

AN ORDINANCE APPROVING A MUNICIPAL TAX SETTLEMENT AGREEMENT
BETWEEN THE CITY OF RICHMOND HEIGHTS, MISSOURI AND T-MOBILE.

WHEREAS, the City of Richmond Heights, Missouri (the “Plaintiff”) is either a named plaintiff or a putative class member in a lawsuit to recover unpaid Business License Taxes (as defined in the Settlement Agreement described below), which lawsuit is styled *City of University City, Missouri, et al. v. AT&T Wireless, Services, Inc., et al.*, No. 01-CC-004454, and is pending in the Circuit Court of St. Louis County, Missouri (the “Lawsuit”); and

WHEREAS, the Plaintiff and T-Mobile (as defined in the Settlement Agreement) wish to avoid the expense and uncertainty of continued litigation and desire to settle their dispute(s) without further litigation; and

WHEREAS, a settlement agreement settling the Lawsuit was signed by the named plaintiffs (as class representatives) and T-Mobile, and was filed with and preliminarily approved by the Circuit Court of St. Louis County on June 28, 2010 (the “Settlement Agreement”); and

WHEREAS, the Plaintiff and T-Mobile have conducted an investigation and evaluation of the facts and the law relating to the claims in the Lawsuit and believe that the Settlement Agreement is fair, reasonable, adequate and in the best interest of all the parties; and

WHEREAS, pursuant to the Settlement Agreement, the Plaintiff has received a Notice of T-Mobile Class Action Settlement and Approval Hearing, incorporated herein by reference, and a T-Mobile Municipal Tax Settlement Claim Form, incorporated herein by reference, which identify the settlement proceeds that will be paid to the Plaintiff pursuant to the Settlement Agreement after the Settlement Agreement becomes Final (as defined in the Settlement Agreement); and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. The City of Richmond Heights, Missouri hereby approves, accepts, and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the City of Richmond Heights, Missouri and T-Mobile, as if the City of Richmond Heights, Missouri was an original signatory thereto.

SECTION 2. The City of Richmond Heights, Missouri further approves the payment(s) totaling \$77,610.06 actually paid, plus protest and escrow payments to be released to the shown on the T-Mobile Municipal Tax Settlement Claim Form, along with the other relief provided in the Settlement Agreement, as adequate consideration for the release of claims by the City of Richmond Heights, Missouri against T-Mobile as provided for in the Settlement Agreement.

SECTION 3. The City of Richmond Heights, Missouri, reserves the right to conclude settlement agreements with other wireless telecommunications service providers in the Lawsuit depending upon the circumstances of each case.

SECTION 4. This Ordinance shall be in full force and effect after passage and approval as required by law.

PASSED and SIGNED this 16th day of August, 2010.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: August 2, 2010
Second reading: August 16, 2010