

CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3615

**AN ORDINANCE REPEALING ORDINANCE NOS. 3584 AND 3610; AUTHORIZING
THE MAYOR TO EXECUTE A LEASE PURCHASE AGREEMENT WITH
LANDMARK INFRASTRUCTURE HOLDING COMPANY, LLC; AND PROVIDING
FURTHER AUTHORITY**

WHEREAS, the City of Columbia (“City”), Monroe and St. Clair Counties, Illinois, is a duly created, organized, and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, and owns certain real property located in the City of Columbia, State of Illinois, with an address of 1253 Bremser Road, Columbia, Illinois, 62236 (the “Property”); and

WHEREAS, the City enacted Ordinance No. 3584 authorizing execution of a Lease Purchase Agreement with Landmark Infrastructure Holding Company, LLC (“Landmark”) that contemplated assigning the rights to certain revenue received from a lease agreement for a portion of the Property with GTP Towers (through its predecessor-in-interest, dated October 17, 1996) (the “ATT Lease”); and

WHEREAS, the City leases other portions of the Property in two-additional lease agreements with NCWPCS MPL 24 – Year Sites Tower Holdings LLC (the “CCATT Lease”), and Crown Castle GT Company, LLC (the “Crown Castle Lease”); and

WHEREAS, the City enacted Ordinance No. 3610 authorizing execution of a Lease Purchase Agreement with Landmark assigning the rights to certain revenue received under the ATT Lease, the CCATT Lease, and the Crown Castle Lease and repealed Ordinance No. 3584; and

WHEREAS, after enactment of Ordinance No. 3610, Landmark required a few additional revisions to the Lease Purchase Agreement and the City negotiated the same including an additional \$10,000.00 due to the delay and additional negotiations; and

WHEREAS, the City has now received an executed copy of a Lease Purchase Agreement from Landmark and desires to authorize such agreement with Landmark assigning the rights to certain revenue received under the ATT Lease, the CCATT Lease, and the Crown Castle Lease in consideration of a lump-sum payment and other consideration stated therein, and therefore repeal Ordinance Nos. 3584 and 3610 to repeal prior authority for execution of other agreements with Landmark.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Columbia, as follows:

Section 1. The preceding recitations in the upper part of this Ordinance are realleged, restated, and adopted as paragraph one (“1”) of this Ordinance.

Section 2. The City Council of the City of Columbia hereby authorizes the Mayor to execute the Lease Purchase Agreement, substantially in the form attached hereto and incorporated herein by reference as Exhibit “1” and hereby repeals Ordinance Nos. 3584 and 3610.

Section 3. The City Council of the City of Columbia hereby grants the Mayor and other designated and authorized City officials further authority to execute the exhibits to the Lease Purchase Agreement and other documents and take other actions reasonably necessary to carry out the intent of this Ordinance and the Lease Purchase Agreement.

Section 4. By authorizing execution of the Lease Purchase Agreement, the City Council of the City of Columbia is not waiving sovereign immunity nor authorizing a cause of action for damages against the City as stated in Section 3 of the same.

Section 5. This Ordinance shall take full force and effect immediately upon passage by the Corporate Authorities.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Columbia, Illinois and deposited and filed in the office of the City Clerk on the 18th day of July 2022, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Aldermen Niemietz, Holtkamp, Martens, Riddle, Garmer, and Khoury.

NOES: None.

ABSTENTIONS: None.

ABSENT: Aldermen Roessler and Huch.

APPROVED:



BOB HILL, Mayor

ATTEST:



ANDREW HITZEMANN, City Clerk

(SEAL)