

BILL NO. 15
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE ANTENNA SITE LEASE AGREEMENT WITH THE METROPOLITAN ST. LOUIS SEWER DISTRICT.

WHEREAS, the City and the Metropolitan St. Louis Sewer District (“MSD”) are parties to a Lease Agreement first executed in 1983 whereby MSD has maintained radio equipment and antennas on certain property owned by the City at 3939 South Lindbergh Blvd. in St. Louis County, Missouri (the “Lease Agreement”); and

WHEREAS, the City and MSD have been in negotiations to amend the Lease Agreement to increase the compensation owed to the City by MSD and other small amendments; and

WHEREAS, the Lease Agreement renews for one-year terms automatically but may be terminated by either party with ninety (90) days’ notice; and

WHEREAS, the amendment provides that rent will increase to monthly payments of \$1,200.00 for the upcoming term that will begin on July 1, 2022, and the Board of Aldermen desires to authorize such amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Mayor is hereby authorized to execute an amendment to the Lease Agreement with MSD to increase the rental compensation to the City and other small amendments in substantially the form of Exhibit 1 attached hereto and incorporated herein.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED this _____ day of _____, 2022

MAYOR

APPROVED this _____ day of _____, 2022

MAYOR

ATTEST:

CITY CLERK/CITY ADMINISTRATOR

EXHIBIT 1

**AMENDMENT TO
ANTENNA SITE LEASE AGREEMENT**

THIS AMENDMENT TO ANTENNA SITE LEASE AGREEMENT (“Amendment”) is made and entered into as of the ____ day of _____, 2022, by and between **THE CITY OF SUNSET HILLS** (“Lessor” or the “City”) and **THE METROPOLITAN ST. LOUIS SEWER DISTRICT** (“MSD”, “District” or "Lessee") (collectively, the “Parties”).

WHEREAS, the City and MSD are parties to a Lease Agreement first executed in 1983 whereby MSD has maintained radio equipment and antennas on certain property owned by the City at 3939 South Lindbergh Blvd. in St. Louis County, Missouri (the “Lease Agreement”); and

WHEREAS; the Parties have agreed to increase the rental amount to be paid by MSD to the City under the Lease Agreement for MSD’s use of the premises, pursuant to the terms and conditions set forth herein.

NOW THEREFORE, in exchange for the mutual promises and obligations set forth herein and other good and valuable consideration, the Parties agree to amend their Lease Agreement as follows:

1. Paragraph 3 shall be amended by adding to the end of Paragraph 3 the following sentence: Beginning with the lease term that commences on July 1, 2022, Lessee hereby agrees to pay Lessor in advance on the first day of each month hereunder the sum of twelve hundred dollars (\$1,200) per month for rent of the above described property, and electricity used by the equipment in Paragraph #1 of the Lease Agreement.
2. Paragraph 10 shall be amended by adding to the end of Paragraph 10 the following: Nothing in this Lease Agreement shall be deemed a waiver of the Lessor or Lessee’s sovereign immunity, provided Lessee is responsible for its (including any contractor’s) own actions and omissions arising from use of the Property.
3. All provisions not specifically amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to Site Antenna Lease Agreement on the day and year last below written.

LESSOR:

CITY OF SUNSET HILLS, STATE OF MISSOURI

By: _____
Name: _____
Title: _____
Date: _____

LESSEE:

METROPOLITAN ST. LOUIS SEWER DISTRICT

By: _____

Brian Hoelscher
Executive Director

Approved as to Form:

By: _____

Susan M. Myers
General Counsel

Date: _____