

A RESOLUTION AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH TREE CITY 220 GROUP FOR DISPOSITION OF OBSOLETE COMMUNICATION TOWER FACILITIES AND DECLARING AN EMERGENCY

BE IT RESOLVED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That the Mayor and Finance Director be and they hereby are authorized and directed to enter into an agreement with Tree City 220 Group for disposition of obsolete communication tower equipment of the Village. A copy of which Agreement is attached hereto as Exhibit A and incorporated herein as fully set herein by reference.

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to facilitate removal of obsolete Village property; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: August 4, 1998

Michael J. Midgley
President of Council

Ronald L. Lassen
Mayor

Dated: 8/5/98

ATTEST.
Carol Gibson
Clerk of Council

AGREEMENT

This Agreement is by and between TREE CITY 220 GROUP, whose address is 212 North DePeyster Street, Kent, Ohio 44240 and the VILLAGE OF RICHFIELD, whose address is 4410 West Streetsboro Road, P. O. Box 387, Richfield, Ohio 44286-0387.

WHEREAS, the Village of Richfield has determined that its old communications tower is obsolete; and

WHEREAS, the Village of Richfield has dismantled the communication tower; and

WHEREAS, Tree City 220 Group is a Ham Radio Club; and

WHEREAS, Tree City 220 Group has offered to remove Richfield's old communication tower at no expense to the Village; and

WHEREAS, Ham Radio Clubs serve a public purpose in times of emergency; and

WHEREAS, the Village of Richfield wishes to encourage the operation of Ham Radio Clubs.

NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties:

1. The Village of Richfield hereby authorizes and permits Tree City 220 Group or its designee to come upon the Village of Richfield property to remove the old communications tower currently being stored behind the Village Hall.

2. Tree City 220 Group shall remove the communications tower in its "as is" condition.

The Village of Richfield makes no representations or warranties as to the tower or its condition for any particular use.

In acquiring products and obtaining labor and services from Richfield, the buyer of such goods and services, by his or her signature hereon, assents and agrees that all products are acquired "as is", RICHFIELD MAKES NO WARRANTIES, EITHER EXPRESS OR IMPLIED, AND SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTIES

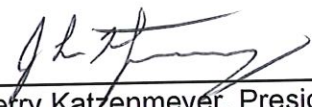
INCLUDING ANY IMPLIED WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Richfield shall not be liable under any circumstances for consequential or incidental damages arising out of, or in connection with, this Agreement.

3. Tree City 220 Group agrees to indemnify and hold harmless the Village of Richfield, its officials and residents from any and all claims, actions, causes of action which it may have now or in the future with respect to any activity pertaining to the entry onto the Village property, the removal of the old communications tower or any future use or utilization of the communication tower.

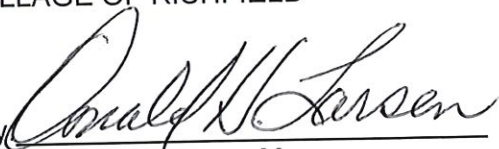
4. Notices sent under this Agreement shall be sent to Tree City 220 Group, c/o its President, Jerry Katzenmeyer, at 212 North DePeyster Street, Kent, Ohio 44240 and to the Village of Richfield at 4410 West Streetsboro Road, P. O. Box 387, Richfield, Ohio 44286-0387 Attn: Mayor.

IN WITNESS WHEREOF the parties have set their hands as of the date and place above written.

TREE CITY 220 GROUP

By: 
Jerry Katzenmeyer, President

VILLAGE OF RICHFIELD

By: 
Donald H. Larsen, Mayor

By: 
Eleanor Lukovics, Finance Director