

REQUESTED BY:
SFERRA - SAFFOLD

LAW DEPARTMENT
DRAFT NO. 3568

TITLE

AN ORDINANCE FOR THE PURPOSE OF AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE AND SAFETY, FOR AND ON BEHALF OF THE CITY OF WARREN, TO ENTER INTO AN AGREEMENT WITH CLEAN ENERGY FUTURE-LORDSTOWN, LLC FOR FUNDING OF CAPITAL INFRASTRUCTURE COSTS OF THE WATER AND SEWER IMPROVEMENTS TO SUPPORT THE CLEAN ENERGY FUTURE-LORDSTOWN, LLC, FUNDING AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12631/16

WHEREAS, the Village of Lordstown and the City of Warren entered into agreement on December 3, 1986 relative to the City's supplying of water to what is now known as the Lordstown Water District; and

WHEREAS, the Village of Lordstown and the City of Warren will enter into another such agreement; and

WHEREAS, the City of Warren owns, operates and maintains a public water system to provide for a public water supply and fire protection for the City; and

WHEREAS, the City of Warren has an adequate supply of water and is willing and desires to continue to supply water to the Lordstown Water District; and

WHEREAS, the Village of Lordstown has entered into a Master Agreement for funding of legal, engineering and construction costs with Clean Energy Future-Lordstown, LLC, wherein the Village will supply water to Clean Energy Future-Lordstown, LLC; and

WHEREAS, the transmission lines to Lordstown are inadequate to supply the increased flow of water needed to supply Clean Energy Future-Lordstown, LLC; and

WHEREAS, Clean Energy Future-Lordstown, LLC desires to enter into the Master Agreement for funding of legal, engineering and construction costs with the City of Warren for the funding of Capital Infrastructure cost relative to the construction of additional transmission water lines to the Village; and

WHEREAS, Clean Energy Future-Lordstown, LLC will be responsible for all cost associated with the project as per the contract to be signed by the Mayor and Safety Service Director of the City of Warren; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That the Mayor and Director of Public Service and Safety be, and are hereby, authorized, for and on behalf of the City of Warren, to enter into a written agreement with Clean Energy Future-Lordstown, LLC, for and on behalf of the Village of Lordstown, Ohio, for the purpose of the City to provide additional parallel transmission waterlines to the Village for water service to Clean Energy Future Lordstown, LLC through the Lordstown Water District.

Section 2: That any such agreement as provided for in Section 1. of this Ordinance shall be in substantial compliance and conformity with all laws of the State of Ohio.

Section 3: Funding of all monies paid to the City of Warren by Clean Energy Future-Lordstown, LLC shall be deposited in Account No. 702-405-560-200, and shall be held for specific purposes as per the contract between the City of Warren and Clean Energy Future-Lordstown, LLC.

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety, and for the further reason that the integrity of the City of Warren's public water supply, treatment and distribution system may be more fully insured at the earliest possible time and without undue delay. WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 27TH day of

JANUARY, 2016.

SIGNED: James C. Cichon
PRESIDENT OF COUNCIL

ATTEST: Brenda Smith
CLERK

FILED WITH THE MAYOR: 1-27-16

DATE APPROVED: 1-27-16

William D. Ford
MAYOR, CITY OF WARREN, OHIO