

ORDINANCE NO. 107-92

AN ORDINANCE GRANTING TO EUGENE C. GERKEN AND ELIZABETH A. GERKEN A LICENSE FOR THE TEMPORARY AND REVOCABLE USE OF A PORTION OF THE RIGHT-OF-WAY OF WEST RIVERVIEW AVENUE (A/K/A STATE ROUTE 424) IN THE CITY OF NAPOLEON, OHIO FOR RESIDENTIAL PURPOSES; AND AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT THEREFOR; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, STATE OF OHIO, TWO-THIRDS (2/3) OR MORE OF ALL ELECTED MEMBERS THEREOF CONCURRING:

Section 1. That, based upon a finding by the City Manager of the City of Napoleon, Ohio (hereinafter called "the City") that a certain twelve (12)-foot portion of the northerly side of the right-of-way of West Riverview Avenue (a/k/a State Route 424) in the City (as the same is more fully set forth and described in a certain License Agreement (hereinafter called "the License Agreement) provided for herein and on file in the office of the City Finance Director, which is by reference made a part hereof for all purposes) will not be needed for any municipal purpose during the term of the License Agreement, this City Council confirms such finding that such real property will not be needed for any municipal purpose during such period of time.

Section 2. That the City grants to Eugene C. Gerken and Elizabeth A. Gerken (hereinafter called "the Licensees") a temporary and revokable license for the construction and maintenance of a landscape wall for residential purposes for the term, for the purpose, for the consideration and upon such other terms and conditions as are more fully set forth in the License Agreement and upon such other necessary or advisable terms or conditions as may be determined by the City Manager and approved by the City Law Director.

Section 3. That the City Manager is authorized and directed to execute and deliver the License Agreement in the name of and on behalf of the City, such instrument to include any other necessary or advisable terms or conditions as determined by him and approved by the City Law Director.

Section 4. That, pursuant to Section 37.08 of the City's Revised Code of General Ordinances, the License Agreement is extended to and made with the Licensees without advertisement and competitive bidding because it is in the best interest of the City to do so for the following reasons:

(A) No other person has expressed any interest in acquiring the possession or use of said real property and, in the opinion of this City Council, there is no reasonable likelihood that any other person will express such interest;


(B) No person has objected to the extension of the License Agreement to the Licensees; and

(C) To advertise for competitive bids under the aforementioned circumstances would constitute an unnecessary expenditure of City funds.

Section 5. That it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the City's Revised Code of General Ordinances.

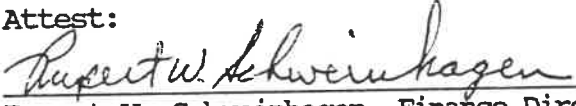
Section 6. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants and for the further reason that the immediate commencement of construction of such landscape wall will better protect the safety of pedestrian and vehicular traffic in such area of the City. Therefore, this Ordinance shall be in full force and effect immediately after its passage.

Passed: September 28, 1992



Steven R. Lankenau, Mayor

Attest:



Rupert W. Schweinhagen, Finance Director

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