

ORDINANCE NO. 14-16

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH COLUMBIA GAS FOR RELOCATION OF THEIR PIPELINE LOCATED ALONG CHESTER ROAD (PROJECT K) AND DECLARING AN EMERGENCY

WHEREAS, economic development along Chester Road between State Route 83 and Jaycox Road is rapidly increasing; and

WHEREAS, said development is placing great demands on the City's current infrastructure in this area; and

WHEREAS, to get ahead of the curve, the City and a majority of the property owners in the area are moving forward with plans to improve the current public infrastructure so as to handle the increased traffic volume, sanitary sewer and water demands of the future; and

WHEREAS, as part of these planned improvements, Columbia Gas will be required to relocate approximately 3000 lineal feet of high pressure gasline; and

WHEREAS, before beginning that project, Columbia and the City desire to enter into a Pipeline Relocation and Reimbursement Agreement to cover a portion of the cost of this undertaking; and

WHEREAS, Council has had an opportunity to review said agreement and finds it to be fair and reasonable and deems it to be in the best interest of the health, safety and welfare of the citizens of Avon to enter into said agreement with Columbia Gas.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That Council hereby authorizes the Mayor to enter a "Pipeline Relocation and Reimbursement Agreement" with Columbia Gas to cover the cost of relocation of pipeline along approximately 3,000 lineal feet of Chester Road between Cabela's and Jaycox Road in substantially the form as set forth in the attached Exhibit A which is incorporated herein by reference.

Section 2 - The Mayor and President of Council are hereby authorized to sign said agreement on behalf of the City.

Section 3 – Payment for said services to be provided under the terms of this Agreement shall be made from the Chester Road Voluntary Special Assessment Project Fund No. 426 per directives of the Finance Director. Council authorizes the Finance Director to expend funds in amounts needed to meet the obligations incurred under the terms thereof.

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Section 4 - That it is found and determined that all formal actions of this Council concerning and relating to the passage 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, including Section 121.22 of the Ohio Revised Code.

Section 5 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to authorize the Mayor to enter into an Agreement with Columbia Gas for the relocation of pipeline along Chester Road to enable construction of public improvements in this area to begin at the earliest possible date; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director