

**ORDINANCE NO. 44-2019**

**INTRODUCED BY: Mayor James P. Graven**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACQUIRE A PERMANENT SANITARY SEWER EASEMENT FOR INSTALLATION AND MAINTENANCE OF SANITARY SEWER AND APPURTENANCES FROM BRUCE AND FONDA HOSTA, PERMANENT PARCEL NO. 281-06-002 IN ORDER TO CONSTRUCT AND MAINTAIN THE PHASE V SANITARY SEWER PROJECT AND DECLARING AN EMERGENCY**

**WHEREAS**, in order to construct the Phase V Sanitary Sewer Project it is necessary to acquire a permanent sanitary sewer (with appurtenances) easement from Bruce and Fonda Hosta, Permanent Parcel No. 281-06-002; and

**WHEREAS**, Bruce and Fonda Hosta have agreed to grant to the City the required permanent easement in exchange for financial compensation in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) as stated in the permanent easement; and

**WHEREAS**, the City is desirous of acquiring said easement. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:**

**SECTION 1.** This Council determines that the construction of the Phase V Sanitary Sewer Project is a necessary and proper public improvement in order to enhance the safe and efficient flow of sanitary sewage in the City.

**SECTION 2.** The Mayor is hereby authorized and directed to acquire a permanent sanitary sewer (with appurtenances) easement from Bruce and Fonda Hosta, Permanent Parcel No. 281-06-002, in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00), in order to construct the Phase V Sanitary Sewer Project, and the Mayor is authorized to execute any and all Agreements to effectuate the same, subject to review and approval of the Director of Law.

**SECTION 3.** The Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that all deliberations of this Council and any of its committees that resulted in such formal action, took place in meetings open to the public, in full compliance with all legal requirements, including without limitation, those set forth in Section 121.22 of the Ohio Revised Code.

**SECTION 4.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Olmsted Falls for the further reason that the easement is required in order to allow construction of the Project to timely commence. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

