

**TOWN OF OPHIR
ORDINANCE NO. 2000-2**

**ADEPHIA LEASE - AUTHORIZING A FIVE YEAR LAND LEASE WITH ADEPHIA
CABLE COMPANY**

WHEREAS the General Assembly desires to lease land owned or controlled by the Town of Ophir to Adeptia Cable Company for the provision of cable TV service; and,

WHEREAS C.R.S. §31-15-101(1)(d) authorizes municipalities to lease real property and C.R.S. §31-15-713(1)(c) requires such leases to be approved by Ordinance; and,

WHEREAS the Board of General Assembly finds that authorization of this Lease will promote the welfare of the Ophir Community by facilitating the provision of cable TV services;

NOW THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR the following:

Section 1. Authorization of Land Lease. The General Assembly hereby approved the Lease attached hereto this Ordinance and authorizes the Mayor, Town Clerk, and Town Attorney to execute this Lease between the Town and Adeptia.

Section 2. Effective Date. This ordinance shall be effective thirty (30) days after approval on second reading.

READ, MOVED AND APPROVED ON FIRST READING ON THE _____ DAY OF _____, 2000. MOVED, SECONDED AND FINALLY PASSED ON SECOND AND FINAL READING ON THE _____ DAY OF _____, 2000.

TOWN OF OPHIR, COLORADO

BY: _____
David Glynn, Mayor

ATTEST: _____
Lawrence Van Hoey, Town Clerk

APPROVED AS TO FORM:

Eric James Heil, Town Attorney

LEASE AGREEMENT

This Lease Agreement ("Lease") is entered into between the Town of Ophir, a Colorado municipal corporation as Lessee ("Town") and Adeptia Cable Company ("Adeptia").

RECITALS

WHEREAS the Town of Ophir owns the lot where the Town hall is situated and controls the 1st Street Right of Way; and,

WHEREAS Town of Ophir had been leasing space in a portion of the Town Hall and desires to use such space; and,

WHEREAS Town and Adeptia desire to enter into a lease to allow Adeptia land to construct a shed for Cable TV equipment;

NOW, THEREFORE, in consideration of sufficient funds and mutual promises the Town and Adeptia agree as follows:

1. Town hereby agrees to lease a portion of land generally located on the east side of Town Hall to Adeptia, the exact size and location to be determined mutually by Adeptia and the Town Manager, and such lease shall allow the construction of an equipment shed for Cable TV service and shall allow access to such shed for service and maintenance.
2. The term of Lease shall run for five (5) years beginning on the 1st day of January, 2000, and end on the last day of December, 2004.
3. Adeptia agrees to pay Town an annual payment of one thousand two hundred dollars (\$1,200.00) on or before the first day of July of each year.
4. Adeptia agrees to indemnify the Town for any damage or injuries arising from construction, service, or maintenance of the equipment shed.
5. Town may terminate this Lease immediately in the event that Adeptia terminates the provision of cable TV service to the Town of Ophir.

UNDERSTOOD AND AGREED:

TOWN, LESSOR:

By: _____
David Glynn, Mayor

Date: _____

Attest: _____
Lawrence Van Hoey, Town Clerk

Approved as to Form: Eric James Heil, Town Attorney

ADEPHIA, LESSEE:

By: _____
[name, title]

Date: _____