

**TOWN OF AKRON
ORDINANCE NO. 557**

AN ORDINANCE OF THE TOWN OF AKRON APPROVING AN OPTION AGREEMENT
FOR PERMANENT EASEMENT IN FAVOR OF NE COLORADO CELLULAR INC., d/b/a VIAERO
WIRELESS, A COLORADO CORPORATION

WHEREAS, the Town of Akron ("Town") has the authority pursuant to Colorado Revised Statutes §§31-15-101(d), and 31-15-713(b), to sell or dispose of real property owned by the Town and not held for governmental purposes upon such terms and conditions as the Board of Trustees may determine; and

WHEREAS, the Board of Trustees of the Town has heretofore determined and does determine that it is desirable for the Town grant NE Colorado Cellular Inc., d/b/a Viaero Wireless, a Colorado corporation ("Viaero") an option for a permanent easement on the real property described in Exhibit A ("Property");

WHEREAS, the Board has also heretofore determined and does determine that such option should be made upon the terms and condition set forth in the Option Agreement for Permanent Easement attached hereto as Exhibit B ("Option").

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees for the Town of Akron, Colorado:

Section 1. Ratification. All action (not inconsistent with the provisions of this Ordinance) heretofore taken by the Board directed toward Town's entry into the Option for the purposes stated in the recitals be, and the same hereby are, ratified, approved and confirmed.

Section 2. Findings. The Board hereby finds and determines pursuant to the Constitution and laws of the State of Colorado, that granting the option, under all the terms and provisions set forth in the Option is necessary, convenient and in furtherance of the purposes of the Town and is in the best interests of the Town. The Board further finds that the real property interest granted in the Option and is not being held by the Town for any governmental purpose.

Section 3. Approval; Signatures. The Option, in substantially the form presented to this meeting of the Board, are in all respects approved, authorized and confirmed and the Mayor and Town Clerk/Administrator are authorized and directed to affix their signatures to the Option on behalf of the Town. In accordance with the provisions of the Option, the Mayor is also hereby authorized to execute and deliver on behalf of the Town such certificates, tax information, returns and other documents as may be necessary or desirable to complete the transaction as herein contemplated.

Section 4. Authorized Town Representative. The Board hereby determines that the authorized representative to act as liaison between the Town and Viaero with respect to the Option, shall be Brittani Kusel the Town's Mayor, or any person who holds said office during the term of the Option.

Section 5. Savings Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 6. Non-Repealer. All orders, resolutions or parts thereof, inconsistent with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such

inconsistency. This repealer shall not be construed to revive any by-law, order or resolution, or part thereof.

Section 7. The Board of Trustees finds, determines, and declares that this Ordinance is necessary to the immediate preservation of the public peace, health, and safety in the Town of Akron, Colorado. Therefore, this Ordinance shall take effect upon adoption.

The foregoing Ordinance was presented by Trustee Derek Glosson who moved its adoption. The motion was seconded by Trustee Jacque Hayes and upon roll call vote of 6 yes and 0 no, the motion was approved.

BRITTANI KUSEL
Mayor

[S E A L]

ATTEST:

DENCIA RAISH, CMC
Town Clerk/Administrator

First Reading: April 1, 2019
Second Reading: May 6, 2019
Adopted this May 6, 2019

EXHIBIT A
TO ORDINANCE NO. 557

The East 30 feet of Lot 12, Block 9, First Addition to the Town of Akron, Colorado.

County of Washington
State of Colorado

**EXHIBIT B
TO ORDINANCE NO. _____**

Option

SIGNED OPTIONAL AGREEMENT BY TOWN AND VIAERO

See Attached