring an**
15 **emergency.**

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17 WHEREAS, County Council previously adopted Resolution No. 98-654, which
18 authorized the County of Summit and SprintCom Inc. entered into a Land Lease Agreement,
19 dated December 11, 1998 ("Lease") for the leasing of 2,500 square feet of real property owned
20 by the County and located at 126 Highland Drive, Macedonia, Ohio, in Council District 1
21 ("Leased Premises"); and

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23 WHEREAS, SprintCom entered into an unrecorded Assignment Agreement which was
24 memorialized by An Affidavit of Facts Relating To Title, pursuant to which SprintCom assigned
25 all of its right, title and interest in the Lease to STC Two LLC ("STC"); and

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27 WHEREAS, STC entered into a Site Designation Supplement to Master Sublease
28 Agreement, pursuant to which STC subleased a portion of the Premises to Global Signal
29 Acquisitions II LLC; and

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31 WHEREAS, Council subsequently adopted Resolution No. 2008-472, which confirmed
32 an award by the Board of Control of the renewal (2nd, 3rd and 4th of 5) and amendment of a land
33 lease agreement with STC three consecutive five-year renewal terms, from 12/1/08 through
34 11/30/23, for the Leased Premises for use for a cell telephone tower, for a prepaid rent of
35 \$400,000.00; and

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37 WHEREAS, the County and STC entered into a First Amendment to Land Lease
38 Agreement dated December 2, 2008, extending the term of the Lease, with the exercise of the
39 fifth five-year renewal, through November 30, 2028; and

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41 WHEREAS, the Lease has an original term, including all Renewal Terms (as defined in
42 the Lease), that will expire on November 30, 2028 ("Original Term"), and the County and STC
43 desire to amend the terms of the Lease to expand the size of the Leased Premises by 700 square
44 feet of additional real property, for a total of 3,200 square feet, for a prepaid rent of \$50,000.00
45 for a nine-year prepayment period following execution, and thereafter, 25% of the rental
46 payments actually received by STC Two, LLC from its current subtenant, Verizon Wireless,
47 while the sublease is in force; and

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49 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
50 that authorizing the County Executive to execute the Second Amendment to the Lease with STC,
51 subject to the approval of the Board of Control, is necessary and in the best interest of the
52 County of Summit; and

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2 PAGE TWO

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4 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
5 of Ohio, that;

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7 SECTION 1

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9 The County Executive is hereby authorized to execute the Second Amendment to a Land
10 Lease Agreement with STC Two, LLC, subject to the approval of the Board of Control, to lease
11 an additional 700 square feet of real property owned by the County of Summit, located at 126
12 Highland Drive, Macedonia, Ohio, in Council District 1, for use for a cell telephone tower, for a
13 prepaid rent of \$50,000.00 for a nine-year prepayment period following execution, and
14 thereafter, 25% of the rental payments actually received by STC Two, LLC from its current
15 subtenant, Verizon Wireless, while the sublease is in force.

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17 SECTION 2

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19 This Resolution is declared an emergency in the interest of the health, safety, and welfare
20 of the citizens of the County of Summit, and for the further reason that it authorizes the
21 Executive to immediately execute the Second Amendment to a Land Lease with STC Two, LLC.

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23 SECTION 3

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25 Provided this Resolution receives the affirmative vote of eight members, it shall take
26 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
27 effect and be in force at the earliest time provided by law.

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29 SECTION 4

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31 It is found and determined that all formal actions of this Council concerning and relating
32 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
33 deliberations of this Council and any of its committees that resulted in such formal action, were
34 in meetings open to the public, in compliance with all legal requirements, including Section
35 121.22 of the Ohio Revised Code.

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38 INTRODUCED August 18, 2014

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40 ADOPTED September 8, 2014

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44 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

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46 APPROVED September 9, 2014

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50 EXECUTIVE 

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52 ENACTED EFFECTIVE September 9, 2014

Voice Vote: 11-0 YES: Komunale, Crawford, Feenan, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro