

RESOLUTION NO. 41-08

A RESOLUTION AUTHORIZING PARTICIPATION AND RATIFYING PRIOR PARTICIPATION OF THE CITY OF ORRVILLE, WAYNE COUNTY, OHIO, WITH THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, FOR THE DESIGN AND CONSTRUCTION OF THE CITY OF ORRVILLE RAW WATER MAIN IMPROVEMENTS PROJECT, AND AUTHORIZING THE DIRECTOR OF UTILITIES FOR THE CITY OF ORRVILLE, AND OTHER APPROPRIATE CITY OFFICIALS, TO ACT FOR AND ON BEHALF OF THE CITY OF ORRVILLE, IN EXECUTING, ACCEPTING OR OTHERWISE APPROVING ALL DOCUMENTS, AGREEMENTS, INSTRUMENTS, OR OTHER NECESSARY PAPERS REQUIRED BY THE DEPARTMENT OF THE ARMY TO IMPLEMENT SAID PARTICIPATION IN THE PROJECT.

BE IT RESOLVED by the City of Orrville, Wayne County, Ohio, that:

Section 1: The City of Orrville, authorizes its Director of Utilities, by and through its authorized officers and officials, to participate with the Department of the Army, Corps of Engineers, in the design and construction of the City of Orrville Raw Water Main Improvements Project, Ohio Environmental Restoration Infrastructure and Resource Protection and Development Program authorized by Section 594 of the Water Resources Development Act of 1999, which project is located in Wayne County, Ohio.

Section 2: The Director of Utilities, City of Orrville and other appropriate City of Orrville officials, including City of Orrville's Law Director, are authorized to execute on behalf of the City of Orrville, Wayne County, Ohio, all documents necessary to implement participation by the City of Orrville, Wayne County, Ohio, in the design and construction of an Environmental Restoration Infrastructure and Resource Protection Project, being a water main improvements project, in the City of Orrville, the Department of the Army, Corps of Engineers, including but not limited to the Project Partnership Agreement between the Department of the Army and the City of Orrville, Wayne County, Ohio, for the design and construction of the City of Orrville Raw Water Main Improvements Project, that provides, among other things, that the City of Orrville shall:

- a. Provide without cost to the United States Government all lands, easements, and rights-of-way including suitable borrow and dredge material disposal areas, all modifications, relocations and alterations of structures including but not limited to buildings, utilities, including relocations of on-site underground utilities, roads, bridges, sewers and water supply facilities and repair or replacement of all intakes, drains, and appurtenant facilities necessary for the construction, operation and maintenance of the Project;
- b. Hold and save the United States Government free from damages due to the construction, operation and maintenance of the Project, exclusive of damages due to the fault or negligence of the United States Government or its contractors;

c. Operate, maintain, replace and rehabilitate the Project upon completion, and as constructed, in accordance with the regulations or directions by the Secretary of the Army and all without cost to the United States Government;

d. Pay its percentage share of total project costs as required by The Water Resources Development Act of 1986, (Public Law 99-662), and by the Project Partnership Agreement;

e. Prevent obstruction of or encroachment on the Project that would reduce the level of protection it affords or that would hinder operation and maintenance thereof;

AND

f. Comply with the provisions of the Uniform Relocations Assistance and Real Property Acquisitions Policies Act of 1970, Public Law 91-646, approved 2 January 1971; and Section 221, Public Law 91-611, approved 31 December 1970, as amended.

Section 3: The City of Orrville hereby approves and ratifies all prior participation and acts of the City of Orrville, by and through its officials, with the Department of the Army, Corps of Engineers, in relationship to said Project.

Section 4: The Director of Utilities of the City of Orrville and other appropriate City officials are hereby authorized to purchase, or otherwise acquire from private property owners, in the name of the City of Orrville, and in accordance with said Agreement, any and all interests in real property necessary for the construction, operation and maintenance of the property.

Duly passed in accordance with the laws of the State of Ohio, this ____ day of July, 2008.

President of Council

Attest:

Clerk of Council

Approved:

Mayor

Date _____

APPROVED AS TO LEGAL FORM:

Daniel R. Lutz
Law Director, City of Orrville