

PASSED: April 13, 2020
BY: Hattenbach

ORDINANCE NO. 2020-9

ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE MANAGER TO
NEGOTIATE AND EXECUTE THE FIRST AMENDMENT TO LEASE
AGREEMENT FOR LEASE OF A PORTION OF REAL PROPERTY AND
DECLARING AN EMERGENCY

WHEREAS, Amberley Village is the owner of certain unimproved real property located at 8601 Ridge Road;

WHEREAS, Amberley Village and Cincinnati Bell Wireless, LLC, the predecessor in interest to American Towers, LLC, entered into a Lease Agreement on November 24, 1999 pursuant to which American Towers, LLC currently leases a portion of the property referred to above for use of a cell phone tower;

WHEREAS, Amberley Village has received an offer from American Towers, LLC to amend the terms of the Lease to extend its terms and to modify said Lease more particularly described in the First Amendment to Lease Agreement attached hereto as Exhibit "A";

WHEREAS, the Village Council has determined it is in the best interests of the Village to enter into said Agreement to benefit the citizens of Amberley Village by increasing revenue received from the property and to promote the economic welfare of Amberley Village;

NOW THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

SECTION 1: The Amberley Village Council hereby authorizes and directs the Village Manager to negotiate and execute the First Amendment to Lease Agreement substantially in the form of the Agreement attached hereto as Exhibit "A" and incorporated herein by reference, conditioned on approval of the Agreement by the Village Solicitor.

SECTION 2: The Village Manager is authorized to negotiate and enter into any agreements and take such actions as may be necessary and appropriate in furtherance of completing the Agreement.

SECTION 3: This Ordinance is approved by at least two-thirds of members of the Village Council pursuant to Village Code § 39.01.

SECTION 4: This Ordinance is hereby declared to be an emergency measure

for the immediate preservation of the public peace, health and safety, and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to execute the Agreement at the earliest possible date in order to comply with the terms of said Agreement and any delays in this process could result in a lost opportunity to increase the increased revenues received from the property.

Passed this 13th day of April, 2020.

Mayor Thomas C. Muething

Attest:

Tammy Reasoner, Clerk of Council

Ordinance Vote:

Moved: Hattenbach Seconded: Warren

Muething	Aye
Wolf	Aye
Bardach	Aye
Conway	Aye
Hattenbach	Aye
Kamine	Aye
Warren	Aye

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of April, 2020, the foregoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Tammy Reasoner, Clerk of Council