

RESOLUTION NO. R-2012-24

A RESOLUTION GRANTING A LICENSE TO THE WINDHAM HISTORICAL SOCIETY TO ERECT A FLAG POLE AND ASSOCIATED MONUMENT REFLECTING THE HISTORICAL CHARACTER OF THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY

WHEREAS, the Village Council has received an overture from the Village of Windham Historical Society requesting the use of Village property to erect a flag pole, monument, benches and associated items, all of which are designed to memorialize the historic nature of the Village of Windham community; and

WHEREAS, the Council of the Village of Windham has determined that the request should be granted and hereby desire to issue a license to allow the Windham Historical Society to pursue their project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Windham, Portage County, Ohio two thirds or more of its members elected thereto concurring that:

Section One: A license is granted to the Village of Windham Historical Society in substantial conformity with the document set forth as Exhibit "A", attached hereto and incorporated herein by reference.

Section Two: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Section Three: This Resolution is declared to be an emergency measure, effect immediately upon passage by Council and approval by the Mayor, necessary to protect the health, safety, morals and general welfare of the community, and for the further reason that the Village of Windham desires to accommodate the request of the Village of Windham Historical Society to begin planning and design work on the monument proposed by the Historical Society at the earliest possible opportunity.

First reading: July 24, 2012

Second reading: August 29, 2012

Third reading: September 25, 2012

Vote of Council: Ayes: Ms. Blewitt, Mr. Snyder, Mrs. Miranda, Mrs. Barrett, Mr. Garrett

Nays: None.

ATTEST:

APPROVED:

Fiscal Officer, Lloyd Billman

Robert Donham, Mayor

APPROVED AS TO FORM:

Village Solicitor, Thomas Reitz

Resolution R-2012-24

Exhibit "A"

LICENSE AGREEMENT

This Agreement is made this _____ day of September, 2012, by and between the Village of Windham, hereinafter called the Licensor, and the Windham Historical Society (Bicentennial Committee?), hereinafter called the Licensee.

RECITALS

The Licensor is the owner of the property described in the attached Exhibit "A" (hereinafter the Property) and the Licensee desires to exercise certain rights and privileges on the above described property.

It is agreed as follows:

Licensor hereby grants to the Licensee the right to erect a flag pole and associated benches or monuments associated with the history of the Village of Windham on the above described Property.

The specifics of the flag pole and associated benches or monuments shall be set forth on a site plan or plans submitted first to the Windham Village Planning Commission and further subject to the advance review and approval of the Windham Village Council.

The Licensee shall be solely responsible for the maintenance of the flag pole and associated benches or monuments it constructs.

Licensee shall indemnify and hold Licensor harmless from any damages due to injury to person or property from any cause which may occur on said premises or arise from the use of said premises for the foregoing purposes. The condition of this License is such that the Licensor shall have the right to require that the Licensee provide public liability insurance on the property, in an amount and character determined by the Licensor, naming the Licensor as an insured or additional insured.

This License is personal to the Licensee. It is non-assignable, and any attempt to assign this license will terminate the license privileges granted to Licensee.

This agreement is terminable by either party at will by the giving of actual written notice to the other party.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

The Village of Windham (Licensor)

Robert W. Donham, Mayor

Lloyd Billman, Fiscal Officer

Windham Historical Society (Licensee)
