



## Legislation Text

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**File #:** R-320-21, **Version:** 3

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### PROPOSED AMENDMENT

**Pursuant to Toledo City Charter Section 111, the Director of Law is hereby directed to take any and all actions, including making a formal demand for repayment and filing legal action(s) in a court of competent jurisdiction, to seek reimbursement from any and all parties for costs incurred by the City for any revisions to privately owned facilities associated with the Summit Street Roadway Improvement Project; and declaring an emergency.**

WHEREAS, the City of Toledo, pursuant to Ordinance 180-20, undertook the Summit Street Roadway Improvement Project, to “improve Summit Street from Lafayette to Jackson with a roadway reconstruction, a new waterline installation, and miscellaneous infrastructure improvements”; and

WHEREAS, pursuant to Toledo Municipal Code Section 945.10, the responsibility for relocation, removal or abandonment of privately-owned facilities located in the public right of way is the responsibility of the owner or operator of the facilities when it is determined that the relocation is reasonably necessary due to “the need to construct, repair, maintain, improve or use the right of way or public property”; and

WHEREAS, it has come to the attention of Council that some costs for relocation of privately-owned facilities were incurred by the City; and

WHEREAS, in the public interest and for the protection of taxpayer resources, it is appropriate for the City to seek recovery of these incurred costs; NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. Pursuant to Toledo City Charter Section 111, the Director of Law is hereby directed to take any and all actions, including making a formal demand for payment and filing legal action(s) in a court of competent jurisdiction, to seek reimbursement for costs incurred by the City of Toledo for any revisions the privately-owned facilities associated with the Summit Street Roadway Improvement Project.

SECTION 2. That the Director of Finance is authorized to deposit all funds obtained by the City of Toledo from any and all parties in reimbursement for costs incurred by the City for any revisions to privately-owned facilities associated with the Summit Street Roadway Improvement Project. Said reimbursement shall be deposited in Account Code 5040-35000-8CB2033SUMMST, or 5040-14800-1135001STDSTD, or other appropriate City of Toledo account as determined by the Director of Finance.

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

SECTION 4. That this Resolution 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 Resolution is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this Resolution must be immediately effective in order to allow the City of Toledo to receive reimbursement for dollars spent.

Vote on emergency clause: yeas 11, nays 0.

Passed: June 22, 2021, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

June 22, 2021  
Wade Kapszukiewicz  
Mayor