

CLINTON COUNTY BOARD OF COMMISSIONERS

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Ken Mitchell

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**COURTHOUSE
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Administrator
Ryan L. Wood
Clerk of the Board
Diane Zuker

RESOLUTION 2015 - 12

RESOLUTION APPROVING EASEMENT AGREEMENT FOR CLINTON COUNTY CENTRAL DISPATCH TOWER

This Resolution is made and adopted at a regular meeting of the Clinton County Board of Commissioners, County of Clinton, State of Michigan, held at 100 East State Street, St. Johns, Michigan 48879 on August 25, 2015 at nine o'clock AM.

PRESENT: Commissioners Kam Washburn, David Pohl, Bruce DeLong, Kenneth B. Mitchell, Robert Showers, Anne Hill and Adam Stacey.

ABSENT: None

The following Resolution was offered by Commissioner Stacey, and seconded by Commissioner Mitchell.

WHEREAS, Clinton County (the "County") has adopted as agreement establishing the Clinton County Central Dispatch Authority (the "Authority") pursuant to the Emergency Telephone Enabling Act, 1986, P.A. 32, as amended;

WHEREAS, the Authority has determined that radio coverage is lacking in certain areas of the County, including the southeast quadrant of the County, and has recommended the acquisition of a tower site in said quadrant to improve radio coverage.

WHEREAS, Clinton County voters recently approved an increase to the monthly 911 fee on landline telephones, cell phones, and other devices that can call 911, which surcharge can be used for the construction of a new radio tower in the southeast quadrant of the County.

WHEREAS, representatives of the County have negotiated an Easement Acquisition Agreement for an Easement Agreement for an easement for a communications tower and related improvements, and for necessary access and utility easements thereto from property owners for property located north of Cutler Road and East of Upton Road, in the southeast one-quarter of Section 34, T6N, R1W, Victor Township, Clinton County, Michigan, believed to be suitable for such a tower;

WHEREAS, the County is in the process of conducting its due diligence of investigating the proposed tower site and obtaining permits and approvals necessary to construct said tower, including but not limited to a Tall Structures permit from the Michigan Department of Transportation, a Determination of No-hazard To Air and Navigation from the Federal Aviation Administration, a Phase I Environmental Site Assessment, and a Phase I Cultural Resources Survey relative to the proposed tower site regarding suitability and acceptability of the proposed tower site location which the Easement Acquisition Agreement will allow for;

WHEREAS, the Board of Commissioners has determined that construction of the Clinton County Central Dispatch Tower in the southeast $\frac{1}{4}$ of Section 34, T6N, R1W, Victor Township of the County is in the best interest of the County and its residents, and promotes the health, safety, and welfare of its residents;

NOW THEREFORE, be it resolved by the Clinton County Board of Commissioners, Clinton County, Michigan as follows:

1. The Clinton County Board of Commissioners hereby approves the Easement Acquisition Agreement between Claude A. Vail and Agnes S. Vail, husband and wife, as Grantors, and the County of Clinton, as Grantee, for certain premises in the southeast one-quarter of Section 34, T6N, R1W, Victor Township, Clinton County, Michigan, in the form attached to this Resolution as Exhibit A.

2. The Clinton County Board of Commissioners hereby authorizes the execution of the Easement Acquisition Agreement by the Clinton County Board Chairperson and the County Clerk (the "Authorized Signatories"), and the making of the earnest money deposit pursuant to the Easement Acquisition Agreement thereto by the County Treasurer.

3. Upon satisfactory completion of the County's due diligence investigation with respect to the proposed tower site as determined by the County Administrator, the County Administrator is authorized to proceed with the closing pursuant to the Easement Acquisition Agreement upon written notice to the Authorized Signatories.

4. The Authorized Signatories are also authorized to execute any other documents deemed necessary or desirable in connection with the Easement Acquisition Agreement, and upon receipt of the written notice from the County Administrator as provided for in Section 3 above, the Authorized Signatories are authorized to execute any other documents and agreements deemed necessary or desirable to complete the closing pursuant to the Easement Acquisition Agreement, and the County Treasurer is authorized to fund said purchase and closing.

5. Any prior resolution or portion of any prior resolution inconsistent with this Resolution are hereby appealed.

ADOPTED:

YEAS: DeLong, Mitchell, Hill, Pohl, Showers, Stacey and Washburn

NAYS: None

STATE OF MICHIGAN

COUNTY OF CLINTON

I, DIANE ZUKER, Clerk of the County of Clinton do hereby certify that the foregoing resolution was duly adopted by the Clinton County Board of Commissioners at the regular meeting held August 25, 2015 and is on file in the records of this office.

Diane Zuker, Clinton County Clerk