

ORDINANCE NO. 2015-51

AN ORDINANCE APPROVING THE COLORADO OPTION AND STRUCTURE LEASE AGREEMENT BETWEEN THE TOWN OF CASTLE ROCK AND NEW CINGULAR WIRELESS, aka AT&T MOBILITY FOR A PERSONAL WIRELESS FACILITY TO BE LOCATED AT 472 NORTH RIDGE ROAD

WHEREAS, the Town of Castle Rock is the owner of certain real property located at 472 Ridge Road, Castle Rock, Colorado (“Town Property”); and

WHEREAS, New Cingular Wireless, wishes to enter into an option and lease agreement for the use of the Town Property for the installation of wireless antennas on a stealth monopole, an equipment shelter and related appurtenances; and

WHEREAS, the parties have agreed to the terms and conditions set forth in the Colorado Option and Structure Lease Agreement.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Approval and Authorization. The Colorado Option and Structure Lease Agreement in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the lease by and on behalf of the Town of Castle Rock, Colorado.

Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 3rd day of November, 2015, by the Town Council of the Town of Castle Rock by a vote of 5 for and 0 against.

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 17th day of November, 2015, by the Town Council of the Town of Castle Rock by a vote of _____ for and _____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Mark Marlowe, Utilities Director