

1 RESOLUTION NO. 2023-295

2

3 SPONSOR Executive Shapiro

4

5 DATE September 25, 2023 COMMITTEE Planning

6

7 **A Resolution confirming the award by the Board of Control of the Renewal (Fifth and**
8 **Final) of a Land Lease Agreement with STC Two, LLC, of real property owned by the**
9 **County of Summit, located at 126 Highland Drive, Macedonia, Ohio, in Council District 1,**
10 **for use of a cell tower, for the Executive’s Department of Law and Risk Management, and**
11 **declaring an emergency.**

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13 WHEREAS, this Council previously adopted Resolution No. 98-654, which authorized
14 the County of Summit and SprintCom Inc. to enter into a Land Lease Agreement, dated
15 December 11, 1998 (the “Lease”) for the leasing of 2,500 square feet of real property owned by
16 the County and located at 126 Highland Drive, Macedonia, Ohio, in Council District 1 (“Leased
17 Premises”); and

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19 WHEREAS, SprintCom entered into an unrecorded Assignment Agreement which was
20 memorialized by An Affidavit of Facts Relating to Title, pursuant to which SprintCom assigned
21 all of its right, title and interest in the Lease to STC Two LLC (“STC”); and

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

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27 WHEREAS, this Council subsequently adopted Resolution No. 2008-472, which
28 confirmed the award by the Board of Control of the renewal (second, third and fourth of five)
29 and amendment of a land lease agreement with STC three consecutive five-year renewal terms,
30 from 12/1/08 through 11/30/23, for the Leased Premises for use for a cell tower, for a prepaid
31 rent of \$400,000.00; and

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

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37 WHEREAS, this Council subsequently adopted Resolution No. 2014-372, which
38 authorized the Executive to execute a Second Amendment to the Lease to lease an additional 700
39 square feet of real property owned by the County of Summit, located at 126 Highland Drive,
40 Macedonia, Ohio, in Council District 1; and

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42 WHEREAS, all Renewal Terms (as defined in the Lease and Amendments), will expire
43 on November 30, 2028, and the County and STC desire to execute the Fifth and Final Renewal
44 of the Lease, with amendments, for the five-year term beginning 12/1/23 to 11/30/28, for rent of
45 \$45,190.00 for the first year and increasing by the Consumer Price Index (CPI) each year
46 thereafter, and 25% of the rental payments actually received by STC from its current subtenant,
47 Verizon Wireless, while the sublease is in force; and

48

49 WHEREAS, the Board of Control, at its meeting on August 2, 2023, awarded the Fifth
50 and Final Renewal of the above-referenced Lease; and

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4 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
5 that authorizing the Executive to execute the Fifth and Final Renewal to the Lease with STC, is
6 necessary and in the best interest of the County of Summit; and

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

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11 SECTION 1

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13 The award by the Board of Control of the Fifth and Final Renewal to a Land Lease
14 Agreement with STC Two, LLC, to lease real property owned by the County of Summit, located
15 at 126 Highland Drive, Macedonia, Ohio, in Council District 1, for use of a cell tower, for rent of
16 \$45,190.00 for the first year and increasing by the Consumer Price Index (CPI) each year
17 thereafter, and 25% of the rental payments actually received by STC from its current subtenant,
18 Verizon Wireless, while the sublease is in force is hereby confirmed and the Executive is hereby
19 authorized to execute said Land Lease and any other necessary related documents.

20

21 SECTION 2

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23 This Resolution is declared an emergency in the interest of the health, safety, and welfare
24 of the citizens of the County of Summit, and for the further reason that it authorizes the
25 Executive to immediately execute the Fifth and Final Renewal of a Land Lease with STC Two,
26 LLC.

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28 SECTION 4

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

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34 SECTION 5

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36 It is found and determined that all formal actions of this Council concerning and relating
37 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
38 deliberations of this Council and any of its committees that resulted in such formal action, were
39 in meetings open to the public, in compliance with all legal requirements, including Section
40 121.22 of the Ohio Revised Code.

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42 INTRODUCED September 25, 2023

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44 ADOPTED October 16, 2023

45 DocuSigned by:

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46 CLERK OF COUNCIL

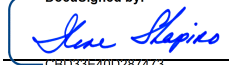
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PRESIDENT OF COUNCIL

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49 APPROVED October 16, 2023

50 DocuSigned by:

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51 EXECUTIVE

ENACTED EFFECTIVE October 17, 2023

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Voice Vote – YES: 10 – 0: Darrow, DeVitis, Dickinson, McKenney, Rodgers,
Schmidt, Sims, Walters, Wiedie Higham, Wilhite
Absent: Donofrio