

IN THE VILLAGE OF CENTERTOWN, MISSOURI

BILL NO. 008-002

ORDINANCE NO. 122

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT BETWEEN THE VILLAGE OF CENTERTOWN, MISSOURI, AND AT & T MOBILITY

WHEREAS, the Village of Centertown, Missouri (the "Plaintiff") is either a named plaintiff or a putative class member in a lawsuit to recover Business License Taxes (as defined in the settlement agreement described below), which lawsuit is styled *City of Unioversity 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 AT & T Mobility (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, the settlement agreement settling the Lawsuit was signed by the named plaintiffs (as class representatives) and AT & T Mobility, and was filed with and preliminarily approved by the Circuit Court of St. Louis County, Missouri on October 30, 2007 (the "Settlement Agreement"); and

WHEREAS, the Plaintiff and AT & T Mobility 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 parties; and

WHEREAS, pursuant to the Settlement Agreement, the Plaintiff has received a Notice of Class Action Settlement and Approval Hearing, incorporated herein by reference, and a AT & T Mobility Municipal Tax Settlement Claim Form, incorporated herein by reference, which identify the Total Past Tax Consideration (as defined in the Settlement Agreement) that will be paid and released to the Plaintiff pursuant to the Settlement Agreement after the Settlement Agreement becomes Final (as defined in the Settlement Agreement); and

WHEREAS, the Plaintiff desires to approve and accept the Settlement Agreement and the Total Past Tax Consideration ;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CENTERTOWN, MISSOURI AS FOLLOWS:

Section One. The Village of Centertown, Missouri hereby approves, accepts, and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the Village of Centertown, Missouri and AT & T Mobility, as if the Village of Centertown, Missouri was an original signatory thereto.

Section Two. The Village of Centertown, Missouri further approves the Total Past Tax Consideration of **\$ 4903.82** as shown on the AT & T Mobility 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 Village of Centertown, Missouri, against AT & T Mobility as provided for in the Settlement Agreement.

Section Three. The Chairman of the Board of Trustees of the Village of Centertown, Missouri, on behalf of the Plaintiff, is hereby authorized and directed to execute the AT & T Mobility Municipal Tax Settlement Claim Form and any other documents necessary under the Settlement Agreement.

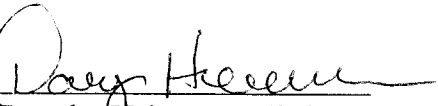
Section Four. The Village of Centertown, Missouri reserves the right to conclude settlement agreements with other wireless communications service providers in the Lawsuit depending upon the circumstances of each case.

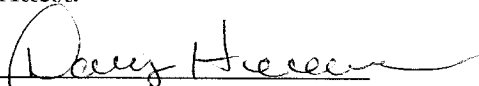
Section Five. This Ordinance shall be in full force and effect upon approval and passage.

FIRST READING HELD THIS 8th DAY OF January, 2008

SECOND READING AND FINAL PASSAGE THIS 8th DAY OF January, 2008 BY THE FOLLOWING ROLL CALL VOTE:

	<u>Aye</u>	<u>Nay</u>
Mr. Scott Call	<u>aye</u>	_____
Mr. Kenneth Farris	<u>absent</u>	_____
Mr. Douglas Heineman	<u>aye</u>	_____
Mr. Curt Holzer	<u>aye</u>	_____
Mr. William McClure	<u>aye</u>	_____


Douglas Heineman, Chairman
Centertown Board of Trustees

Attest:

Village of Centertown Clerk