

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 07-56

INTRODUCED BY: Mayor Luks

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH TARTAN DEVELOPMENT COMPANY FOR DEVELOPMENT OF THE CHESAPEAKE REGIONAL RETENTION BASIN AND INVOLVING THE PURCHASE OF AND THE ACCEPTANCE OF LAND FOR SAID PUBLIC PURPOSE, AND DECLARING AN EMERGENCY

- WHEREAS: The City is planning the construction of a public improvement project known as the Chesapeake Regional Retention Basin to be located on property currently owned by John A. Kulczycki which will be designed to help control storm water in the regional land area surrounding the proposed basin; and
- WHEREAS: Tartan Development Company is the owner of options on certain lands in the vicinity of the property on which the City desires to construct a regional storm water retention facility; and
- WHEREAS: Tartan Development is planning on developing a minor subdivision, known as Chesapeake Subdivision No. 5 which will require storm water retention; and
- WHEREAS: The City and Tartan Development desire to enter an agreement to jointly develop, in part, the storm water retention basin which would be located in roughly the same location as if Tartan developed without the City involvement and which will include a sharing of the work and/or costs and expenses of the project; and
- WHEREAS: Council desires to authorize the agreement which will involve the purchase of necessary land and/or easements in order to achieve a regional storm water retention basin to alleviate storm water flooding in that regional area.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby authorizes the Mayor to enter and execute an agreement with Tartan Development Company for the purpose of purchasing easements and fee simple title to land which will be used to construct a regional storm water retention basin in the area of Chesapeake Dr. and which will allow for the design of the regional storm water retention basin by engineers for Tartan Development Company. The form of agreement shall be substantially in the same form as a copy of the agreement which is attached hereto and marked as Exhibit A.

Section 2. That the Law Department shall review and approve said agreement as to form and compliance with applicable law.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to authorize an agreement for development of the regional storm water retention basin so that work can commence on construction of the regional retention basin in a timely fashion.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Robert A. Stefanik
PRESIDENT OF COUNCIL

APPROVED: /s/ Cathy Luks
MAYOR

DATE PASSED: May 15, 2007

DATE APPROVED: May 16, 2007

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading May 15, 2007

YEAS: Stefanik, Bobulsky, Gentile, Willey,
McKee, Antoskiewicz, Uffman-Kirsch
NAYS: none