

Ordinance No. 7611

AN ORDINANCE AUTHORIZING THE SALE OF 1.907 ACRES OF LAND WITHOUT COMPETITIVE BIDS AND AT A PRICE OF \$2,500 PER ACRE

WHEREAS, The City acquired acreage for construction of the municipal water reservoir and a later survey of neighboring lands performed at the behest of the neighboring property owner disclosed that a driveway and other appurtenances serving the adjacent property may encroach on the municipality's land; and,

WHEREAS, The date of construction of the driveway and related appurtenances cannot be reliably determined; and,

WHEREAS, Uncertainty about the age of the encroaching appurtenances renders the marketability of the City's title to lands occupied by those facilities subject to doubt notwithstanding the surveyor's conclusion that the constructions extend beyond the property line of the adjacent property; and,

WHEREAS, The land on which the driveway and other constructions are located is not necessary to any present or foreseeable future municipal use of the reservoir grounds; and,

WHEREAS, it is in the best interest of the municipality to amicably resolve any potential boundary dispute and the adjoining landowner has offered to purchase all rights the City may have or claim to have in the land occupied by the appurtenances; and,

WHEREAS, Council finds that the offered price of \$2,500.00 per acre is acceptable as it is consistent with the County Auditor's valuation of neighboring lands;

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

Section 1: The City Administrator is authorized to sell 1.907 acres of land described by the survey dated July 20, 2009, as approved for transfer without plat by the City Planning Commission on August 10, 2009, to Jonathan Wolfrum, et. al., for \$4,767.50. Conveyance shall be made by Quit Claim Deed prepared by the City Law Director. Delivery and acceptance of the purchase price shall extinguish all claims the City may have against Jonathan Wolfrum and all predecessors in title predicated on occupancy of the land described by the survey. Delivery and acceptance of the deed shall constitute an Accord and Satisfaction extinguishing all claims Jonathan Wolfrum may have to ownership of additional lands to which the City holds title of record.

Section 2: 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 3: This Ordinance shall be effective on the earliest date permitted by law.

Passed: April 22 _____, 2014

Mike McCann

President of Council

Attest: Lisa Elders _____, Clerk

Approved: April 22 _____, 2014

Bob Armstrong

Mayor

ORDINANCE NO. 7612

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH SCHIMMOELLER CONSTRUCTION FOR IMPROVEMENTS TO THE WATER TREATMENT WORKS AND DECLARING AN EMERGENCY

WHEREAS, The Water Division has proposed to achieve compliance with regulatory requirements limiting TTHM contamination of finished water by aeration of the water during production and at various storage locations; and,

WHEREAS, Aeration of water within the clear wells located on the premises of the treatment works is a critical component of the TTHM reduction strategy; and,

WHEREAS, A suitable enclosure must be constructed to house equipment to supply forced air to the clear wells before the needed equipment can be accepted for delivery; and,

WHEREAS, the City Administrator solicited quotations from area contractors to undertake the work and Schimmoeller Construction of Kalida, Ohio, submitted the lowest cost proposal;

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

Section 1: The City Administrator is authorized to contract with Schimmoeller Construction to erect an equipment shed conforming to the plans and specifications on file and at a cost of \$16,899.00 as proposed by the quotation accepted on April 4, 2014.

Section 2: The Finance Director is authorized to pay costs arising under the authorized contract from Line 591-537-5-2-980.880 of the 2014 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 preserve the health, safety or welfare of the community for the reason that increased aeration of potable water is necessary to achieve compliance with Safe Drinking Water standards necessitating that the installation be completed as soon as is practicable to minimize known risks to human health. 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 22 _____, 2014

Mike McCann _____
President of Council

Votes in Favor of Adoption: 7 _____

Votes Opposed to Adoption: 0 _____

Attest: Lisa Elders _____, Clerk

Approved: April 22 _____, 2014

Bob Armstrong _____
Mayor