



Legislation Details (With Text)

File #: O-039-19 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 1/7/2019 **In control:** Law Department
On agenda: 1/22/2019 **Final action:** 2/5/2019
Title: Authorizing the Mayor to enter into an Easement Agreement with Generations Pipeline, LLC for the grant of an easement for installation, operation, and maintenance of a 16-inch subsurface gas pipeline across a portion of city-owned real estate known as the Collins Park Water Treatment Plant, 3040 York Street, Toledo, Ohio, for purposes of providing natural gas service for the Cliffs Natural Resources, Inc. HBI Production Project; authorizing the Mayor to execute needed instruments and agreements in connection with such easement grant; authorizing the Mayor to accept and deposit funds as reimbursement for City incurred expenses associated with the pipeline installation into the Water Operating Fund from Generations Pipeline, LLC in consideration of the easement grant; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A, 2. Exhibit A, easement, 3. Audio: Agenda Review 1/15/2019, 4. Audio: Council Meeting 1/22/19, 5. Audio: City Council 2/5/2019

Date	Ver.	Action By	Action	Result
2/5/2019	1	City Council	declare emergency	Pass
2/5/2019	1	City Council	passage	Pass
1/22/2019	1	City Council	First Reading	Pass

Generations Pipeline Easement
Collins Park Water Treatment Plant
Andrew McClure (x3058)/Paul F. Syring - Law (x1020)
Revised

Authorizing the Mayor to enter into an Easement Agreement with Generations Pipeline, LLC for the grant of an easement for installation, operation, and maintenance of a 16-inch subsurface gas pipeline across a portion of city-owned real estate known as the Collins Park Water Treatment Plant, 3040 York Street, Toledo, Ohio, for purposes of providing natural gas service for the Cliffs Natural Resources, Inc. HBI Production Project; authorizing the Mayor to execute needed instruments and agreements in connection with such easement grant; authorizing the Mayor to accept and deposit funds as reimbursement for City incurred expenses associated with the pipeline installation into the Water Operating Fund from Generations Pipeline, LLC in consideration of the easement grant; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo is the fee owner of certain real estate known as the Collins Park Water Treatment Plant located at 3040 York Street, Toledo, Ohio. Generations Pipeline, LLC is in the process of constructing a 16-inch subsurface natural gas pipeline for the purpose of providing natural gas service to the Ironville site. The Ironville site is the location of the construction and operation of Cliffs Natural Resources, Inc. HBI Production

Project. The HBI Production Project located in near proximity of the Collins Park Water Treatment Plant will provide economic development, job creation, and an enhanced tax base for the City of Toledo. Generations Pipeline, LLC has requested a subsurface utility easement from the City of Toledo in order to implement the objectives of this Project. Generations Pipeline, LLC has agreed to reimburse the City, as consideration for the easement grant, the associated City incurred costs. The easement grant will encumber a portion of the northwest perimeter of the Collins Park Water Treatment Plant property, however, it has been determined that the easement grant will not conflict with the City's current or anticipated and continuing use of the property or plant operations.

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

SECTION 1. That the Mayor is authorized to enter into an Easement Agreement and a Cost Reimbursement Agreement with Generations Pipeline, LLC for the grant of an easement for the installation, operation, and maintenance of a subsurface natural gas pipeline upon such terms and conditions as shall be approved by the Director of Public Utilities and the Director of Law, across a portion of city-owned property located at 3040 York Street (TD Parcel 18-66141), and identified in Exhibit A attached, subject to revision and finalization of legal description and survey as needed as approved by the Division of Public Utilities and the Director of Law.

SECTION 2. That the Mayor is authorized to accept and deposit funds as reimbursement for related City incurred costs into the Water Operating Fund in account code 6060-32000-4000500STDSTD from Generation Pipeline, LLC.

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 which resulted in such formal action were 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 from and 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 Easement Agreement and to adhere to the construction and operation timelines of the Cliffs Natural Resources, Inc. HBI Production 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