

ORDINANCE NO. 2009-09

AN ORDINANCE TO APPROVE AN AGREEMENT BY AND BETWEEN THE TOWN OF MYERSVILLE AND THE MYERSVILLE VOLUNTEER FIRE COMPANY, INC. WHICH WILL PROVIDE FOR THE JOINT USE AND OCCUPANCY OF THE IMPROVED REAL PROPERTY LOCATED AT 301 MAIN STREET, MYERSVILLE; TO SET FORTH THE TERMS AND CONDITIONS UNDER WHICH EACH PARTY WILL USE AND OCCUPY THAT PROPERTY; TO PROVIDE FOR THE MANNER IN WHICH THE COSTS OF THE PROPERTY AND IMPROVEMENTS WILL BE SHARED AND REIMBURSED BY AND BETWEEN THE PARTIES; TO PROVIDE FOR THE MANNER IN WHICH REPAIRS TO THE PROPERTY WILL BE UNDERTAKEN AND FUNDED; TO PROVIDE FOR THE PAYMENT OF INSURANCE AND UTILITIES FOR THE PROPERTY; TO PROVIDE FOR OTHER MATTERS PERTINENT TO THE USE AND OCCUPANCY OF THE PROPERTY; TO AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT AND TO TAKE SUCH OTHER ACTIONS AS MAY BE NECESSARY TO COMPLETE AND FINALIZE THE AGREEMENT.

WHEREAS, The Myersville Volunteer Fire Company, Inc. ("the Fire Company") is the owner of improved real estate located within the Town of Myersville, Maryland at 301 Main Street, Myersville, Maryland ("the Property"); and

WHEREAS, Improvements on the Property consist of a 38,000 square foot building and other amenities ("the Improvements"), and the Improvements are used by both the Fire Company and the Town for various purposes and functions, including, but not limited to, the Town Municipal Center and Town Hall, a Fire and Rescue Station, a banquet hall, a community center, kitchen, meeting rooms, and office space for other governmental and community operations, and

WHEREAS, the construction of the Improvements were funded, in part, through the issuance by the Town of a \$3,382,900.00 Town of Myersville Infrastructure Bond, through funds obtained by the Town through the issuance of a Line of Credit in favor of the Town, and through contributions from both the Town and the Fire Department from their respective cash reserves; and

WHEREAS, the Town has been occupying a portion of the Property pursuant to a written lease dated April 9, 2002; however, the parties entered into that lease with the understanding that

they would supplement and more fully state their respective rights and obligations with regard to the Property and the Improvements thereon with a subsequent written Agreement; and

WHEREAS, the Town and the Fire Department have been negotiating the terms and conditions of a formal agreement relating to the use and occupancy of the Property and the Improvements and have come to an agreement with regard to the terms and conditions of that formal agreement. The Agreement is attached hereto as "Exhibit A".

NOW, THEREFORE, BE IT RESOLVED, ORDAINED AND ENACTED by the Town of Myersville, Maryland that the Agreement, a copy of which is attached hereto as Exhibit A, is hereby approved, and the Mayor shall be authorized to execute said Agreement on behalf of the Town of Myersville and to take such other administrative measures as may be necessary to formalize and complete the transaction embodied by the Agreement.

This Ordinance shall become effective twenty (20) days from the date of its enactment.

INTRODUCED on the 1st day of December, 2009.

ENACTED AND APPROVED this 8th day of December, 2009.

by a vote of 4 for, 0 against, 0 absent and 1 abstaining.

ATTEST:

**MAYOR AND COUNCIL OF THE
TOWN OF MYERSVILLE**

Kathy Gaver
Kathy Gaver, Town Clerk

By: Wayne S. Creadick, Jr. (SEAL)
Wayne S. Creadick, Jr., Mayor