



VILLAGE OF CORRALES

RESOLUTION NO. 10-024

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN OPTION AND LEASE AGREEMENT FOR THE LEASE OF REAL PROPERTY OWNED BY THE VILLAGE, BEING A PORTION OF THE SITE CONTAINING THE VILLAGE OFFICES, TO GRAVITY PAD TOWERS, L.L.C. FOR THE PURPOSE OF ERECTING A COMMUNICATION FACILITY; AFFIRMING THAT THE LEASED PROPERTY HAS A VALUE LESS THAN \$25,000; APPROVING THE FORM OF THE OPTION AND LEASE AGREEMENT; AUTHORIZING THE MAYOR TO ENTER INTO THE OPTION AND LEASE AGREEMENT AND TO EXECUTE FURTHER DOCUMENTS AND TO PERFORM OTHER ACTIONS APPROPRIATE AND NECESSARY TO COMPLETE THE LEASE OF THE PROPERTY IN ACCORDANCE WITH THIS RESOLUTION; AND AUTHORIZING SUCH OTHER ADMINISTRATIVE ACTIONS AS ARE REASONABLY NECESSARY AND APPROPRIATE TO EFFECT THE PURPOSES OF THE OPTION AND LEASE AGREEMENT.

WHEREAS, the communications facility consisting of a tower and antennas presently located adjacent to and east of the Village Offices of the Village of Corrales (the "Village") is in poor repair and is less than optimal for the purposes of providing cellular telephone reception and emergency communications in the Village; and

WHEREAS, Gravity Pad Towers, LLC ("Lessee"), a New Mexico limited liability company, has entered into negotiations with the Village with the intent of entering into an agreement to provide for the erection of a new communications facility (tower) by Lessee, to replace the existing structure; and

WHEREAS, in consideration of the Village entering into an option and lease agreement providing that Lessee may erect a replacement communications facility on the site and lease space on the communications facility for equipment for the transmission and reception of communications signals; and

WHEREAS, pursuant to the terms of the proposed option and lease agreement the Village's present lease agreement with T-Mobile Communications will, with the concurrence of all parties, terminate or be assigned to Lessee and future payments otherwise due under such lease will be paid to the Village by Lessee; and

WHEREAS, the Village Council, the governing body of the Village (the “Governing Body”) finds that the proposed communications facility will enhance telecommunications, including emergency communications, in the Village; and

WHEREAS, the Village has need of a supplemental water storage tank, separate from the existing water tank supplying water to Village Hall and other Village-owned facilities, to permit the treatment by chlorination of the domestic water supply to such facilities without the need for treatment of all water stored in the present storage tank, which is used both for domestic supply and for other uses not requiring treatment; and

WHEREAS, in consideration of the Village’s agreement to lease to Lessee the site upon which to erect the proposed new communications facility, Lessee will acquire and erect a 5,000-gallon water storage tank for the storage of treated water to be used at the aforementioned Village-owned facilities; and

WHEREAS, Lessee has applied for and obtained approval of an amended site development plan for the subject property pursuant to which Lessee may construct, erect and maintain the proposed new communications facility, subject to the terms of the amended site development plan and certain other conditions imposed by the Village’s planning and zoning commission; and

WHEREAS, on the basis of the Land Appraisal Report for the Village property containing the lease premises, prepared by Craig Martin and Larry Griffis, dated April 16, 2010, it appears that the value of the property to be leased is less than twenty-five thousand dollars (\$25,000); and

WHEREAS, the proposed option and lease agreement provides that, during the lease term, the Village will accrue revenues from the lease as described in the said agreement and the attachments and exhibits thereto; and

WHEREAS, the Governing Body determines that it is in the best interest of the Village and its residents that the Village enter into the proposed option and lease agreement for the purpose of improving telecommunications in the Village and providing other benefits to the Village as herein set forth.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Village of Corrales, New Mexico, that:

1. The Governing Body finds and determines that the proposed option and lease agreement, as presented to the Governing Body concurrently with this Resolution, is in the best interests of the Village and its residents and that the Village should enter into the proposed option and lease agreement with the Lessee.

2. The Governing Body finds and determines that the value of the premises to be leased by the Village to Lessee under the terms of the proposed option and lease agreement is less than twenty-five thousand dollars (\$25,000).

3. The Mayor and Village Clerk are authorized to execute and deliver the proposed option and lease agreement, in the form presented to the Governing Body, with such corrections and technical amendments thereto as may be authorized by the Mayor and Village Clerk, with the approval of the Village Attorney.

4. The Mayor on behalf of the Village is authorized to undertake such actions and to enter into such further agreements and execute such documents as may be reasonably appropriate and necessary to complete the transactions contemplated in the option and lease agreement, including but not limited to the removal of the existing communications facility, the erection by Lessee of a new communications facility, the transfer of the Village's interest in its existing agreement with T-Mobile to the Lessee in accordance with the option and lease agreement, and the construction and connection of the proposed water storage tank for the use of the Village.


5. The term of the option and lease shall be for a period not to exceed a total of twenty-seven (27) years.

6. Severability Clause. If any section, paragraph, clause or provision of this Resolution 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 Resolution.

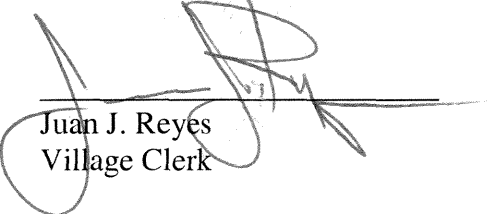
7. Repealer Clause. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 27th day of April, 2010.

APPROVED:


The Honorable Philip Gasteyer
Mayor

ATTEST:


Juan J. Reyes
Village Clerk