

A RESOLUTION AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A PERMANENT NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AGREEMENT WITH THE CITY OF CLEVELAND FOR THE CONSTRUCTION, INSTALLATION, AND OPERATION OF A PUMPING STATION FACILITY; AND DECLARING AN EMERGENCY

WHEREAS, the City of Cleveland (“City”) operates and maintains a water utility and system (“System”) which services the Village and surrounding communities; and

WHEREAS, the City desires to enhance the service capabilities of the System by creating a new pumping district in the Village (the “Project”); and

WHEREAS, the Village owns real property identified as Permanent Parcel Number 50-02352, which is comprised of approximately 29 acres of land (“Village Service Department Property”); and

WHEREAS, the City has agreed to construct, operate, and maintain a pumping station facility on the Village Service Department Property; and

WHEREAS, the City requires permanent access to the Village Service Department Property in order to maintain, operate, repair, replace, and/or upgrade the pumping station and associated facilities to be located thereupon; and

WHEREAS, this Council desires to authorize the Mayor and Director of Finance to enter into a Permanent, Non-Exclusive Access and Utility Easement Agreement with the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:


SECTION 1. The Mayor and Director of Finance be, and they hereby are, authorized and directed to enter into a Permanent Non-Exclusive Access and Utility Easement Agreement with the City of Cleveland, substantially in accordance with the Agreement on file with the Village’s Service Director, which is incorporated fully herein by reference, subject to final approval of the Director of Law.


SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.


SECTION 3. 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 the improvements to the water utility and system which services the Village; wherefore, provided this Resolution receives the affirmative vote of two-thirds of 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: 5-15-18

  
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President of Council

  
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Mayor

ATTEST:  
  
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Clerk of Council

Dated: 5-15-18