

**AN ORDINANCE OF THE CITY COUNCIL AUTHORIZING AMENDMENT OF THE LEASE AGREEMENT
BETWEEN THE CITY AND CITY UTILITIES OF SPRINGFIELD, MISSOURI FOR THE TRUNKED RADIO
SYSTEMS TOWER LOCATED IN REPUBLIC, MISSOURI**

WHEREAS, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, Section 70.220, RSMo., authorizes municipalities and political subdivisions of the State of Missouri to cooperate with each other by, among other things, entering into cooperative agreements with each other regarding the planning, development, construction, acquisition, or operation of public improvements; and

WHEREAS, on or about September 28, 2001, the City and City Utilities of Springfield, Missouri, a Missouri political subdivision under § 70.220 RSMo., (“CU” or “Lessee”), entered into a Lease Agreement (“Original Lease Agreement”) for the lease of certain real property located in Republic, Missouri, upon which a certain facilities and accessories necessary for a trunked radio tower site would be constructed by CU and subsequently maintained by CU; and

WHEREAS, CU has requested an amendment to the Original Lease Agreement that would permit CU to assign its rights and obligations under the Original Lease Agreement without prior written consent of the City; and

WHEREAS, City staff advise that they have no objection to the requested amendment, which is not expected to compromise in any way the public safety benefits the City currently receives through the Original Lease Agreement or to otherwise have any material effect on the City under the circumstances; and

WHEREAS, the Council finds that the amendment to the Original Lease Agreement is for good cause and in furtherance of the intent of the Original Lease Agreement, is not reasonably likely to result in any material effect to the City, and is thus in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

- Section 1:** The City Administrator or his/her designee, on behalf of the City, is authorized to execute an amendment to the Lease Agreement between the City and City Utilities of Springfield, Missouri, to modify the current provision governing assignments under the Lease, such amendment to be in substantially the same form as that attached to this Ordinance as “Attachment 1.”
- Section 2:** The City Administrator, or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.
- Section 3:** The WHEREAS clauses above are specifically incorporated herein by reference.

Section 4: The provisions of this Ordinance are severable, and if any provisions hereof are declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 5: This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2023.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: