

ORDINANCE NO. 2018-20

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE AGREEMENT FOR THE SALE AND PURCHASE OF THE WATERWORKS SYSTEM OF THE VILLAGE OF CENTERBURG, OHIO AND THE AGREEMENT OF LEASE AND TO DECLARE AN EMERGENCY.

WHEREAS, the Village passed Ordinance 2017-16 on October 2, 2017, and Section VI thereof stated that the Ordinance was void unless accepted by Del-Co Water Company Inc, in writing and filed with the Village Clerk within sixty (60) days from and after its approval; and

WHEREAS, the Ordinance was not accepted within the aforementioned time period, but the parties continued negotiations and review of documentation; and

WHEREAS, the Village and Del-Co have reached agreement on acceptable documentation and are prepared to proceed.

WHEREAS, the Village passed Ordinance 2018-07 on March 5, 2018 accepting the agreement between the Village and Del-Co.

WHEREAS, the Village and Del-Co made some adjustments to the prior agreement which were agreed upon and entered into October 29, 2018, and consistent with the intent of council as set forth in Ordinances 2017-16 and 2018-07.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CENTERBURG, OHIO:

SECTION I. That Council ratifies the Second Amendment to the Agreement for the Sale and Purchase of the Waterworks System of the Village of Centerburg, Ohio as attached hereto as Exhibit A as executed by the Mayor on behalf of the Village on October 29, 2018.

SECTION II. That Council additionally ratifies the Agreement of Lease attached hereto as Exhibit B as executed by the Mayor on behalf of the Village on October 29, 2018.

SECTION III. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reasons that Council has already approved the Agreement with the Del-Co, and the Village and Del-Co have a need to immediately turn over control of the Village Waterworks System to Del-Co.

WHEREFORE, this Ordinance shall take effect and be in force upon the earliest date allowed by law.

DATE PASSED 11-5-2018

SIGNATURE ON FILE

PRESIDENT OF COUNCIL

ATTEST SIGNATURE ON FILE
CLERK OF COUNCIL

SIGNATURE ON FILE

MAYOR

APPROVED AS TO FORM:

DATE APPROVED: 11/5/19

SIGNATURE ON FILE

LEGAL COUNSEL