

1 RESOLUTION NO. 2023-232

2

3 SPONSOR Executive Shapiro

4

5 DATE August 7, 2023

COMMITTEE Planning & Economic
Development

6

7 **A Resolution approving the award of the Board of Control of a Ground Lease Agreement**
8 **with Crown Castle, LLC, as a Best Practical Source, for a cell tower at the Fishcreek Waste**
9 **Water Treatment Plant, located at 2910 North River Road, Stow, Ohio, in Council District**
10 **3, for a five-year term with nine options to renew for an additional five-year term, for**
11 **\$12,000.00 for the first year with a yearly 1.5% increase each year thereafter, and 25% of**
12 **any the rental proceeds received by Crown Castle, LLC from any users or sublessees, for**
13 **the Executive’s Department of Law, Insurance and Risk Management, and declaring an**
14 **emergency.**

15

16 WHEREAS, the Executive wishes to enter into a ground lease agreement with Crown
17 Castle, LLC for a cell tower at the Fishcreek Waste Water Treatment Plant, located at 2910
18 North River Road, Stow, Ohio, in Council District 3. Crown Castle, LLC will pay for the
19 building of the tower and pay the County rent for the tower and a share of the rent for any
20 equipment on the tower from other providers; and

21

22 WHEREAS, Crown Castle, LLC. is a Best Practical Source pursuant to Section
23 177.07(a)(5) of the Codified Ordinances of the County of Summit as they have several such
24 leases with the County and are aware of the County’s requirements for cell towers; and

25

26 WHEREAS, the Board of Control, at its meeting held July 26, 2023, awarded a Ground
27 Lease Agreement with Crown Castle, LLC, as a Best Practical Source, for a cell tower at the
28 Fishcreek Waste Water Treatment Plant, located at 2910 North River Road, Stow, Ohio, in
29 Council District 3, for a five-year term with nine options to renew for an additional five-year
30 term, for \$12,000.00 for the first year with a yearly 1.5% increase each year thereafter, and 25%
31 of any the rental proceeds received by Crown Castle, LLC from any users or sublessees, subject
32 to confirmation by this Council; and

33

34 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
35 that the aforementioned ground lease agreement with Crown Castle, LLC is necessary and in the
36 best interest of the County of Summit; and

37

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

40

41 SECTION 1

42

43 The award by the Board of Control of a Ground Lease Agreement with Crown Castle,
44 LLC, as a Best Practical Source, for a cell tower at the Fishcreek Waste Water Treatment Plant,
45 located at 2910 North River Road, Stow, Ohio, in Council District 3, for a five-year term with
46 nine options to renew for an additional five-year term, for \$12,000.00 for the first year with a
47 yearly 1.5% increase each year thereafter, and 25% of any the rental proceeds received by Crown
48 Castle, LLC from any users or sublessees is hereby confirmed and the Executive is hereby
49 authorized to execute said ground lease agreement and any other necessary related documents.

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4 SECTION 2

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6 This Resolution is declared an emergency in the interest of the health, safety, and welfare
7 of the residents of the County of Summit, and for the further reason that it provides for necessary
8 ground lease rental proceeds to the County

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10 SECTION 3

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

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16 SECTION 4

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18 It is found and determined that all formal actions of this Council concerning and relating
19 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
20 deliberations of this Council and any of its committees that resulted in such formal action, were
21 in meetings open to the public, in compliance with all legal requirements, including Section
22 121.22 of the Ohio Revised Code.

23

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25 INTRODUCED August 7, 2023

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27 ADOPTED August 21, 2023

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29 DocuSigned by:

30 _____
31 F8D2DBT32BE041B...
32 CLERK OF COUNCIL

DocuSigned by:


065A946FE2BA42A...
PRESIDENT OF COUNCIL

33

34 APPROVED August 21, 2023

35

36 DocuSigned by:

37 _____
38 CBB93E40D287473...
39 EXECUTIVE

ENACTED EFFECTIVE August 22, 2023

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