

RESOLUTION NO. 63-08

A RESOLUTION AUTHORIZING THE CITY OF ORRVILLE TO ENTER INTO A MEMORANDUM OF AGREEMENT AND/OR AGREEMENTS WITH THE UNITED STATES OF AMERICA (ACTING THROUGH THE ARMY CORPS OF ENGINEERS, PITTSBURGH DISTRICT) REGARDING THE PIKE ISLAND HYDRO-ENERGY PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, one of the steps in continuing the progress towards construction of the Pike Island hydro-energy project is to for the City of Orrville and United States Army Corps of Engineers to a memorandum of understanding regarding access privileges as required by Article 306 of the FERC License Project No. 3218;

WHEREAS, GenPower Services, LLC is currently conducting many required field activities such as geotechnical survey, bathymetric survey, threatened and a endangered species survey at Pike Island without an executed memorandum of agreement; and

WHEREAS, the City of Orrville's recoupment of funds expended on this project is dependent upon continuing progress towards successful construction of the project,

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

Section 1: The City of Orrville, by and through its authorized officers and officials, shall enter into a memorandum of agreement and/or agreements with the United States of America (acting through the Army Corps of Engineers, Pittsburgh District) in substantially the form attached hereto as "Exhibit A";

Section 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Orrville, and for the further reason that it is imperative that the City comply with it's FERC license requirements and not impede the progress of the FERC License Project No. 3218; therefore, this Resolution shall be in full force and effect immediately after its passage and approval by the Mayor.

Duly passed in accordance with the laws of the State of Ohio, this ___ day of _____ 2008.

President of Council

Attest:

Clerk of Council

Approved:

Mayor

Date _____