

Ordinance No. _____

AN ORDINANCE VACATING A PORTION OF GREENLEE AVENUE IN THE AUDITOR'S PLAT OF LOTS BETWEEN THE MAUMEE AND AUGLAIZE RIVERS

WHEREAS, the City received a petition to vacate part of the Greenlee Avenue right-of-way adjacent to and adjoining Lot No. Seventy-Eight (78) in the Auditor's Plat of Lots between the Maumee and Auglaize Rivers; and,

WHEREAS, the Planning Commission heard the petition at the August 19, 2019 public hearing and voted unanimously to recommend the right-of-way vacation; and,

WHEREAS, the subject street is unimproved and unpaved with no public utilities located within the petitioned area. Toledo Edison has utility poles in the petitioned area and will retain an easement; and,

WHEREAS, Council finds good cause for vacating part of the street 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 16.51' Southwest to Northeast portion of Greenlee Avenue extending for approximately 223.5 feet adjacent to and adjoining Lot No. 78 in the Auditor's Plat of Lots between the Maumee and Auglaize Rivers, as more fully described and depicted by the plat, survey, 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: _____, 2019

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019

Mayor

ORDINANCE NO. _____

AN ORDINANCE APPROVING MODIFICATIONS TO A SETTLEMENT WITH THE STATE OF OHIO FOR THE DEVELOPMENT OF AN INTEGRATED WATERSHED IMPROVEMENT PLAN AND DECLARING AN EMERGENCY

WHEREAS, the City is party to a Consent Order issued by the Court of Common Pleas of Defiance County in Case. No. 10-CV-40433 which obliges the municipality to construct and install certain improvements to the sewer system; and,

WHEREAS, the parties to the litigation were previously following a plan to pursue compliance with R.C. Chapter 6111 solely through costly storm sewer and sanitary sewer separation projects; and,

WHEREAS, the Ohio Environmental Protection Agency and City Administration plan to explore methods beyond these separation projects that would improve water quality; and,

WHEREAS, the City Law Director and Attorney General have reached an agreement with respect to the Consent Order modifications needed to set the framework for watershed improvement studies and projects; and,

WHEREAS, any settlement carrying a potential claim over five hundred dollars (\$500.00) requires authorization by Council pursuant to Section 133.04 of the Codified Ordinances of Defiance, Ohio; and,

WHEREAS, Council finds that an effective, integrated watershed improvement plan promotes the Perception Pillar of the Defiance Community Strategic Plan by preserving water quality in the three rivers;

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

Section 1: The City Law Director is authorized to approve the "Second Amended Consent Order" as prepared by Louis L. McMahon, Esq., Special Counsel for Environmental Compliance, and deliver the same to the Attorney General of Ohio for approval and filing with the Court of Common Pleas of Defiance County, Ohio.

Section 2: 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 3: 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 faces mandatory stipulated penalties of up to One Thousand Dollars (\$1,000.00) per day for critical milestones that the City fails to meet. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2019

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019

Mayor

RESOLUTION No. _____

A RESOLUTION ACCEPTING THE DEFIANCE COUNTY BUDGET COMMISSION'S ALTERNATE PLAN OF APPORTIONMENT OF THE UNDIVIDED LOCAL GOVERNMENT FUNDS.

WHEREAS, the Defiance County Budget Commission has proposed an alternate plan of apportionment of the undivided local government funds, and

WHEREAS, an alternate plan requires the consent of each affected local governmental entity in order to be adopted and implemented,

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

Section 1: Any hearings before the Defiance County Budget Commission regarding apportionment of the undivided local government fund pursuant to Section 5747, Ohio Revised Code are hereby waived. This Council agrees to the Defiance County Budget Commission alternate plan of apportionment of the local government funds on the basis of need and the amount received in past years and agrees to accept the sum of One-hundred seventy-eight-thousand seven-hundred ten and 14/100 dollars (\$178,710.14) as its 15.8% share of the undivided local government fund.

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 in full force and effect from and after the earliest date permitted by law.

Passed: _____, 2019

President of Council

Votes Approving Adoption: _____

Votes Opposing Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019

Mayor