

RESOLUTION NO. 2018-61

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO WAIVE THE PAYMENT IN LIEU OF THE DISCONNECTION REQUIREMENT MANDATED BY KENT CITY CODIFIED ORDINANCE SECTION 1311.05 TO KLABEN FORD LINCOLN, INC., AND DECLARING AN EMERGENCY.

WHEREAS, Klaben Ford Lincoln, Inc. dealership is in the process of another expansion that involves the demolition of a vacant residential unit that is adjacent to its current operations; and

WHEREAS, Kent City Codified Ordinance Section 1311.05 requires the water and sanitary sewer lines to be disconnected at the main line when a structure is razed; and

WHEREAS, the Ordinance allows the Service Director to authorize the termination of the utilities within the confines of the property site instead of a complete disconnection, as long as the contractor provides a payment in lieu of disconnection; and

WHEREAS, the City's Service Director has approved the termination of the water and sanitary utility lines on site, which requires Klaben to provide payment in lieu of disconnection; and

WHEREAS, the City's Service Director has requested that the "in lieu of" fees be waived, in this instance only.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to waive the payment in lieu of disconnection requirements, in this instance only, to Klaben Ford Lincoln, Inc.'s dealership until their expansion plan is completed.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council, this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: May 16, 2018
Date

J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: May 16, 2018
Date

ATTEST: Tara Grimm
Tara Grimm, CMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF RESOLUTION No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

TARA GRIMM, CMC
CLERK OF COUNCIL