

CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3604

**AN ORDINANCE AUTHORIZING THE MAYOR
TO EXECUTE A REVISED CONSENT TO SUBLEASE
(CROWN CASTLE GT COMPANY LLC)**

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

WHEREAS, the City was involved in certain litigation and resolved the litigation by entering into a settlement agreement and two communications site lease agreements, one with NCWPCS MPL 24 – Year Sites Tower Holdings LLC (the “Tower 1 Lease”); and

WHEREAS, NCWPCS MPL 24 – Year Sites Tower Holdings L.L.C. also sought the City’s consent to sublease a portion of the Tower 1 Lease site to DISH Wireless LLC and prepared a document (the “Consent to Sublease”) for that purpose; and

WHEREAS, on January 18, 2022, by Ordinance No. 3598, the City Council of the City of Columbia authorized the Mayor to execute the Consent to Sublease; and

WHEREAS, the Mayor executed the Consent to Sublease which is attached hereto and incorporated herein by reference as “Exhibit 1”; and

WHEREAS, NCWPCS MPL 24 – Year Sites Tower Holdings L.L.C. recently notified the City that it identified the incorrect communications tower in Exhibit 1 and now requests that the City enter into a revised Consent to Sublease which is attached hereto and incorporated herein by reference as “Exhibit 2”.

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 Consent to Sublease, “Exhibit 1”, is hereby terminated at the request of NCWPCS MPL 24 – Year Sites Tower Holdings L.L.C. and of no further force or effect.
- Section 3.** The City Council of the City of Columbia hereby authorizes the Mayor and other designated and authorized City officials to execute the revised Consent to Sublease, substantially in the form of “Exhibit 2”.

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 4th day of April, 2022, the vote being taken by ayes and noes and entered upon the legislative record as follows:

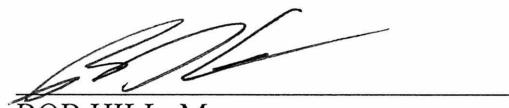
AYES: Aldermen Niemietz, Roessler, Huch, Holtkamp, Martens, Riddle, Garmer, and Khoury.

NOES: None.

ABSTENTIONS: None.

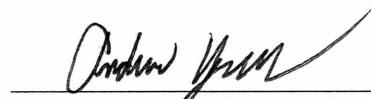
ABSENT: None.

APPROVED:



BOB HILL, Mayor

ATTEST:



ANDREW HITZEMANN, City Clerk

(SEAL)



6191 N State Highway 161, Suite
200
Irving, TX 75038

Email:
Charlotte.Banks.Contractor@crowncastle.com
www.crowncastle.com

October 15, 2021

CITY OF COLUMBIA - IL
PO BOX 467
C/O CITY TREASURER
COLUMBIA, IL 62236

Re: BU 839813 / "COLUMBIA" / 1253 BREMSER ROAD, COLUMBIA, IL 62236 ("Site")
PROPOSED COMMUNICATIONS SITE LEASE AGREEMENT between the City of Columbia ("Landlord")
and NCWPCS MPL 24-Year Sites Tower Holdings LLC by and through its attorney-in-fact CCATT LLC
("Lessee"), ("Lease")
Consent for sublease

Dear CITY OF COLUMBIA, IL,

I am reaching out to you on behalf of Lessee in order to obtain your consent as may be required by the Lease.

In order to better serve the public and minimize the number of towers in the area where this property is located, Lessee intends to sublease a portion of the Site to DISH Wireless L.L.C. ("Dish"). The sublease will include installation of new equipment within the Lease area; however, it will not alter the character or use of the Site nor will it change the nature of the occupancy of the Site. As used in this letter, the term "sublease" may include any arrangement by which a third party can install and operate its equipment at the Site as permitted under the Lease.

Under the Lease (pending final approval from the Landlord), Landlord's consent cannot be unreasonably withheld, conditioned or delayed. Further, under Section 19(d), Lessee will pay Landlord additional rent in the amount of \$1200/month for the installation of Dish beginning on the first day of the first month following the commencement date of the Dish license. Although, under Lease Section 19, if Landlord does not provide a response to Tenant within 30 days from the submission of the written request for consent, said consent shall be deemed granted, Lessee requests that the Landlord approve this request for consent simultaneously with its approval of the Lease as this will permit the most prompt commencement of the Dish license and, in turn, the most prompt payment of the increased rent to the Landlord. Lessee will provide the required business summary report after your consent is received. Because Dish will not sign a license agreement without confirmation of Landlord's consent, Lessee will not have a fully executed license agreement prior to receiving such consent.

Thus, assuming, as anticipated by the relevant parties, that the Lease will be approved on or about November 15, 2021, Lessee requests that Landlord provide its consent on that date as well. Such consent may be provided by signing below and returning to Lessee through your counsel or directly to our counsel at rvictoria@grsm.com. This

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will enable Lessee to promptly execute the license agreement, facilitate additional rent payments to the Landlord, and enable the installation of Dish's equipment as permitted under the Lease.

If you have any questions concerning this request, please have your legal counsel work directly with our counsel (Richard T. Victoria – rvictoria@grsm.com – 4122-316-2926) as they have been in regular communication regarding the Lease and related matters.

Sincerely,

Agreed and accepted March 4, 2022

(Date)

Charlotte Banks

Charlotte Banks

Real Estate Specialist



(Lessor's signature)

Bob Hill Mayor

(Lessor's name and title)

cc: *Via email only:*

David Streubel, Esq. (Dave@municipalfirm.com)

Margaret Eveker, Esq. (Maggie@municipalfirm.com)



6191 N State Highway 161, Suite
200
Irving, TX 75038

Email:
molly.dickenson@crowncastle.com
www.crowncastle.com

March 25, 2022

VIA email: Dave@municipalfirm.com

City of Columbia, Illinois

Attn: City Clerk
c/o David Streubel, Esquire
208 S. Rapp Avenue
Columbia, Illinois 62236

Re: *Request for Consent for Sublease* regarding:
BU 816945 / "COLUMBIA" / 1363 BREMSER ROAD, COLUMBIA, IL ("Site")
January 2022 COMMUNICATIONS SITE LEASE AGREEMENT between the City of Columbia
("Landlord") and Crown Castle GT Company LLC ("Lessee"), ("Lease")

Dear CITY OF COLUMBIA, IL,

I am reaching out to you on behalf of Lessee in order to obtain your consent as may be required by the Lease.

In order to better serve the public and minimize the number of towers in the area where this property is located, Lessee intends to sublease a portion of the Site to DISH Wireless L.L.C. ("Dish"). The sublease will include installation of new equipment within the lease area; however, it will not alter the character or use of the Site nor will it change the nature of the occupancy of the Site. As used in this letter, the term "sublease" may include any arrangement by which a third party can install and operate its equipment at the Site as permitted under the Lease.

Under the Lease, Landlord's consent cannot be unreasonably withheld, conditioned or delayed. Additionally, under Section 19, if Landlord does not provide a response to Tenant within 30 days from the submission of the written request for consent, said consent shall be deemed granted. Under Section 19(d), Lessee will pay Landlord additional rent in the amount of \$1200/month for the installation of Dish beginning on the first day of the first month following following the commencement date of the relevant sublease. Lessee will provide the required business summary report after your consent is received. Lessee will not have a fully executed license or sublease agreement prior to receiving your consent because Dish will not execute such an agreement without confirmation of the City's consent.

Previously, the City of Columbia, IL authorized (via Ordinance No. 3598) and then approved and executed a similar request relating to a proposed Dish sublease for site BU 839813, 1253 Bremser Road, Columbia, IL (the "Previously Approved Site"). Please be advised that no sublease with Dish was intended or entered regarding the Previously Approved Site. Instead, the October 15, 2021 request for consent letter regarding the Previously Approved Site was in error and mistakenly identified both the incorrect site and the incorrect relevant lease and lessee. We apologize for these errors and any inconvenience it may have caused. This request for consent is intended to and will fully

The Foundation for a Wireless World.

March 25, 2022

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replace that earlier request for consent relating to Previously Approved Site and Dish has not entered into a license or sublease regarding and will not install any equipment on that site despite that previous request and consent. For the avoidance of doubt, CCATT LLC, an affiliate of Lessee and Crown Castle, and the party that sought such consent, hereby withdraws and revokes its request for consent relating to Dish for the Previously Approved Site and, if and to the extent the City deems it necessary, consents and agrees to the cancellation and/or revocation of such consent.

Please provide your consent **on or before April 25, 2021** by signing below and returning to Charlotte.Banks.Contractor@crowncastle.com so that we may execute the license agreement and install Dish's equipment as permitted under the Lease. If said consent is not received by April 25, 2021, Lessee will move forward with the deemed granted consent.

If you have any questions concerning this request, please contact Molly Dickenson at molly.dickenson@crowncastle.com

Sincerely,

Molly Dickenson

Molly Dickenson
Supervisor

Agreed and accepted 04/04/2022

(Date)

Bob Hill

(Lessor's signature)

Bob Hill, Mayor

(Lessor's name and title)

[Enclosures]

P.S. Please indicate below if you are interested in learning more about removing the obligation for you to sign these consent letters and receive a notice letter instead.

(check here) Yes, I'm interested in learning more.