

AN ORDINANCE

BY: MR. EPLEY

NO. 4800

AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND LEASE AGREEMENT WITH NEW PAR D/B/A VERIZON WIRELESS FOR THE CONSTRUCTION OF A CELLULAR SERVICE TOWER ON CITY-OWNED PROPERTY.

WHEREAS, the city of Oakwood owns certain real estate commonly known as Irving Field, consisting of a small athletic field, driveway, parking lot, and ancillary land, which is located on Irving Avenue in the city of Dayton and is more particularly described in Deed Microfiche Nos. 79-163 C07 and 81-276 D06 ("City Property"); and

WHEREAS, New Par d/b/a Verizon Wireless wishes to lease a 20' by 40' portion of the City Property for the construction of a cellular telephone service tower and control building, as well as access and utility rights of way appurtenant to that use; and

WHEREAS, Council has reviewed the proposed lease agreement and has determined that it will not adversely affect the use of Irving Field for its intended purposes, and will benefit the city and its residents by enhancing city revenues, improving local cellular telephone reception, and providing a location for possible future installation of city facilities; and

WHEREAS, the City Attorney has reviewed the proposed lease agreement and has approved the same as to its form and correctness;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Based on the foregoing recitals, City Council hereby determines that the best interests of the city and its residents will be served by entering into a land lease agreement with New Par d/b/a Verizon Wireless.

SECTION II.

Consistent with Section 3.01 of the Charter, the adoption of this ordinance shall, and hereby does, authorize and direct the City Manager to execute a land lease agreement with New Par d/b/a Verizon Wireless, and to execute such other documents as may be necessary to carry out its intent and purpose.

SECTION III.

The adoption of this ordinance shall, and hereby does, authorize the City Manager or his designee(s) to seek any zoning or other approvals that may be required from the city of Dayton in connection with the land lease agreement with New Par d/b/a Verizon Wireless.

SECTION IV.

This ordinance shall be and remain in force from and after the earliest period allowed by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 9th day of February, 2015.



Mayor William D. Duncan

ATTEST:



Clerk of Council

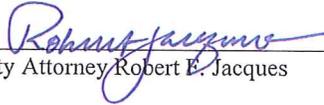
TO THE CLERK:

Please publish one (1) time in the following summary form:

LEGAL NOTICE

Ordinance No. 4800 of the Council of the City of Oakwood, Ohio, was passed on the 9th day of February, 2015. Said Ordinance was adopted to authorize the City Manager to enter into a land lease agreement with New Par d/b/a Verizon Wireless for the use of city-owned property located in the City of Dayton.

LORI STACEL, CLERK OF COUNCIL



City Attorney Robert E. Jacques

CERTIFICATE OF PUBLICATION

I, Lori Stacel, Clerk of the Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of Ordinance No. 4800 was duly published in the Oakwood Register, a newspaper of general circulation in the City of Oakwood, and that said publication occurred on the following date:

February 11, 2015
(Date)



Lori Stacel, Clerk of Council