

BILL NO. 2019-04

ORDINANCE NO. _____

INTRODUCED BY _____

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF AN OPTION AND LAND LEASE AGREEMENT BY AND BETWEEN THE CITY OF HERMANN, MISSOURI AND NEW CINGULAR WIRELESS PCS, LLC.

WHEREAS, the Board of Aldermen recognizes that cellular communications coverage in the City is not sufficient; and

WHEREAS, the Board of Aldermen further recognizes that, as an increasing number of individuals and businesses rely upon calling, texting, emailing and internet access via their cellular phones and other devices, the City should take reasonable actions to cooperate with telecommunications providers to build the infrastructure necessary to improve cellular communications coverage; and

WHEREAS, the City has been approached by New Cingular Wireless PCS, LLC (“Cingular”) with a proposal that Cingular lease certain ground space from the City at lots 54 and 56 on W. 3rd Street, as more specifically described in the Cingular Lease, where Cingular would locate a new cellular tower with antennae; and

WHEREAS, Cingular proposes the execution of an Option and Land Lease Agreement which is attached hereto as Exhibit A and incorporated herein by reference (“Cingular Lease”); and

WHEREAS, the Board of Aldermen has determined that the execution of the Cingular Lease would serve a legitimate public purpose and is in the best interests of the citizens of the City of Hermann, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HERMANN, MISSOURI, AS FOLLOWS:

SECTION ONE: The Cingular Lease is hereby approved. Mayor Robert C. Koerber is hereby authorized and directed to execute the Cingular Lease on behalf of the City.

SECTION TWO: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION THREE: This Ordinance shall be in full force and effect from and after its passage and adoption.

First Reading: February 11, 2019

Second Reading: _____

VOTE:

| Name | First Reading | | | Second Reading | | |
|------------------------|---------------|-----|-----|----------------|-----|-----|
| | Aye | Nay | Abs | Aye | Nay | Abs |
| Alderman David Faerber | | | | | | |
| Alderman Bruce Cox | | | | | | |
| Alderman Brian Chorley | | | | | | |
| Alderman Susan Lenger | | | | | | |

Passed and approved this ____ day of _____, 2019.

Robert C. Koerber, Mayor

PATRICIA HEANEY, City Clerk

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