

Ordinance No. 7501
**AN ORDINANCE AUTHORIZING THE PURCHASE OF A FORD
F-250 PICK-UP TRUCK AND DECLARING AN EMERGENCY**

WHEREAS, Ordinance 7477 authorized the purchase of two Chevrolet Silverado 2500 pick-up trucks through the Ohio Department of Administrative Services Co-Operative Purchasing Program for use by the Division of Streets; and,

WHEREAS, White-Allen Chevrolet has informed the City Administrator that only one of the specified pick-up trucks is presently available and that delayed delivery of the second unit cannot be arranged because General Motors has ceased production of the designated model; and,

WHEREAS, Mark Moats Ford submitted the next lowest bid to supply vehicles conforming to the specifications of the January, 2013, solicitation and has confirmed that one vehicle can be obtained at the previously bid price; and,

WHEREAS, the Law Director has determined that no breach of contract or other legal action is available against White-Allen Chevrolet for failure to deliver one of the two units ordered pursuant to the authority of Ordinance 7477;

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

Section 1: The City Administrator is directed to confirm the purchase of one Chevrolet Silverado 2500 pick-up truck from White-Allen Chevrolet and delivery of the specified vehicle shall constitute in full satisfaction of all contractual obligations of White-Allen Chevrolet arising under the purchase order authorized by Ordinance 7477.

Section 2: The City Administrator is authorized to purchase one Ford F-250 pick-up truck conforming to the specifications detailed in the Mark Moats Ford proposal dated January 13, 2013, from Mark Moats Ford at the quoted price of \$28,545.75.

Section 3: The Finance Director is authorized to pay the authorized purchase prices from 2013 budgetary line 591-538-5-2-945000.

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 or in Executive Session duly convened in accordance with law.

Section 5: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that resolution of any possible dispute with White-Allen Chevrolet is required to secure delivery of one needed vehicle at the lowest possible cost and prompt placement of an order with Mark Moats Ford is required assure the availability of the desired vehicle. 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: April 30 _____, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders _____, Clerk

Approved: April 30 _____, 2013

Bob Armstrong
Mayor

RESOLUTION No. 2444
**A RESOLUTION DIRECTING THE SUSPENSION OF MUNICIPAL
WATER AND SEWER SERVICE TO ALL LANDS LOCATED OUTSIDE
THE MUNICIPAL CORPORATION LIMITS THAT MAY FEASIBLY BE
ANNEXED TO THE MUNICIPALITY**

WHEREAS, Ordinances of long standing generally prohibit the extension of water and sewer mains beyond the corporation limits; and,

WHEREAS, The purpose of the aforesaid Ordinances is to require annexation prior to land development that is dependent on access to municipal utilities; and,

WHEREAS, By various Ordinances, Council has authorized the extension of specifically designated water and sewer mains to facilitate development of lands that were not then adjacent to the municipal corporation on condition that the lands benefitted by access to municipal utility services be annexed to the municipality when feasible; and,

WHEREAS, A review of utility records has tentatively identified 13 unincorporated areas that are proximate to the municipal corporation line and contain properties served by municipal utilities; and,

WHEREAS, Council finds that the existence of these unincorporated areas in close proximity to the municipal boundary prevents growth of the municipality, stifles economic development, hampers traffic and criminal law enforcement and endangers public safety by creating unnecessary confusion about jurisdictional responsibilities in the event of fire, motor vehicle accident and medical emergency; and,

WHEREAS, The Ohio Supreme Court has upheld the authority of a municipality to discontinue extraterritorial utility services upon refusal of the owner of benefitted lands to annex when requested to do so;

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

Section 1: Council reaffirms the long standing policy of the City of Defiance to require the annexation of all lands benefitted by access to and use of municipal utility services.

Section 2: The City Administrator is directed to:

- a) identify the owners of every unincorporated parcel of land that is presently connected to the municipal water distribution or sewage collection system and adjacent to the municipal boundary or contiguous with other unincorporated lands that are similarly served and collectively adjacent to the municipal boundary.
- b) notify each identified owner that annexation of the property will be required to maintain utility services and the date on which service will be discontinued unless annexation proceedings have been commenced;

Section 3: The notice to be issued in accordance with Section 2 shall grant the recipient not less than 45 nor more than 90 days within which to commence annexation proceedings prior to suspension of utility services. The City Administrator shall determine the amount of time reasonably required to commence proceedings based on the size of the territory to be annexed and number of individual property owners within the territory. The City Administrator may extend the date by which annexation is required for cause but shall, in all events, require commencement of proceedings within 150 days from the date on which the initial notice is mailed.

Section 4: The City Administrator shall suspend all utility services to any property presently receiving such service on the date specified in the notice mailed in accordance with Section 2, or such later date as may be established in accordance with Section 3, of this Resolution. Discontinued services shall not be reinstated prior to completion of all proceedings and acceptance of the annexed territory.

Section 5: It is found and determined that all legislative actions pertaining to the adoption of this Resolution 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 6: This Resolution shall be effective on the earliest date permitted by law.

Passed: April 30 _____, 2013

Tim Holtsberry _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: April 30 _____, 2013

Bob Armstrong _____
Mayor