

**RESOLUTION 2009 -**

**RESOLUTION AUTHORIZING THE CITY OF O'FALLON TO ENTER INTO THE  
FIRST AMENDMENT TO LEASE BETWEEN NEW CINGULAR WIRELESS PCS,  
LLC AND THE CITY OF O'FALLON ILLINOIS**

**WHEREAS**, The City is Landlord and New Cingular Wireless PCS, LLC is Tenant pursuant to a certain Lease Agreement dated July 2, 2001, whereby Landlord leased to Tenant certain Premises being a portion of the Property located at 106 E. Washington St., O'Fallon, IL 62269 ("**Agreement**") for construction of a monopole tower owned by Landlord and for placement of communications equipment, including by Tenant,

**WHEREAS**, Landlord and Tenant desire to amend the Agreement to modify the notice section thereof; and

**WHEREAS**, Landlord and Tenant desire to amend the Agreement by adoption of a First Amendment to Lease to permit Tenant 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 further to authorize and provide supplemental compensation for the existing and approved Tenant antennas and equipment, under this amendment, notwithstanding any different equipment or location descriptions as may have been originally approved in the original Agreement Exhibits; and

**WHEREAS**, the Corporate Authorities of the City of O'Fallon deem it advisable, necessary and in the public interest to approve the First Amendment To Lease substantially as attached hereto, and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS:**

Section 1.

The City Council hereby authorizes the Mayor and/or City Administrator to execute on behalf of the City of O'Fallon the **First Amendment to Lease**, substantially in the form attached hereto and incorporated herein, and to take such other necessary actions to ensure that the Lease is consummated and that Supplemental Rent required therein is received by the City as required by the First Amendment to Lease.

Section 2.

This Resolution shall become effective immediately upon its adoption by City Council.

Passed by the City Council this \_\_\_th day of October 2009.

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ATTEST:  
(seal)

Approved by the Mayor this \_\_\_\_ day  
of October 2009.

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

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Gary L. Graham, Mayor