

# ORDINANCE NO. 7814

## AN ORDINANCE AUTHORIZING THE FILING OF AN APPLICATION FOR TRANSPORTATION ALTERNATIVE PROGRAM FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Transportation has announced its intention to replace the Clinton Street Bridge crossing the Maumee River; and,

WHEREAS, the City will be responsible for costs incurred to enhance the appearance of the structure and to adapt the bridge for recreational and other uses that are not essential to achievement of ODOT's primary transportation objectives; and,

WHEREAS, the City of Defiance and Defiance County submitted a joint proposal to incorporate the replacement bridge into an alternative transportation project that will provide aesthetic and recreational improvements to the Bridge, provide a corridor for bicycle and pedestrian traffic between the Bridge and Independence Dam State Park, provide public recreational amenities along the north bank of the Maumee River in furtherance of the long term strategic plan to improve water quality and reduce flood losses by creating an integrated system of parks on the banks of the Maumee, Auglaize and Tiffin rivers, stabilize the north bank of the Maumee River and, by so doing, potentially reduce the cost to eliminate undesirable discharges from the combined sewer system; and,

WHEREAS, the anticipated cost of the alternative transportation facility is \$3,000,000, of which \$1,700,000 is allocated to improvements to be located within the present boundaries of the municipality; and

WHEREAS, the proposed "Defiance County Road 424 Bike Lanes Project" is eligible for Federal assistance through the Transportation Alternative Program; and,

WHEREAS, the Ohio Department of Transportation has invited the City and County to submit a joint application for Transportation Alternative Program funds to pay up to 95% of the anticipated cost to construct the proposed "Defiance County Road 424 Bike Lanes Project";

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

Section 1: Application Authorized: The City Administrator is authorized to file an application with the Ohio Department of Transportation seeking an award of Transportation Alternative Program funds for the Defiance County Road 424 Bike Lane Project. Said application shall be filed jointly with Defiance County and shall allocate \$1,700,000 of the anticipated \$3,000,000 construction cost to the municipality.

Section 2: Cooperation Statement: The City will participate in the project in the following manner:

A. The City will pay 5% of total construction costs allocated to the municipality, an amount presently estimated to be \$85,000, ( $\$1,700,000 \times .05$ );

B. The City will pay 100% of project costs allocated to the municipality that exceed the maximum amount provided by the Ohio Department of Transportation.

Section 3: Utilities and Right-of-Way Statement: The City agrees that all right-of-way required for the described project will be acquired or made available in accordance with applicable State and Federal regulations. The City understands that right-of-way costs include eligible utility costs and agrees that all utility accommodations, relocations and reimbursements will comply with 23 CFR 65 and the ODOT Utilities Manual.

Section 4: Maintenance Statement: Upon completion of the project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for all project improvements now or hereafter located within the corporate limits of the municipality in accordance with applicable State and Federal laws including, without limitation, 23 U.S.C. §116; (2) make ample financial provision for the maintenance of all project components now or hereafter located within the municipality; (3) maintain all portions of the right-of-way subject to municipal jurisdiction free of obstructions; and (4) hold all right-of-way subject to municipal jurisdiction inviolate for public use.

Section 5: Authority to Sign: The City Administrator is hereby empowered to enter into and execute such agreements with the Director of Transportation as may be necessary or appropriate to complete the above described project.

Section 6: 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 7: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that the authorized application must be filed with the Ohio Department of Transportation on or before May 16, 2016, to receive consideration. 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 3, 2016      Michael Ketcham

President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 9, 2016      Michael McCann

Mayor

# Ordinance No. 7815

## AN ORDINANCE ESTABLISHING PERMANENT ZONING OF LANDS NEWLY ANNEXED TO THE CITY

Whereas, Ordinance 7784 accepted the annexation of 1.736 acres of land located in Section 19, Richland Township, Defiance County, Ohio, to the City of Defiance; and,

Whereas, Planning Commission recommended that all lands annexed by Ordinance 77784 be permanently Zoned B-3, Highway and General Business to conform municipal zoning to the established use of all developed lands within the territory; and,

Whereas, On March 22, 2016, Council conducted a Public Hearing to review and consider the recommendation of the Planning Commission as required by statute and no objections were raised to the proposed zoning district designation; and,

Whereas, Council concurs with the recommendation of the Planning Commission; and,

Whereas, Council finds that the recommended zoning is sufficiently compatible with land uses permitted by township zoning of neighboring properties as to not require the establishment of a buffer zone;

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

Section 1: All lands annexed to the City of Defiance by Ordinance 7784 are Zoned B-3, Highway and General Business.

Section 2: The Zoning Commissioner is directed to make all changes to the District Map required to implement this Ordinance.

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 shall be effective on the earliest date permitted by law.

Passed: May 3 \_\_\_\_\_, 2016

Michael Ketcham  
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President of Council

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: May 9 \_\_\_\_\_, 2016

Michael McCann  
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Mayor