RESOLUTION NO. 043-15

A RESOLUTION AUTHORIZING A DONATION AGREEMENT BETWEEN THE CITY OF NAPOLEON, THE ROTARY CLUB AND THE NAPOLEON/HENRY COUNTY CHAMBER OF COMMERCE FOR THE CONSTRUCTION AND DONATION OF A PARK KNOWN AS "NAPOLEON POCKET PARK"; AND DECLARING AN EMERGENCY

WHEREAS, the City is the legal owner of land located at 124 West Washington Avenue, Napoleon, Ohio as a result from a donation by the Napoleon/Henry County Chamber of Commerce, and,

WHEREAS, the Napoleon Rotary Club (hereinafter known as "the Club" and Napoleon/Henry County Chamber of Commerce (hereinafter known as "the Chamber") offered to assist in paying a 25% match in regard to a construction grant applied for and approved by the Nature Works Grant for the construction of a "park" in downtown Napoleon; and,

WHEREAS, the City is willing to have constructed said park so long as the donation from the Club and Chamber is received and so long as the grant monies are awarded; moreover, so long as there is a maintenance agreement in place for said park with the Chamber for a period of 20 years; Now Therefore,

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

Section 1.   That, this Donation Agreement, currently on file in the office of the City Finance Director, regarding donation of funds for the construction of Napoleon's Pocket Park and for the maintenance thereof, having been reviewed and approved by this Council, is hereby authorized for execution by the City Manager, subject to any non-material changes deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director.

Section 2.   That, the acceptance of the donation(s) by the City may be accomplished by motion of Council and shall be recorded in the minutes.

Section 3.   That, once the donations are received and the grant is awarded, the City Manager may execute contracts for the construction of Napoleon's Pocket Park.

Section 4.   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.
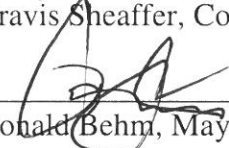
Section 5.   That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 6.   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 prompt completion of the shelter house, such facility to be utilized for recreation by the citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _August 03, 2015_

_____
Travis Sheaffer, Council President

Approved: _August 03, 2015_

_____
Ronald Behm, Mayor

VOTE ON PASSAGE __6__ Yea __0__ Nay __1__ Abstain

Attest:

_Gregory J. Heath_____
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. 043-15 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.

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    Gregory J. Heath, Clerk/Finance Director