

**AN ORDINANCE APPROVING A LEASE AGREEMENT WITH E-VERGENT.COM, LLC FOR  
WATER TOWER TELECOMMUNICATIONS INSTALLATIONS**

**WHEREAS**, the Village of Carpentersville is the record title owner of those certain parcels of real property located at 1400 South Kennedy Drive, 3000 Randall Road, and 2301 Silverstone Drive, all in Carpentersville, Illinois (collectively, the "**Parcels**"); and

**WHEREAS**, each of the Parcels is improved with a water tower (each a "**Tower**"); and

**WHEREAS**, the Village and E-Vergent.com, LLC ("**E-Vergent**") desire to enter into an agreement for the lease by the Village to E-Vergent of certain portions of each Parcel and Tower for an initial term of five years and up to four additional and consecutive five-year renewal terms ("**Agreement**"); and

**WHEREAS**, the President and Board of Trustees have determined that it will serve and be in the best interests of the Village to enter into the Agreement with E-Vergent;

**NOW, THEREFORE, BE IT ORDAINED** by the Village President and Board of Trustees of Carpentersville, Kane County, Illinois, as follows:

**SECTION 1: RECITALS.**

The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

**SECTION 2: APPROVAL OF AGREEMENT.**

The Agreement by and between the Village and E-Vergent is hereby approved in substantially the form attached to this Ordinance as **Exhibit A**, and in a final form to be approved by the Village Manager and the Village Attorney.

**SECTION 3: EXECUTION OF AGREEMENT.**

The Village Manager and the Village Clerk are hereby authorized and directed to execute and attest, on behalf of the Village, the Agreement upon receipt by the Village Clerk of at least one original copy of the Agreement executed by E-Vergent; provided, however, that if the executed copy of the Agreement is not received by the Village Clerk within 30 days after the effective date of this Ordinance, then this authority to execute and attest will, at the option of the President and Board of Trustees, be null and void.

**SECTION 4: EXERCISE OF HOME RULE AUTHORITY.**

The President and Board of Trustees hereby declare that the approval of the Agreement and the adoption of this Ordinance are made pursuant to the home rule authority and powers of the Village.

**SECTION 5: SEVERABILITY.**

If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

**SECTION 6: EFFECTIVE DATE.**

This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Motion made by Trustee Schultz, seconded by Trustee Sabbe, that the Ordinance be passed.

**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES** of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 1st day of August, 2017, pursuant to a roll call vote as follows:

AYES: 5 (Burroway, Lawrence, Rehberg, Sabbe, and Schultz)

NAYS: 0

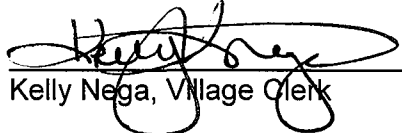
ABSENT: 1 (Humpfer)

APPROVED by me this 1st day of August, 2017.



  
John Skillman, Village President

ATTEST:

  
Kelly Nega, Village Clerk