



Legislation Details (With Text)

File #: O-040-19 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 1/7/2019 **In control:** Law Department
On agenda: 1/22/2019 **Final action:** 1/22/2019

Title: Authorizing the Mayor to (i) enter into one or more easement agreements (the “Easements”) with IronUnits LLC for the grant of a surface easement and aerial easement for the installation, operation, and maintenance of a rail line and conveyor system across portions of City-owned Front Street right-of-way and (ii) consent to the grant of an easement from the Toledo-Lucas County Port Authority over certain land adjacent to the Front Street right-of-way over which the City has existing easement rights (the “Port Easement”), all for purposes of the development, construction and operation of the Cleveland-Cliffs Inc. HBI Production Plant Project on adjacent land (the “Project”); authorizing the Mayor to execute needed instruments and agreements in connection with such easement grants; authorizing the Mayor to accept and deposit funds as reimbursement for City incurred expenses associated with such easement grants; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A, 2. Audio: Agenda Review 1/15/2019, 3. Audio: Council Meeting 1/22/19

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---|--------|
| 1/22/2019 | 1 | City Council | Dispense with the rules of Council requiring... | Pass |
| 1/22/2019 | 1 | City Council | declare emergency | Pass |
| 1/22/2019 | 1 | City Council | passage | Pass |

IronUnits, LLC Front Street Easements
 Bill Burkett - Development (x1692)/Paul F. Syring - Law (x1020)
 Revised

Authorizing the Mayor to (i) enter into one or more easement agreements (the “Easements”) with IronUnits LLC for the grant of a surface easement and aerial easement for the installation, operation, and maintenance of a rail line and conveyor system across portions of City-owned Front Street right-of-way and (ii) consent to the grant of an easement from the Toledo-Lucas County Port Authority over certain land adjacent to the Front Street right-of-way over which the City has existing easement rights (the “Port Easement”), all for purposes of the development, construction and operation of the Cleveland-Cliffs Inc. HBI Production Plant Project on adjacent land (the “Project”); authorizing the Mayor to execute needed instruments and agreements in connection with such easement grants; authorizing the Mayor to accept and deposit funds as reimbursement for City incurred expenses associated with such easement grants; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo operates, maintains, and owns a certain public dedicated right-of-way known as Front Street, including that portion of Front Street in the vicinity of the Front Street overpass and the intersection of

Front Street with Millard Avenue. IronUnits LLC, a subsidiary of Cleveland-Cliffs Inc., is in the process of developing the Project on property immediately adjacent to the Front Street right-of-way. A surface easement in the vicinity of and under the Front Street overpass, an aerial easement in the vicinity of the Front Street and Millard intersection, and the City’s consent to the Port Easement are needed from the City to facilitate the construction and operation of the Project. The Project will provide economic development, job creation, and an enhanced tax base for the City of Toledo. IronUnits LLC has agreed to reimburse the City, as consideration for the easement grants, associated City incurred costs. The Easements will encumber portions of the Front Street right-of-way, however, it has been determined that the Easements and the City’s consent to the Port Easement will not conflict with the City’s nor the public’s continuing use of the right-of-way.

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

SECTION 1. That the Mayor is authorized to enter into the Easements, the Cost Reimbursement Agreements with IronUnits LLC, and the consent to the Port Easement, all in connection with the grant of easements for the installation, operation and maintenance of a surface rail line and an aerial conveyor system upon such terms and conditions as shall be approved by the Director of Public Utilities, Director of Public Service, and the Director of Law, across portions of City-owned right-of-way known as Front Street in the vicinity of the Front Street overpass and Front Street and Millard Avenue intersection and more fully indicated on Exhibit A attached, subject to revision and finalization of legal descriptions and surveys as needed and approved by the Department of Public Utilities and the Director of Law.

SECTION 2. That the Mayor is authorized to accept and deposit funds from IronUnits LLC as reimbursement for related City incurred out-of-pocket costs into the General Fund Account Code 1001-16500-5000436STDSTD.

SECTION 3. That it is found and determined that all formal actions of City Council concerning and relating to the passage of this ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of the committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this ordinance is declared to be an emergency measure and shall be in force and effect after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health, safety, and property, and for further reason that this Ordinance must be immediately effective in order to authorize the execution of the Easements and consent to the Port Easement and to adhere to the construction and operation timelines of the Project, which Project facilitates economic development, job creation, and an enhanced tax base for the City of Toledo and its residents.

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