

**RESOLUTION NUMBER 25-11**

**RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT TO EXECUTE A FIRST AMENDMENT TO OPTION AND STRUCTURE LEASE BETWEEN NEW CINGULAR WIRELESS PCS, LLC. , AND THE VILLAGE OF EAST DUNDEE**

**WHEREAS**, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, The Village of East Dundee (the Village) and New Cingular Wireless PCS, LLC. (Cingular), entered into an Option and Structure Lease Agreement dated December 6, 2005, whereby the Village leased to Cingular certain Premises, therein described, that are a portion of the Property located at IL68 and Penny Road, East Dundee, IL ("**Agreement**"); and

**WHEREAS**, the Village and Cingular desire to amend the Agreement to allow for the installation of additional antennas, associated cables and other communications instruments; and

**WHEREAS**, the Village and Cingular desire to adjust the rent in conjunction with the modifications to the Agreement contained herein; and

**WHEREAS**, the Village and Cingular desire to amend the Agreement to modify the notice section thereof; and

**WHEREAS**, the Village and Cingular desire to amend the Agreement to permit Cingular to add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services; and

**WHEREAS**, the Village and Cingular, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

**WHEREAS**, it is in the best interest of the Village of East Dundee for the Village President to execute a First Amendment to Option and Structure Lease between the Village of East Dundee and the New Cingular Wireless PCS, LLC.

**NOW THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section One.** That the First Amendment to Option and Structure Lease Agreement is hereby approved and the Village President is authorized to execute and the Village Clerk is authorized to attest to the First Amendment to Option and Structure Lease Agreement between the Village of East Dundee and New Cingular Wireless PCS, LLC, attached hereto

**Section Two. Severability.** If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

**Section Three. Repeal.** If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

**Section Four. Publication.** This resolution shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 20<sup>th</sup> day of June, 2011, pursuant to a roll call vote as follows:

AYES: 5 - Trustees Gorman, Lynam, Miller, Skillicom & President

NAYES: 0 Bartels

ABSENT: 2 - Trustees Ruffalo & VanOstenbridge

Approved by me this 20<sup>th</sup> day of June, 2011.

Jerald Bartels  
JERALD BARTELS, President

Published in pamphlet form this 26<sup>th</sup> day of June, 2011, under the authority of the President and Board of Trustees.

**ATTEST:**

Jennifer Rehberg  
Jennifer Rehberg, Village Clerk

Recorded in the Village Records on June 26<sup>th</sup>, 2011.

