

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 23-52

INTRODUCED BY: Mayor Antoskiewicz, Webber, Krejci, Dietrich

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT BY AND BETWEEN THE CITY OF NORTH ROYALTON AND COGECO US (OH), LLC DBA BREEZELINE, TO ALLOW COGECO US (OH), LLC DBA BREEZELINE TO USE A PORTION OF PPN 482-34-015, AND DECLARING AN EMERGENCY

WHEREAS: Ordinance 03-52 authorized the Mayor to enter into a Lease Agreement by and between the City of North Royalton and WideOpenWest Ohio, LLC which lease terminates on June 6, 2023; and

WHEREAS: Ordinance 14-143 amended Ordinance 03-52 with respect to Item 3, Base Rent in order to provide for free internet service at 8 city locations; and

WHEREAS: Additionally, Ordinance 23-19 amended Ordinance 03-52 granting formal consent to the assignment of the agreement between the City of North Royalton and Wide Open West Ohio, LLC (WOW) to a newly designated provider Cogeco US (OH), LLC dba Breezeline; and

WHEREAS: The City of North Royalton is the owner of certain real property under PPN 482-34-015 on which property is situated the Police Department building and jail and a cell tower; and

WHEREAS: Cogeco US (OH), LLC dba Breezeline desires to continue to use a portion of said property and utilize its improvements and equipment necessary for its cable operations; and

WHEREAS: The Council of the City of North Royalton desires to enter into a Lease Agreement with Breezeline for said property; and

WHEREAS: It is therefore necessary to authorize the Mayor to enter into a Lease Agreement by and between the City of North Royalton and Cogeco US (OH), LLC dba Breezeline beginning June 7, 2023 for a term of 10 years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA COUNTY AND STATE OF OHIO, THAT:

Section 1. The Council of the City of North Royalton hereby authorizes the Mayor to enter into a Lease Agreement by and between the City of North Royalton and Cogeco US (OH), LLC dba Breezeline, pursuant to terms and conditions approved by the Director of Law and substantially similar to a copy of which is attached hereto as Exhibit A and incorporated as if fully rewritten.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that this Council deems it immediately necessary to enter into a Lease Agreement with the Cogeco US (OH), LLC dba Breezeline which will provide prompt benefits to the City.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Paul F. Marnecheck  
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz  
MAYOR

DATE PASSED: May 16, 2023

DATE APPROVED: May 16, 2023

ATTEST: /s/ Dana A. Schroeder  
DIRECTOR OF LEGISLATIVE SERVICES

First reading April 18, 2023  
Second reading May 2, 2023  
Third reading May 16, 2023  
Amended May 16, 2023

YEAS: Marnecheck, Nickell, Barath, Krejci,  
Webber

NAYS: none

ABSENT: Dietrich, Wos