

ORDINANCE NO. 2019 -106

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A RIGHT OF ACCESS AGREEMENT WITH ABB INSTALLATION PRODUCTS INC. (ABB IP, INC.) FOR SITE REMEDIATION AT 800 MOGADORE ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, ABB IP, Inc. is engaged in voluntary site remediation of the property known as 800 Mogadore Road, Kent, Ohio and related off-property impacts associated with the historical activities at this Site; and

WHEREAS, in order to complete this site remediation, ABB IP, Inc. and its agents need to enter onto City owned property; and

WHEREAS, ABB IP, Inc. will need to restore the City's property to a condition similar to the property's current condition as described in the attached agreement; and

WHEREAS, the attached agreement (Exhibit "A") needs to be executed in order to allow this access to ABB IP, Inc. and its agents in order to complete the remediation work and to ensure proper restoration of City owned property; and

WHEREAS, time is of the essence as ABB IP, Inc. and the City desire this phase of the remediation work to begin immediately;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Kent, Portage County, Ohio at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager or his designee to enter into a Right of Access Agreement with ABB IP, Inc. and their agents so that they may cross over City owned property to remediate the historical activities of said property, as more fully described and in substantial compliance with the attached agreement (Exhibit "A").

SECTION 2. That 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 of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 18, 2019
Date

EFFECTIVE: September 18, 2019
Date



Jerry T. Fiala
Mayor and President of Council

ATTEST: _____

Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL