

**AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH AT & T MOBILITY AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT PROCEEDS TO THE ST. LOUIS COUNTY MUNICIPAL LEAGUE**

**WHEREAS**, the City of Chesterfield, 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 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**, a 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 on December 7, 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 the 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 and further desires to assign a portion of the proceeds to the St. Louis County Municipal League as provided therein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:**

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

**Section Two.** The City of Chesterfield, Missouri further approves the Total Past Tax Consideration of \$ 925,048.77 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 City of Chesterfield, Missouri against AT & T Mobility as provided for in the Settlement Agreement.

**Section Three.** The City of Chesterfield, Missouri further assigns to the St. Louis County Municipal League \$ 46,252.44 of its Total Past Tax Consideration, which amount shall be used for the public purpose of reimbursing the League for revenues expended in its legislative and settlement efforts relating to the Lawsuit and to fund future services performed on behalf of the League's member municipalities.

**Section Four.** The City Administrator of the City of Chesterfield, 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.

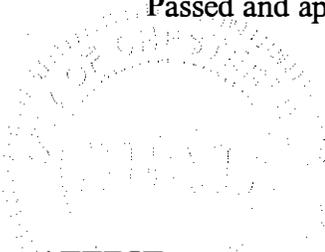
**Section Five.** The City of Chesterfield, Missouri, reserves the right to conclude settlement agreements with other wireless telecommunications service providers in the Lawsuit depending upon the circumstances of each case.

**Section Six.** This Ordinance shall be in full force and effect after passage and approval as required by law.

Passed and approved this 7<sup>th</sup> day of JANUARY, 2008.

  
MAYOR

ATTEST:

  
  
CITY CLERK

FIRST READING HELD: 1/7/08