

**ORDINANCE 1353-2011**

**AN ORDINANCE AUTHORIZING THE CITY OF COATESVILLE TO ENTER INTO A TWO (2) YEAR LEASE WITH RESPECT TO THE CITY'S OLD CCA GARAGE LOCATED AT 105 EAST DIAMOND STREET, COATESVILLE, PENNSYLVANIA (TAX PARCEL NO. 16-5-155 E ) TO WILSON WOOD, LLC FOR STORAGE PURPOSES AT A RATE OF \$1,000.00 PER MONTH AND OTHER MISCELLANEOUS TERMS**

WHEREAS, the City of Coatesville (hereinafter the "City") is a Third Class City operating by means of a Home Rule Charter and situate in Chester County, Pennsylvania; and

Whereas, the City is the owner of certain real property identified as the Old CCA Garage located at 105 East Diamond Street in the City of Coatesville (Tax Parcel No. 16-5-155E) which it desires to lease to Wilson Wood, LLC for storage purposes; and

WHEREAS, the City of Coatesville recognizes that the relevant provisions in the Third Class City code and the City Charter (Section 2301 of the Charter) requires that the City Council take action by means of enactment of an Ordinance in circumstances where the City is intending to purchase, convey, lease (or authorizes the purchase, conveyance or lease) of real property; and

WHEREAS, the City intends to lease the aforementioned garage located at 105 East Diamond Street to Wilson Wood, LLC for storage purposes for a two year period at a rental of \$1,000.00 per month, plus payment of utilities, trash, and snow removal and other terms more specifically set forth in the lease attached hereto as Exhibit "A" (including a 4 month rent abatement from the beginning of the lease term in exchange for the tenant repairing the property); and,

WHEREAS, the lease also sets forth that the property at issue is being rented on an "AS IS" basis with no warranties express or implied of any nature, and the lease must also include appropriate insurance coverage by the tenant for fire, damage and liability and must contain other relevant terms, including provision allowing for the use for storage by the City (subject to appropriate waivers by the City and insurance coverage by the City) until such time as the City is given thirty (30) days notice to remove currently stored items of the City stored in the garage.

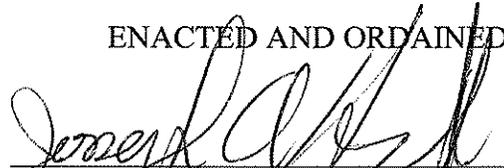
NOW THEREFORE, in consideration of the foregoing, it is hereby enacted and ordained as follows:

The City Council of the City of Coatesville authorizes the City Manager, or other authorized party, to execute a two year lease of 105 E. Diamond Street (Tax Parcel No. 16-5-155E) to Wilson Wood, LLC in terms substantially the same as those identified in the lease attached hereto as Exhibit "A".

If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

This Ordinance shall be effective thirty (30) days after publication following final adoption in accordance with the City Charter and the Third-Class City Code.

ENACTED AND ORDAINED this 25<sup>th</sup> day of April, 2011.

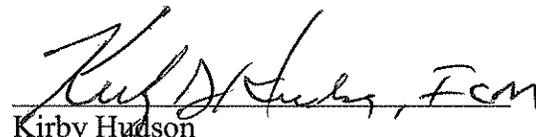
  
Joseph Hamrick, Vice President  
City Council

ATTEST:

  
Kirby Hudson  
Interim City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 11<sup>th</sup> day of April, 2011, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 25<sup>th</sup> day of April, 2011, that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.

  
Kirby Hudson  
Interim City Manager