

# Ordinance No. 8071

## **AN ORDINANCE VACATING AN ALLEY IN THE COLBY, LINDENBERGER'S, AND DEATRICK'S ADDITION IN THE AUDITOR'S PLAT OF LOTS BETWEEN THE MAUMEE AND AUGLAIZE RIVERS**

**WHEREAS**, the City received a petition to vacate the alley at 719 Linden Street between Lots Three (3) and Four (4) of the Subdivision of Lots Numbered Twenty (20) to Twenty-nine (29), inclusive, in Colby, Lindenberger's, and Deatrick's Addition and of Lot Forty-nine (49), Auditor's Plat of Lots Between the Maumee and Auglaize Rivers; and,

**WHEREAS**, the City Planning Commission recommended vacation of the alley at the October 15, 2018 meeting; and,

**WHEREAS**, the City has never developed or paved the subject alley; and,

**WHEREAS**, no public or private entity has installed utilities on the alley; and,

**WHEREAS**, Council finds that there is good cause for vacating the alley and that the requested vacation will not be detrimental to the public interest pursuant to Section 905.19(a) of the Codified Ordinances of Defiance, Ohio;

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

**Section 1:** The Southwest to Northeast alley lying between Lots Three (3) and Four (4) of the Subdivision of Lots Numbered Twenty (20) to Twenty-nine (29), inclusive, in Colby, Lindenberger's, and Deatrick's Addition and of Lot Forty-nine (49) of the Auditor's Plat of Lots between the Maumee and Auglaize Rivers, as more fully described and depicted by the plat and legal description now on file in the office of the Law Director, is hereby vacated.

**Section 2:** The Law Director is directed to record a copy of this Ordinance to document the vacation of all public rights of way lying between these parcels.

**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 shall be effective on the earliest date permitted by law.

Passed: October 23 \_\_\_\_\_, 2018      David McMaster \_\_\_\_\_  
President of Council

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

Approved: October 23 \_\_\_\_\_, 2018      Michael McCann \_\_\_\_\_  
Mayor

# Ordinance No. 8072

## AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL TIME OVERFLOW DETECTION SYSTEM MODELING UPDATES AND DECLARING AN EMERGENCY

**WHEREAS**, the City is in the middle of negotiations with the Ohio Environmental Protection Agency (“OEPA”) on a Long Term Control Plan; and,

**WHEREAS**, Council approved the acquisition of data collection equipment from EmNet, LLC for the monitoring of combined sewer overflows (“CSOs”) in Ordinance No. 7903 on April 4, 2017; and,

**WHEREAS**, Council approved the acquisition of additional overflow detection equipment in Ordinance No. 7977 on January 9, 2018; and,

**WHEREAS**, workflow management software updates for this equipment will improve the ability of the City to monitor the amount of CSOs and their duration; and,

**WHEREAS**, Council finds that modeling updates to this system support the infrastructure pillar of the Defiance Community Strategic Plan by providing more accurate readings of CSOs, thus enabling the City to submit more favorable reports to the OEPA;

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

**Section 1:** The City Administrator is directed to enter into a contract with EmNet, LLC for overflow detection system modeling updates in accordance with the proposal on file with the Law Director at the price of \$64,355.00.

**Section 2:** The Finance Director is authorized to pay the costs of the contract authorized by Section 1 from Line 589-540-5-2-977.050 of the 2018 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 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 the City can use the more accurate data in for its benefit in negotiations with the OEPA and provide less liability exposure at greater cost savings for taxpayers. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five Members of Council and approval of the Mayor.

Passed: October 23 \_\_\_\_\_, 2018      David McMaster \_\_\_\_\_  
President of Council

Votes in Favor of Adoption: 6  
Votes Opposed to Adoption: 0

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

Approved: October 23 \_\_\_\_\_, 2018      Michael McCann \_\_\_\_\_  
Mayor