

ORDINANCE NO. 7816

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PROCURE CONSTRUCTION SERVICES AND MATERIALS AND DECLARING AN EMERGENCY

WHEREAS, connection of the Carpenter Road and North Clinton Street water mains by installation of a main within the right of way of Elliott Road is necessary to improve circulation, inhibit TTHM formation and provide more reliable service; and,

WHEREAS, the City Administrator recommends that the Elliott Road main be installed by City forces in accordance with designs and material specifications now on file in the office of the City Engineer; and,

WHEREAS, the 2016 annual budget allocated funds for the purchase of the construction services and materials required to undertake the work; and,

WHEREAS, none of the anticipated purchases are expected to require the expenditure of \$50,000;

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

Section 1: The designs and material specifications pertaining to the proposed Elliott Road distribution main now on file in the office of the City Engineer are approved.

Section 2: The City Administrator is authorized to procure construction services and materials necessary to proper execution of the design approved by Section 1. Purchases pursuant to this Section shall be authorized in accordance with applicable requirements of Codified Ordinance §151.03 but shall not require additional legislative authorization pursuant to Codified Ordinance §151.02.

Section 3: The Finance Director is authorized to pay costs incurred pursuant to the authority of Section 2 from line 591-538-5-2-980.880 of the 2016 annual budget.

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 is declared to be an emergency measure necessary to the health, safety and welfare of the community for the reason that installation of the Elliott Road water main during the 2016 construction season is a necessary prerequisite to scheduled reconstruction of Elliott Road in 2017 and orders for the purchase of materials authorized by this Ordinance must be immediately placed to assure delivery prior to the commencement of construction. 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: May 10 _____, 2016

Michael Ketcham

President of Council

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

Attest: Lisa Elders _____, Clerk

Approved: May 10 _____, 2016

Michael McCann

Mayor

ORDINANCE NO. 7817

AN ORDINANCE AUTHORIZING THE PURCHASE OF LAND, APPROPRIATING FUNDS FOR THAT PURPOSE AND DECLARING AN EMERGENCY

WHEREAS, significant reductions in operational cost can be achieved by consolidating personnel and equipment employed by the Department of Service and Safety to provide for the operation and maintenance of streets, parks, water distribution and cemetery facilities; and,

WHEREAS, over the past several years, Council has conscientiously accumulated moneys in the Street Construction, Maintenance and Repair Fund to enable eventual construction of a facility to house such activities at a single site in order to achieve the operational cost savings made possible by the consolidation of operations; and,

WHEREAS, a building and grounds formerly occupied by Koester Metals, Inc., is available for immediate purchase at a price substantially below the cost that would be incurred to construct such a facility; and,

WHEREAS, City officials have received and reviewed the Phase I Environmental Site Assessment, evaluated the condition of the building and grounds and negotiated an acceptable price for the real estate, fixtures, improvements and included personalty;

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 premises located at 1441 Quality Drive, Defiance, Ohio, consisting of 3.247 acres of land identified by the Defiance County Auditor as Parcels B012107000200 and B012109000200 and comprised of a part of Lot 149 and the entirety of Lots 146, 147, 148, 183, 184, 185, 186, 187, 188 and 223 in and of the First Addition to West Defiance, together with all fixtures, improvements and personalty located thereon at a price of \$350,000.00.

Section 2: The Finance Director is authorized to pay the purchase price from Line 204-446-5-2-980-880 of the 2016 annual budget and the sum of \$350,000.00 is hereby appropriated from the Street Construction, Maintenance and Repair Fund 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 preserve the health, safety or welfare of the community for the reason that immediate execution of a purchase contract is necessary to prevent litigation between the owner of the premises and secured creditors that would jeopardize consummation of the sale on the negotiated terms. 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: May 10 _____, 2016

Michael Ketcham

President of Council

Votes in Favor of Adoption: 7 _____

Votes Opposed to Adoption: 0 _____

Attest: Lisa Elders _____, Clerk

Approved: May 10 _____, 2016

Michael McCann

Mayor

ORDINANCE NO. 7818

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONVEY LAND TO THE DEFIANCE COUNTY COMMUNITY IMPROVEMENT CORPORATION AND DECLARING AN EMERGENCY

WHEREAS, the municipality owns surplus lands fronted by Latchaw Drive and West High Street; and,

WHEREAS, the municipality has caused the acreage to be surveyed in anticipation of future sale to potential employers on terms and conditions consistent with established economic development program requirements; and,

WHEREAS, the Defiance County Community Improvement Corporation received a proposal for development of "Latchaw Drive--Parcel 1" and a contingent proposal for the development of "Latchaw Drive--Parcel 2", the substance of which were accepted by passage of Ordinance 7796, on February 23, 2016; and,

WHEREAS, the Defiance County Community Improvement Corporation has received an acceptable proposal to develop all remaining municipally-owned lands fronted by Latchaw Drive;

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

Section 1: The City Administrator is authorized to convey all lands encompassed by the perimeter boundary of the municipally-owned acreage described by the September, 2014, survey by Garcia Surveyor's Inc. to the Defiance County Community Improvement Corporation. Conveyance of title shall be effected by delivery of one or more General Warranty Deeds. The number of deeds employed and time at which each is delivered shall be determined by the Community Improvement Corporation to suit the convenience of each project. All deeds authorized by this Ordinance shall conform to applicable statutory requirements and be approved by the City Law Director prior to delivery. Each instrument shall convey title to the lands therein described subject to all liens and encumbrances identified by the "Commitment for Title Insurance" issued by Stewart Title Guarantee Company on 29 December, 2014.

Section 2: No purchase price or other monetary consideration shall be required, paid or received to support the transfer of title to public lands authorized by Section 1 from the municipality to the Defiance County Community Improvement Corporation acting as the municipality's statutory agent for development of the parcel conveyed.

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 preserve the health, safety or welfare of the community for the reason that anticipated conveyance of the parcel by the Defiance County Community Improvement Corporation to the intended developer requires that title be vested in the Defiance County Community Improvement Corporation in less than 30 days. 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: May 10 _____, 2016

Michael Ketcham

President of Council

Votes in Favor of Adoption: 7 _____

Votes Opposed to Adoption: 0 _____

Attest: Lisa Elders _____, Clerk

Approved: May 10 _____, 2016

Michael McCann

Mayor