

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 20-24**

AN ORDINANCE APPROVING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, FOR THE USE OF A PORTION OF THAT CERTAIN REAL PROPERTY KNOWN AS 102 SCHOOL ROAD, ALSO KNOWN AS THE PUBLIC WORKS SHOP, FOR THE INSTALLATION AND MAINTENANCE OF CELLULAR TELECOMMUNICATIONS FACILITIES.

WHEREAS, under Colorado Revised Statutes ("C.R.S.") section 31-15-713, the Town has the authority to lease any real estate owned by the Town, together with the facilities thereon, when deemed by the Town Council to be in the best interests of the Town; and

WHEREAS, the Town Council finds that as result of the need for better cellular communications service within the Town, and of the fair return provided for the use of public property, it is in the best interests of the Town to approve the attached lease agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO THAT:

Section 1. Lease Agreement Authorized. The attached Communications Facility Lease Agreement ("Lease Agreement"), by and between the Town of Frisco and New Cingular Wireless PCS, LLC, is hereby approved. The Mayor and the Town Clerk are hereby authorized to execute the Lease Agreement, and any and all other documents that may be necessary to effectuate the terms thereof.

Section 2. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Safety Clause. The Town Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and/or welfare of the public, that this ordinance is necessary for the preservation of health and safety or for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effective Date. This ordinance shall take effect pursuant to the Home Rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED THIS 8TH DAY OF DECEMBER, 2020.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED THIS 12TH DAY OF JANUARY, 2021.

TOWN OF FRISCO, COLORADO

Hunter Mortensen, Mayor

Attest:

Deborah Wohlmuth, CMC, Town Clerk