

# ORDINANCE NO. 7539

## AN ORDINANCE AUTHORIZING THE PURCHASE OF LAND AND IMPROVEMENTS AND DECLARING AN EMERGENCY

WHEREAS, assessments of the water distribution system have repeatedly identified replacement of the Ottawa Avenue elevated water storage tank as an urgent priority; and,

WHEREAS, relocation of the storage facility will require large expenditures to install transmission mains connecting any newly established tower site to the existing distribution system; and,

WHEREAS, the aforesaid costs may be avoided by erection of a replacement water storage tower on land immediately adjacent to the existing tower site; and,

WHEREAS, the City is currently incurring significant costs to rent storage facilities that may be avoided by acquisition of suitable warehouse space; and,

WHEREAS, David C. Stephens has offered to convey a portion of Lot D in and of Greenler's Addition to East Defiance identified by Auditor's Permanent Parcel Number B014148001000 and comprised of 1.19 acres located immediately adjacent to the existing Ottawa Avenue water storage tower to the municipality for \$80,000.00; and,

WHEREAS, the aforesaid grounds are improved by a commercial warehouse suitable for municipal use and of adequate size to significantly reduce the need to rent storage space;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is authorized to purchase the land and improvements identified by Auditor's Permanent Parcel Number B014148001000 at a cost of \$80,000.00 and to pay all transactional costs incident to such purchase including, without limitation: surveyor's fees, attorney's fees, title insurance premiums, conveyance fees and Recorder's fees. All agreements pertaining to the proposed purchase heretofore made by the City Administrator subject to Council approval are, hereby, ratified and confirmed. .

Section 2: The Finance Director is authorized to pay one half of the purchase price from 2013 budget line 403-901-5-2-963.000 and the remainder from 2013 budget line 591-537-5-2-980.880 and the additional sum of \$40,000 is appropriated for expenditure from each of the aforesaid budget lines for that purpose.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that immediate acceptance of the offer is necessary to secure the land at the agreed upon price. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: October 8, 2013

Tim Holtsberry  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: October 8, 2013

Bob Armstrong  
Mayor

# Ordinance No. 7540

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH RK HYDRO-VAC, INC. TO SERVICE RAPID SAND FILTERS AT THE WATER TREATMENT WORKS AND DECLARING AN EMERGENCY

WHEREAS, The Water Treatment Works established a program to refurbish two rapid sand filters per year in calendar years 2012, 2013 and 2014; and,

WHEREAS, Bids were solicited to perform the work scheduled for 2013 and the \$46,937.00 proposal submitted by RK Hydro-Vac, Inc. was determined to be the lowest responsive bid; and,

WHEREAS, RK Hydro-Vac is a responsible bidder and satisfactorily performed like-kind services for the municipality in 2012;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is authorized to award a contract to RK Hydro-Vac, Inc. to remove the filter media from two rapid sand filters, clean and refurbish the evacuated filter tanks and replace the filter media on the terms and conditions of service and in accordance with the plans and materials specifications established by the accepted bid.

Section 2: The Finance Director is authorized to pay the bid price of the authorized contract and such contingent expenses as may be incurred in accordance with the terms of the solicitation from appropriated Capital Improvement Funds allocated to the Water Division by line 591-537-5-2-980.880 of the 2013 annual budget.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that immediate replacement of the filter media is necessary to maintain compliance with Safe Drinking Water Act requirements. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: October 8, 2013

Tim Holtsberry  
President of Council

Votes in Favor of Adoption: 7  
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: October 8, 2013

Bob Armstrong  
Mayor

# Ordinance No. 7541

## AN ORDINANCE AUTHORIZING THE PURCHASE OF LAND

WHEREAS, by Resolution 2443, Council accepted a grant of Federal Flood Hazard Mitigation Program Assistance funds to acquire developed lands within the flood plain, demolish structures located thereon and preserve the lands for public use; and,

WHEREAS, Resolution 2443 designated Maumee Valley Planning Organization as the City's agent to administer the grant funds on the municipality's behalf and in accordance with all Federal and State program guidelines and regulatory requirements; and,

WHEREAS, on September 20, 2013, Maumee Valley Planning Organization negotiated a purchase agreement with James Wagner and Leslie Wagner pertaining to land located at 205 Auglaize Street and identified by Auditor's Permanent Parcel Number B01-4142-0046-00; and,

WHEREAS, ratification of the contract and acceptance of title to lands described therein must be confirmed by Ordinance;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The proposed Purchase Agreement pertaining to lands identified by Auditor's Permanent Parcel Number B01-4142-0046-00 now on file in the office of the Law Director and is approved, ratified and confirmed. Municipal officials are authorized to perform such acts as may be appropriate to the performance of the municipality's obligations in accordance with the terms of the approved contract and applicable program guidelines.

Section 2: The Law Director is authorized to accept and record the deed to be delivered pursuant to the approved contract.

Section 3: The Finance Director is authorized to pay the contract purchase price of \$44,500.00 and all transactional expenses as they are incurred in accordance with program guidelines from appropriately budgeted program funds.

Section 4: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 5: This Ordinance shall be effective on the earliest date permitted by law.

Passed: October 8, 2013

Tim Holtsberry  
President of Council

Attest: Lisa Elders, Clerk

Approved: October 8, 2013

Bob Armstrong  
Mayor