

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 05-160

INTRODUCED BY: Mayor Luks

AN ORDINANCE AMENDING A NON-EXCLUSIVE EASEMENT AGREEMENT BETWEEN THE CITY OF NORTH ROYALTON AND NEW PAR, A DELAWARE PARTNERSHIP, DBA VERIZON WIRELESS, ASSIGNEE AND/OR SUCCESSOR IN INTEREST OF NORTHERN OHIO CELLULAR TELEPHONE COMPANY, AND DECLARING AN EMERGENCY

WHEREAS: Pursuant to Ordinance 95-53, Council previously authorized an easement with Northern Ohio Cellular Telephone Company for the purpose of constructing and erecting a cell tower on land owned by the City, and

WHEREAS: New Par, a Delaware Partnership, dba Verizon Wireless, is a successor in interest to and/or assignee of Northern Ohio Cellular Telephone Company in the easement, and

WHEREAS: Verizon Wireless, by and through New Par, desires to construct upgrades to the antennas located on the existing cellular tower, and

WHEREAS: In order to accomplish this upgrade, it is necessary to amend Exhibit B-1 of the easement in substantially the same or similar form as attached hereto, and

WHEREAS: Council has determined that approval of the amendment is in the best interest to all parties concerned.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO THAT:

Section 1. That Council hereby authorizes the Mayor to enter and execute the Addendum amending Exhibit B-1 of the original easement between the City of North Royalton and Northern Ohio Cellular Telephone Company in substantially the same form as appears attached hereto and incorporated herein by reference as Exhibit A.

Section 2. It is found and determined that all formal actions by the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, more specifically to ensure appropriate cable service to the City's subscribers.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Robert A. Stefanik
PRESIDENT OF COUNCIL

APPROVED: /s/ Cathy Luks
MAYOR

DATE PASSED: October 4, 2005

DATE APPROVED: October 5, 2005

First reading suspended
Second reading suspended
Third reading October 4, 2005

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

YEAS: Stefanik, Bobulsky, Gentile, Willey,
Koch, Zaccardelli, Uffman-Kirsch
NAYS: none