

ORDINANCE 2014-03

AN ORDINANCE AUTHORIZING THE LEASE OF SPACE ON THE MUNICIPAL WATER TANK AND TOWER LOCATED AT 105 WEST 5TH STREET, PECATONICA, TO GALAXY ONE MARKETING, INC. FOR THE PURPOSE OF THE OPERATION OF THAT CORPORATION'S 4G WIRELESS BROADBAND SERVICE

WHEREAS, the Village of Pecatonica, Illinois, ("Village") is title holder to certain real estate located within the Village limits, commonly known as 105 West 5th Street, Pecatonica, the location of which is more fully described in Exhibit "A" attached hereto and incorporated herein by reference, and on said real estate has constructed and maintained a water tower and tank for the public benefit of the citizens of the Village; and

WHEREAS, Galaxy One Marketing, Inc. ("Galaxy One") is an Illinois corporation and has warranted that it has the authority to lease real estate and personal property from a unit of local government pursuant; and

WHEREAS, the corporate authorities of the Village are vested with the authority to lease the subject space pursuant to 65 ILCS 5/11-76-1 et seq., of the Illinois Municipal Code; and

WHEREAS, Galaxy One provides state of the art wireless broadband services to the citizens of the Village of Pecatonica and the surrounding area; and

WHEREAS, in support of its services to the surrounding community, Galaxy One utilizes "broadband equipment" requiring placement of an antenna on an elevated platform; and

WHEREAS, the municipal water tower and tank owned by the Village provides adequate space and elevation for the aforementioned "broadband equipment"; and

WHEREAS, the corporate authorities of the Village have determined it is in the best interests of the citizens of the Village to lease space on the municipal water tank and tower to Galaxy One for the purpose of placing equipment for said "broadband system".

NOW, WHEREFORE, BE IT ORDAINED by the President and Board of Trustees for the Village of Pecatonica, Illinois, as follows:

Section 1. That pursuant to the powers provided by 65 ILCS 5/11-76-1 et seq., the Village of Pecatonica does hereby lease the property described in the “Tower Lease”, attached hereto as Exhibit “A”, and incorporated herein by reference, pursuant to the terms and conditions stated therein, for a period of five (5) years or for the useful life of said Tower as determined by the corporate authorities, whichever period is less.

Section 2. That upon receiving the aforementioned Tower Lease executed by the Galaxy One Marketing, Inc., the Village President is hereby authorized to execute said lease and any and all other documents that are required to effectuate the terms thereof.

Section 3. This Ordinance shall be in full force and effect from and after its approval, passage, and publication in pamphlet form.

PASSED by the Village Board this ____ day of _____, 2014.

APPROVED by the President of the Village Board this ____ day of _____, 2014.

Daniel Barber
President of the Board of Trustees of
the Village of Pecatonica, IL

ATTEST:

Dana Ryall, Village Clerk

Ayes:____ Nays:____ Absent:____