

**NOTICE OF PROCEEDINGS MEETING**  
**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 JANUARY 12, 2021  
OPENING COMMENTS – 7:00 P.M.

PUBLIC HEARING: NONE

SPECIAL GUEST: NONE

SECOND READING: AN ORDINANCE VACATING A PORTION OF ADAMS STREET BETWEEN THE FALES AND ADAMS ADDITION AND WAVERLY HEIGHTS REVISED PLAT AND ACCEPTING A PERMANENT EASEMENT

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

STUDY SESSION: NONE

CITIZEN CONCERNS: NAME & ADDRESS FOR THE RECORD (5 MINS)

LIAISON ASSIGNMENTS	TIME P.M.	DATE (2021)	AGENDA
BUILDING & LANDS <b>KRUTSCH</b>	7:00	Tuesday - JANUARY	NO MEETING
ECONOMIC DEVELOPMENT <b>EURESTE</b>	7:00	Tuesday - JANUARY	NO MEETING
FINANCE & BUDGET <b>ENGEL</b>	7:00	Tuesday – JANUARY	NO MEETING
POLICE & FIRE <b>HANCOCK</b>	7:00	Tuesday - JANUARY	NO MEETING
PUBLIC RELATIONS <b>CORBITT</b>	7:00	Tuesday - JANUARY	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS <b>MAST</b>	7:00	Tuesday – JANUARY	NO MEETING
SEWER & SANITATION <b>WAXLER</b>	7:00	Tuesday – JANUARY	NO MEETING
STREETS & SIDEWALKS <b>EURESTE</b>	7:00	Tuesday - JANUARY	NO MEETING
WATERWORKS – SERVICE <b>ENGEL</b>	7:00	Tuesday – JANUARY	NO MEETING
TRAFFIC COMMISSION: <b>LEONARD.</b> Mayor. Cereghin. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:00	Tuesday – JANUARY	NO MEETING
BOARD OF CONTROL MEETING: <b>MAYOR.</b> Leonard. O’Donnell. Lehner	1:30 P.M. MONDAY 9:00 A.M. THURSDAY	MONDAY and THURSDAY	POSTED AT 631 PERRY STREET MEETINGS IN FRONT CONFERENCE ROOM

Ordinance No. \_\_\_\_\_

**AN ORDINANCE VACATING A PORTION OF ADAMS STREET BETWEEN THE FALES AND ADAMS ADDITION AND WAVERLY HEIGHTS REVISED PLAT AND ACCEPTING A PERMANENT EASEMENT**

**WHEREAS**, the City received a petition to vacate part of the undeveloped Adams Street right-of-way adjacent to and adjoining Lot Nos. Twenty-Eight (28) and Twenty-Nine (29) in the Fales and Adams Addition and Lot No. Twenty-Nine (29) in the Waverly Heights Revised Plat; and,

**WHEREAS**, the Planning Commission heard the petition at the January 21, 2020 public hearing and voted unanimously to recommend the right-of-way vacation *contingent upon the conveyance of an easement interest to the City for sewer line access and a shared driveway agreement with a neighboring property*; and,

**WHEREAS**, the Planning Commission heard the amended petition for an additional 10' East-West alley at the November 17, 2020 public hearing and voted unanimously to recommend to Council the right-of-way vacation with the same contingencies; and,

**WHEREAS**, the petitioner provided both a shared driveway agreement for purposes of maintenance and access and a utility easement; and,

**WHEREAS**, the subject right-of-way is unimproved and unpaved; 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 60' North to South portion of Adams Street extending for approximately 274 feet adjacent to and adjoining Lots No. 28 and 29 in Fales and Adams Addition and Lot 29 of the Waverly Heights Revised Plat and the 10.5' alley running East to West for approximately 66 feet in the same section, 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 perpetual easement for ingress and egress to the combined sewer and culvert is hereby accepted.

**Section 3:** The Law Director is directed to record a copy of this Ordinance, along with the easement, to document the vacation of all public rights of way lying between these parcels.

**Section 4:** 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 5:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_

Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT FOR THE SEALING OF CRACKS IN STREET PAVEMENTS AND DECLARING AN EMERGENCY**

**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 pavement; and,

**WHEREAS**, the priority list for 2021 was established by the City Engineer and Street Superintendent and proposals were solicited to perform the necessary work; and,

**WHEREAS**, the lowest and best proposal was submitted by American Pavements, Inc. of Plain City, Ohio on December 22, 2020;

**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 Pavements, Inc. to seal pavement cracks at the locations and in conformity with the methods and materials established by the proposal dated December 22, 2020, and at the quoted price of \$29,006.69.

**Section 2:** The Finance Director is authorized to pay the costs of the contract authorized by Section 1 from Line 403-901-5-2-980874 of the 2021 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 R.C. §153.12(A) requires the award of a contract within sixty days after the date on which the bids are opened or the delay invalidates the entire bid proceedings. 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: \_\_\_\_\_, 2021

\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_

Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2021

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Mayor