

**RESOLUTION NO. 006-13**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE MASTER UTILITY REIMBURSEMENT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT); AND DECLARING AN EMERGENCY**

**WHEREAS**, the Ohio Department of Transportation, proposes to construct and improve various sections of state highways, in accordance with road plans filed in the appropriate ODOT district office; and,

**WHEREAS**, in order for ODOT to improve said highways in accordance with project plans it will be necessary to adjust, remove, and/or relocate certain City facilities; and,

**WHEREAS**, ODOT, under ORC 5501.51, is obligated to reimburse the City for the actual costs of altering existing facilities to conform to the new improvement; and

**WHEREAS**, ODOT and the City are desirous of having an agreement for the proper administration of this process, Now Therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

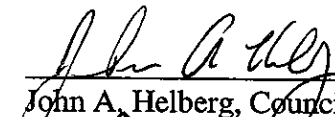
Section 1. That, the City Manager is authorized to enter into the "Master Utility Reimbursement Agreement".

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution 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 Codified Ordinances of Napoleon Ohio.

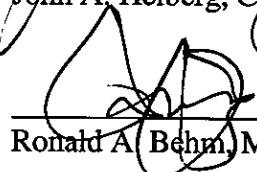
Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 4. That, this Resolution 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 this legislation must be in effect at the earliest possible time to allow for timely administration of the rebate (s) necessary to assure public peace, health or safety; therefore, it shall be in full force and effect at the earliest time permitted by law.

Passed: February 18, 2013

  
\_\_\_\_\_  
John A. Helberg, Council President

Approved: February 18, 2013

  
\_\_\_\_\_  
Ronald A. Behm, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:

  
\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 006-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
*Gregory J. Heath, Clerk/Finance Director*