

RESOLUTION NO. 025-13

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENTER INTO A CONTRACT WITH DEFIANCE HOLDINGS LLC
(METALINK) FOR THE LEASING OF SPACE ON THE CITY OF
NAPOLEON'S WATER TOWER; AND DECLARING AN
EMERGENCY**

WHEREAS, the City of Napoleon does, from time to time, lease space on its water towers for telecommunications purposes; and,

WHEREAS, the City is now desirous of leasing space on the North Tower to Defiance Holdings LLC (MetaLink) in exchange for lease payments; Now Therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON,
OHIO:**

Section 1. That, the City Manager is authorized to enter into a contract with Defiance Holdings LLC (MetaLink) for the lease of space on the City's water towers for telecommunications purposes.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.


Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible to enter into the contract and to start to receive payments upon the lease terms which would effect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: June 17, 2013


John A. Helberg, Council President

Approved: June 17, 2013


Ronald A. Behm, Mayor

VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

Attest:



Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 025-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director