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CITY OF BROOK PARK, OHIO

ORDINANCE NO. 10094-2017

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT UP TO \$99,943.42 IN ENVIRONMENTAL GRANT FUNDS FROM THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT AND/OR THE STATE OF OHIO BUREAU OF UNDERGROUND STORAGE TANK REMOVAL (BUSTR) TO PERFORM AN ENVIRONMENTAL IMPACT STUDY AND/OR TO FACILITATE AND ADMINISTER THE ENVIRONMENTAL REMEDIATION OF THE PROPERTY KNOWN AS 6286 ENGLE RD., PPN 342-09-011 AND TO TAKE ALL FURTHER NECESSARY ACTION TO REMEDIATE THE PROPERTY AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Resolution No. 7-2017, passed February 21, 2017 the Mayor applied for grant funds from the State of Ohio to environmentally remediate 6286 Engle Rd, PPN 342-09-011 (herein "the Property").

WHEREAS, the City has been awarded up to \$99,943.42 in grant funds from the State of Ohio to conduct an environmental impact study and to remediate environmental contamination on the Property;

WHEREAS, in order to environmentally remediate the Property, the State of Ohio requires the City to accept up to \$99,943.42 and pay up to the same amount, as necessary, to the contractors engaged directly in the environmental remediation of the Property and to facilitate the remediation of the Property.

WHEREAS, the owner of the Property, MNA Properties, Inc. by and through the Mary N. Abdallah Revocable Trust, Mary N. Abdallah Trustee (herein Owner) has agreed to indemnify and hold the City harmless for all sums in excess of \$99,943.42 that may be incurred or arise out of the environmental remediation of the Property;

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Brook Park, State of Ohio that:

SECTION 1: That the Mayor is authorized to accept funds from the State of Ohio up to \$99,943.42 and expend said funds in furtherance of the performance of an environmental impact study and/or remediation of the Property.

SECTION 2: The Mayor is authorized to enter into an indemnification and hold harmless agreement with the Owners of the Property to protect the City in the event the costs arising out of said environmental impact study and/or remediation exceed \$99,943.42.

SECTION 3: No tax or revenue funds of the City of Brook Park shall be encumbered or expended to facilitate the payment of costs or expense arising out of the performance of the environmental impact study and/or remediation exceed of the Property.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that the City of Brook Park supports the environmental analysis and remediation of the Property; provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

Troger
Mencini
Powers
Scott
Burgio
McDonnell

PASSED: August 15, 2017

Jim Astor
PRESIDENT OF COUNCIL

ATTEST: *Michelle Blazak*
CLERK OF COUNCIL

APPROVED: *[Signature]*
MAYOR
8/15/17
DATE

Yea
Nay

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

[Signature]
DIRECTOR OF LAW

P/C
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CERTIFICATE
Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 10094-2017 passed on the 15th day of August 2017 by said council.
Michelle Blazak
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days, commencing August 15, 2017
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council