

ORDINANCE NO. _____

AN ORDINANCE APPROVING A LEASE OF THE NORTH MAIN STREET WATER TOWER TO BELWAVE COMMUNICATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Mansfield is authorized to lease property for municipal purposes and to contract with other persons by the Texas Local Government Code; and

WHEREAS, internet services are necessary for several municipal purposes which are the responsibility of the City of Mansfield; and

WHEREAS, the City of Mansfield has determined that provision of internet by use of wireless devices mounted at raised elevations within the City is the most efficient means available; and

WHEREAS, the City of Mansfield has agreed to lease the Leased Premises (as defined in the attached Mansfield North Main St. Water Tower Lease attached as Exhibit A1, and the City of Mansfield Service Agreement attached as Exhibit A2, hereafter the “BelWave Agreement”) to BelWave Communications, Inc., on the terms and conditions set forth in the attached BelWave Agreement; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1

Pursuant to Section 3.13 of the City’s Charter, the City authorizes the lease of the North Main Street Water Tower Site in accordance with the BelWave Agreement and the North Main Street Water Tower Lease attached as Exhibit A1.

SECTION 2

The City Manager of the City of Mansfield, Texas, is hereby authorized and empowered to execute the Mansfield North Main St. Water Tower Lease and all other documents necessary to complete the transaction.

SECTION 4

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the _____ day of _____, 2019.

Second reading approved on the _____ day of _____, 2019.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2019.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney