

NOTICE OF PROCEEDINGS
City Council of the City of Defiance, Ohio
Charles D. Beard Council Chambers
City Hall, 631 Perry Street, Defiance, OH 43512

REGULAR MEETING OF COUNCIL
TUESDAY FEBRUARY 7, 2017
OPENING COMMENTS – 7:00 P.M.

MAYOR McCANN STATE OF THE CITY ADDRESS

PUBLIC HEARING: Permanent Rezoning of the following area: K OF C Parcel I060011001601 and better described as PT. SE Quarter, SE Quarter, Section No. 11, Noble Township, City of Defiance, Defiance County, Ohio (including adjacent rights of way). Rezoning request is for the entire lot. Existing zoning classification for said lot is B-4 "Community Shopping Center District". Recommended rezoning by City of Defiance Planning Commission is B-3 "Highway and General Business District".

SECOND READING: AN ORDINANCE VACATING PART OF THE ALLEY LYING PARALLEL TO WAYNE AND JEFFERSON STREETS AND THE INTERSECTING ALLEY LYING BETWEEN LOTS NUMBERED 4 AND 5 IN BLOCK 5 OF THE BOUTON & OTHERS ADDITION

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT FOR THE SEALING OF CRACKS IN STREET PAVEMENTS

STUDY SESSION: NONE

LIAISON ASSIGNMENTS	TIME	DATE	AGENDA
♣ SEWER: KRUTSCH	7:00 P.M.	Tuesday - FEBRUARY 2017	NO MEETING
♣ STREETS & SIDEWALK: WAXLER	7:00 P.M.	Tuesday - FEBRUARY 2017	NO MEETING
♣ UTILITIES, GAS & LIGHTS: ORZOLEK	7:00 P.M.	Tuesday - FEBRUARY 2017	NO MEETING
♣ POLICE & FIRE: LUNDBERG	7:00 P.M.	Tuesday - FEBRUARY 2017	NO MEETING
♣ TRAFFIC COMMISSION: LEONARD, Mayor, Cereghin, Shafer, Wilkins, Warner, Orzolek, Hancock, Krutsch	5:30 P.M.	2 nd Tuesday - FEBRUARY 2017	NO MEETING
♣ FINANCE: ENGEL	7:00 P.M.	Tuesday - FEBRUARY 2017	NO MEETING
♣ BUILDING AND LANDS: HANCOCK	7:00 P.M.	Tuesday - FEBRUARY 2017	NO MEETING
♣ WATER: LUNDBERG	7:00 P.M.	Tuesday - FEBRUARY 2017	NO MEETING
♣ ECONOMIC DEVELOPMENT: PIERCE	7:00 P.M.	Tuesday - FEBRUARY 2017	NO MEETING,
♣ COMMUNITY INTERACTION: PIERCE	7:00 P.M.	Tuesday - FEBRUARY 2017	NO MEETING
♣ BOARD OF CONTROL MEETING: MAYOR , Leonard, Williams, Lehner	9:00 A.M.	Tuesdays and Thursdays	POSTED AT 631 PERRY STREET

ORDINANCE NO. _____

AN ORDINANCE VACATING PART OF THE ALLEY LYING PARALLEL TO WAYNE AND JEFFERSON STREETS AND THE INTERSECTING ALLEY LYING BETWEEN LOTS NUMBERED 4 AND 5 IN BLOCK 5 OF THE BOUTON & OTHERS ADDITION

WHEREAS: A Petition has been filed pursuant to Codified Ordinance 905.19, as amended by Ordinance No. 7843, to vacate a portion of the alley lying parallel to and between Wayne and Jefferson Streets in Block 5 of the Bouton & Others Addition; and,

WHEREAS: The aforesaid Petition also seeks vacation of the intersecting alley lying between Lots 4 and 5 in Block 5 of the Bouton & Others Addition; and,

WHEREAS: The Planning Commission Clerk properly determined that all owners of property abutting the parts of either alley proposed to be vacated have joined in the Petition and that, pursuant to Revised Code §723.06, notice of the Council's intent to vacate the alleys need not be published in accordance with Revised Code §723.07; and,

WHEREAS: Planning Commission conducted the public hearing required by Codified Ordinance 905.19 and objections from occupants of neighboring properties were heard; and,

WHEREAS: After due consideration of the information presented and the opinions of those appearing before the Commission in support of and opposition to allowance of the Petition, Planning Commission recommended that the vacation proposed by the Petition be granted; and,

WHEREAS: The City Engineer requested that the map appended to the Petition be supplemented by a survey and Vacation Plat prepared by a registered surveyor; and,

WHEREAS: all of the requested supplemental documents have been received; and,

WHEREAS: The City Engineer has determined that there are no municipal utilities within the portions of the alleys proposed to be vacated; and,

WHEREAS: The City Engineer has determined that there are public utility facilities within the portions of the alleys proposed to be vacated; and,

WHEREAS: Council, having granted neighboring property owners and the general public full opportunity to be heard at each of the three meetings at which this Ordinance has been read and considered, finds that there is good cause to vacate each of the alleys described by the Petition; and,

WHEREAS: Council further finds that the vacation will not be detrimental to the general interest;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF DEFIANCE, THAT:

SECTION 1: The full width of that part of the alley lying parallel to Wayne and Jefferson Streets in Block 5 of the Bouton & Others Addition north of the point of intersection with the northerly line of the south half of Lot 6, as more precisely described by the survey and Vacation Plat now on file in the Office of the City Engineer, is vacated pursuant to and in accordance with Ohio Revised Code Sections 723.04 and 723.08.

SECTION 2: The full width of the alley lying between Lots 4 and 5 in Block 5 of the Bouton & Others Addition, as more precisely described by the survey and Vacation Plat now on file in the Office of the City Engineer, is vacated pursuant to and in accordance with Ohio Revised Code Sections 723.04 and 723.08.

SECTION 3: Statutory easements conferred by Ohio Revised Code §723.041 for the operation and maintenance of public utility installations within the vacated portions of both alleys are acknowledged and hereby expressly reserved.

SECTION 4: The City Engineer is directed to record a copy of this Ordinance together with the Alley Vacation Plat, approved survey and such other documents as may be appropriate to demonstrate vacation of the alley in conformity with Revised Code §711.39. The City Engineer is further directed to certify all costs incurred, including, without

limitation, any sums due the surveyor for preparation of the description and plat, to the Finance Director for payment in accordance with Section 5 of this Ordinance.

SECTION 5: The City Finance Director is directed to pay all costs actually incurred to conduct these proceedings from the deposit and to refund any remaining balance of the deposit to the Petitioners.

SECTION 6: It is found and determined that all legislative acts pertaining or relating to the enactment of this Ordinance were taken in public session and that all deliberations of Council, including all deliberations of the committees of Council, that affected or influenced any such legislative act, were conducted in public session duly convened in conformity with law.

SECTION 6: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2017

President of Council

Attest: _____
Clerk of Council

Approved: _____, 2017

Mayor

Ordinance No. _____

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT FOR THE SEALING OF CRACKS IN STREET PAVEMENTS

WHEREAS, annual sealing of pavement cracks to minimize water intrusion and subsequent ice damage has proven to be a cost effective means to prolong the service life of asphalt pavements; and,

WHEREAS, the priority list for 2017 was established by the City Engineer and Street Superintendent and proposals were solicited to perform the necessary work; and,

WHEREAS, the lowest cost proposal was submitted by American Pavement Solutions of Green Bay, Wisconsin;

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

Section 1: The City Administrator is authorized to award a contract to American Pavement Solutions, to seal pavement cracks at the locations and in conformity with the methods and materials established by the proposal dated January 24, 2017, and at the quoted price of \$59,737.43.

Section 2: The Finance Director is authorized to pay the costs of the contract authorized by Section 1 from Line 403-901-5-2-980-008 of the 2017 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 shall be effective on the earliest date permitted by law.

Passed: _____, 2017

President of Council

Attest: _____, Clerk

Approved: _____, 2017

Mayor