



Legislation Details (With Text)

File #: O-386-18 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 9/5/2018 **In control:** Economic Development Department
On agenda: 9/25/2018 **Final action:** 9/25/2018
Title: Authorizing the Mayor to renew and amend the License Agreement with Sunoco Pipeline L.P. for the location, operation and maintenance of a petroleum pipe line and casting located within public rights-of-way and parcels of the City of Toledo, subject to certain conditions; authorizing acceptance of a license fee in the amount of \$10,553, waiving provisions of TMC Ch. 187, and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A

Date	Ver.	Action By	Action	Result
9/25/2018	1	City Council	Dispense with the rules of Council requiring...	Pass
9/25/2018	1	City Council	declare emergency	Pass
9/25/2018	1	City Council	passage	Pass

DEBD013018-SunocoPipelineAmend

Real Estate Div.

C. Watkins (x1154)

Authorizing the Mayor to renew and amend the License Agreement with Sunoco Pipeline L.P. for the location, operation and maintenance of a petroleum pipe line and casting located within public rights-of-way and parcels of the City of Toledo, subject to certain conditions; authorizing acceptance of a license fee in the amount of \$10,553, waiving provisions of TMC Ch. 187, and declaring an emergency.

SUMMARY & BACKGROUND:

As authorized by Ord. 621-88, Sunoco Pipeline L.P. entered into a 30-year Real Property License Agreement with the City of Toledo on Sept. 15, 1988, for the construction, installation and operation of a liquid pressurized petroleum products pipe line and casing in, under, across and along city-owned land and right-of-way, referred to as the "Maumee Riverfront, Riverfront Northwest, L.W.C.F., Project No. 39-00632", hereinafter referred to as the "License". The original license agreement expired January 31, 2018. Sunoco has requested the continuation and renewal of the License for an additional 30 years. The proposed Amendment to the License includes certain changes to terms as determined to be in the best interest of the city and has been approved by the Departments of Public Service, Law and Community and Economic Development. The License also doubles the previous one-time license fee to \$10,533. This Ordinance would authorize the renewal and amendment of the previous License Agreement for an additional thirty (30) years.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to execute an Amendment to the Real Property License between the city of Toledo and Sunoco Pipeline L.P., as the successor in interest, originally executed on September 15, 1988, (“Amended License”) for the following described property:

A parcel of land being part of Water Block 6, all of Water Blocks 7 through 19 inclusive, part of Block 4 through 10 inclusive, together with part of vacated Alpena, Suder, Adrian, Clifford, Pontiac, Oswego and Water Streets, part of the vacated alley adjacent to Block 10, all being in “North Toledo”, also a parcel lying between the southeasterly line of “North Toledo” and the Maumee River Harbor Line, all being located in the City of Toledo, Lucas County, Ohio, said parcel of land being bounded and described as shown in the attached Exhibit A.

SECTION 2. That the term of the Amended License shall be thirty (30) years, effective February 1, 2018 and terminating on January 31, 2048. A one-time fee of \$10,553 shall be payable to the city as consideration for Sunoco Pipeline L.P.’s license to operate and maintain its petroleum pipeline and casing on, in, under and along the above described city property and right-of-way.

SECTION 3. That the Mayor and Finance Director are authorized to accept and deposit the license fee proceeds into Account Code 2006-60500-7621880SUNMAU.

SECTION 4. That this Council approves the Amended License and finds that it does not conflict with any other needed municipal purpose; and further authorizes the Amended License, notwithstanding, and as an exception to competitive bid provisions of Chapter 187, and other provisions, if any, of the Toledo Municipal Code for the reason that the continued operation of the pipeline provides access to resources important to the community and Sunoco’s operations in northwest Ohio.

SECTION 5. That the Division of Real Estate is authorized, upon proper execution of the Amended License, to have it recorded in the Lucas County records.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Ordinance must be immediately effective to renew the license of the above described real property and ensure the continued operation of the pipeline.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by

Council _____

Attest: _____
Clerk of Council