

KEVIN D. MALECEK  
President of Council

DAVID A. REICHEL  
Vice President of Council

VICTORIA ANN SAVAGE, CMC  
Clerk of Council

# City of Willoughby Hills

Council  
CHRISTOPHER L. BIRO  
NANCY E. FELLOWS  
DAVID M. FIEBIG  
FRANK A. GERMANO  
RAYMOND C. SOMICH

## ORDINANCE NO. 2010 – 9

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### **AN ORDINANCE ACCEPTING PERMANENT UTILITY EASEMENTS AND A TEMPORARY WORK AGREEMENT FOR THE STARK DRIVE PUMP STATION IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.**

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**WHEREAS**, the property owner(s) **Original Mario Fazio’s, LLC and Lisa Fazio** whose tax mailing address is 34400 Chardon Road, Willoughby Hills, Ohio 44094, and as identified in Exhibit “A” consisting of (8) pages and incorporated by reference, has/have agreed to convey permanent Utility Easements and a temporary Work Agreement to the City of Willoughby Hills, Lake County, Ohio, its successors and assigns, the right to install, construct, reconstruct, maintain, repair, replace, rebuild, operate, improve, use, inspect and remove said Stark Drive pump station and generator; and drainage structures; and all their respective appurtenances and improvements thereto; and

**WHEREAS**, the Council deems it to be in the best interest of the public health, safety and welfare to accept said easement.

***NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:***

**SECTION 1.** Original Mario Fazio’s, LLC and Lisa Fazio, whose tax mailing address is 34400 Chardon Road, Willoughby Hills, Ohio 44094 (hereinafter referred to as the “Grantors”), their heirs and assigns, in consideration for the sum of One Dollar (\$1.00) and other valuable considerations including additional work performed by the City in conjunction with the intent of the Utility Easements and Work Agreement do here give, grant, bargain and convey to the “Grantee” the City of Willoughby Hills, an Ohio Municipal Corporation, 35405 Chardon Road, Willoughby Hills, Ohio 44094 (hereinafter referred to as the “City”), its successors and assigns, Utility Easements and a Temporary “Work Agreement upon and through lands of the said Grantors thereto, located in part on the following described premises, and as shown by those exhibits contained herein and marked as Exhibit “A”, consisting of eight (8) pages attached hereto and made a part hereof.

**SECTION 2.** The aforementioned Utility Easements and Work Agreement received from Original Mario Fazio’s LLC and Lisa Fazio, further identified as being Lake County Auditor’s Permanent Parcel No. 31-A-006-D-00-036-0 and Permanent Parcel No. 31-A-006-D-00-003-0, legally described and depicted in Exhibit “A”, consisting of eight (8) pages and incorporated herein by reference authorizes the City to install, construct, reconstruct, maintain, repair, replace, rebuild, operate, improve, use, inspect and remove said Stark Drive pump station and generator; and drainage structures; and all their respective appurtenances and improvements thereto in such manner that such improvements shall be limited to ground level surface and subsurface installations only and shall not interfere with the safe and continuous operations of the “Grantors” on the above described premises during or after construction, except for the purposes granted to the said “Grantee”, and the same is hereby accepted by the City for the purpose therein stated; a copy of which is on file in the Office of the Clerk of Council.

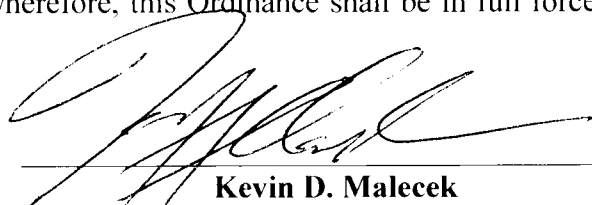
**SECTION 3.** A Temporary Work Agreement is granted to the City for access to the "Grantor's" property for the purpose of installing the pump station, generator, electrical conduit between the generator and the pump station; and landscape improvements. The Temporary Work Agreement will begin with the breaking of ground for the project and will remain in effect for a period not longer than one (1) year, or until the improvements have been accepted by the City, whichever comes first.

**SECTION 4.** The Clerk of Council be, and hereby is, directed to file such easement for record in the Office of the Recorder of Lake County, Ohio.

**SECTION 5.** The actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 6.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills; specifically for the acceptance of Utility Easements and Temporary Work Agreement required to proceed with the Stark Drive Improvement Project wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

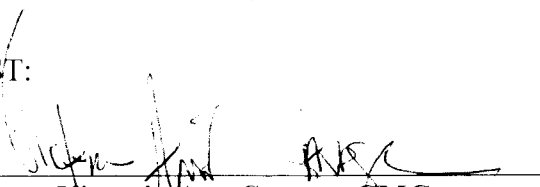
PASSED: March 4, 2010

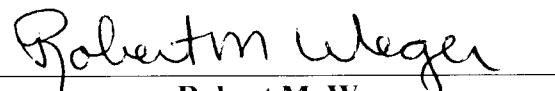
  
Kevin D. Malecek  
President of Council

Submitted to the Mayor for his approval  
on this 4 day of March, 2010

Approved by the Mayor  
March 4, 2010

ATTEST:

  
Victoria Ann Savage, CMC  
Clerk of Council

  
Robert M. Weger  
Mayor