

**VILLAGE OF FOREST VIEW
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 19-07

**AN ORDINANCE AUTHORIZING A WATER TOWER LEASE AGREEMENT
WITH CHICAGO SMSA LIMITED PARTNERSHIP D/B/A VERIZON
WIRELESS**

**PASSED AND APPROVED BY
THE PRESIDENT AND BOARD
OF TRUSTEES OF THE
VILLAGE OF FOREST VIEW,
COOK COUNTY, ILLINOIS, this
12th day of March, 2019.**

**Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Forest View, Cook
County, Illinois, this 12th
day of March, 2019.**

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WHEREAS, Chicago SMSA Limited Partnership d/b/a Verizon Wireless, an Illinois limited partnership (hereinafter designated “LESSEE”), has submitted a proposal to lease space on the Village water tower located at 6726 W. 51st Street, Forest View, together with approximately 450 square feet of land space at said location, for the purpose of installing, maintaining and operating a wireless communications facility on the premises, including an equipment platform, generator, utility wires, poles, cables, conduits, radios, antennas, associated equipment and pipes; and,

WHEREAS, the corporate authorities of the Village of Forest View are of the opinion that the premises described in the Water Tower Lease Agreement (a copy of which is attached hereto and made a part hereof as Exhibit 1) are not needed for street, alley or other public purposes of the Village and that the public interest will be served by leasing such space pursuant to said Water Tower Lease Agreement; and,

WHEREAS, the Village of Forest View is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village of Forest View has authority as a home rule unit under the Illinois Constitution of 1970 and under Division 75 of the Illinois Municipal Code (65

ILCS 5/11-75-1. *et seq.*) to lease space above and around buildings located on Village property that is not needed for the public purposes of the Village for terms up to ninety-nine (99) years; and,

WHEREAS, the corporate authorities of the Village of Forest View have determined that it is in the best interests of the Village that the Village enter into the Water Tower Lease Agreement attached hereto and made a part hereof leasing the premises described therein to LESSEE under the terms, conditions and covenants set forth in the Water Tower Lease Agreement for an initial term of five (5) years with options for LESSEE to renew said lease for up to two (2) additional five (5) year terms as provided therein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FOREST VIEW, COOK COUNTY, ILLINOIS IN THE EXERCISE OF THE VILLAGE'S HOME RULE POWERS, as follows:

SECTION 1: That the President and Village Clerk of the Village of Forest View be and they are hereby authorized and directed to respectively execute and attest the Water Tower Lease Agreement by and between the Village of Forest View as LESSOR and Chicago SMSA Limited Partnership d/b/a Verizon Wireless, an Illinois limited partnership, as LESSEE, attached hereto and made a part hereof as Exhibit 1.

SECTION 2: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law,

or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Forest View that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED BY THE FOLLOWING ROLL CALL VOTE this 12th day of March, 2019.

AYES: Trustees Grossi, Figueroa, Miller, Stimach, Kirchgatterer

NAYS: None

ABSENT: Trustee Hubacek

APPROVED this 12th day of March, 2019.

Lawrence Powell
Village President

ATTEST:

Joy M. Conklin
Village Clerk

EXHIBIT 1

WATER TOWER LEASE AGREEMENT