

# ORDINANCE NO. 7891

## 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in the Petition and that, pursuant to Revised Code §723.06, notice of the Council's intent to vacate the alleys need not be published in accordance with Revised Code §723.07; and,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: February 14 \_\_\_\_\_, 2017

Michael Ketcham \_\_\_\_\_  
President of Council

Attest: Lisa Elders \_\_\_\_\_  
Clerk of Council

Approved: February 14 \_\_\_\_\_, 2017

Michael McCann \_\_\_\_\_  
Mayor

# Ordinance No. 7892

## 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: February 14, 2017

Michael Ketcham  
President of Council

Attest: Lisa Elders, Clerk

Approved: February 14, 2017

Michael McCann  
Mayor

## RESOLUTION No. 2492

### A RESOLUTION SUPPORTING THE DETERMINATION OF THE CITY ADMINISTRATOR TO SEEK ASSISTANCE FROM THE OHIO DEPARTMENT OF TRANSPORTATION

WHEREAS, The Department of Transportation has committed \$500,000 to assist the City with the cost to improve safety at the intersection of Cleveland Avenue with State Route 15, Ottawa Avenue; and,

WHEREAS, The City has identified a need to improve the Ottawa-Ayersville-Cleveland Avenue corridor to improve property values, eliminate substandard housing conditions and encourage both residential and commercial development necessary to rejuvenation of the neighborhood; and,

WHEREAS, The City Administrator has proposed to make application to the Department of Transportation for an award of "Small Cities" funding to assist the community with the anticipated cost to implement Phase 1 of the neighborhood revitalization project by improving State Route 15 between East Second Street and the southerly corporation line; and,

WHEREAS, Council finds that the municipal government lacks the necessary financial resources to construct the desired highway and associated community improvements without State assistance; and,

WHEREAS, The City Administrator has determined to seek financial and technical assistance from the Ohio Department of Transportation; and,

WHEREAS, The City Administrator has provided Council with conceptual drawings depicting alternative proposals for the revitalization of the Ottawa-Ayersville-Cleveland Avenue corridors and neighboring lands bounded by those arterial streets;

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

Section 1: Council expresses concurrence with the City Administrator's determination to make application to the Ohio Department of Transportation for assistance with the construction of improvements to State Route 15 between the intersections of East Second Street and the southerly corporation line and does hereby endorse, ratify and confirm all actions heretofore taken by the City Administrator to secure such assistance. The City Administrator is authorized to take such future actions as may be necessary or appropriate to prepare and file formal applications for such assistance.

Section 2: It is found and determined that all legislative actions pertaining to the adoption of this Resolution 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 3: This Resolution shall be effective on the earliest date permitted by law.

Passed: February 14 \_\_\_\_\_, 2017

Michael Ketcham  
\_\_\_\_\_  
President of Council

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

Approved: February 14 \_\_\_\_\_, 2017

Michael McCann  
\_\_\_\_\_  
Mayor