RESOLUTION NO. 2014-372

SPONSOR: Mr. Pry, Mr. Kostandaras

DATE: September 8, 2014  COMMITTEE: Planning

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

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

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

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

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

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

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

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that authorizing the County Executive to execute the Second Amendment to the Lease with STC, subject to the approval of the Board of Control, is necessary and in the best interest of the County of Summit; and
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NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that;

SECTION 1

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

SECTION 2

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

SECTION 3

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

SECTION 4

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

INTRODUCED August 18, 2014

ADOPTED September 8, 2014

CLERK OF COUNCIL

APPROVED September 9, 2014

EXECUTIVE

ENACTED EFFECTIVE September 9, 2014