

AN ORDINANCE AMENDING SECTION 230.05 OF THE CODIFIED ORDINANCES TO AUTHORIZE THE CITY MANAGER TO ENTER INTO LICENSE AGREEMENTS FOR EXPANDED USES OF CITY-OWNED UTILITY EASEMENTS.

WHEREAS, pursuant to Ordinance No. 03-139, passed by this Council on July 16, 2003, the City Manager was authorized to enter into revocable license agreements with property owners in order to permit private fences to be constructed over City-owned utility easements so long as the fence does not conflict with existing or proposed utility uses and the maintenance thereof; and

WHEREAS, pursuant to Ordinance No. 08-059, passed by this Council on May 7, 2008, the license agreement authorization previously granted via Ord. No. 03-139 was expanded to include decks and other similar structures without a foundation in City-owned utility easements; and

WHEREAS, there are other accessory structures similar to fences and decks that may be placed over City-owned utility easements by property owners including patios and driveways, so long as a property owner assumes the risk of removal of such structures when such removal is deemed necessary by the City for use of the utility easement;

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. Section 230.05, "License Agreements for Use of City-Owned Utility Easements", of Title Six "Administration", of the Codified Ordinances of the City is hereby amended to read as follows:

"Upon the request of a property owner, the Manager is hereby authorized to enter into a revocable license agreement generally in the form of the agreement attached to Ordinance 03-139, acceptable to the City Solicitor on behalf of the City, under which any property owner in the City may be permitted to install a fence, driveway, patio, deck, or similar structure without a foundation, across the property owner's property that is subject to a City-owned utility easement, if the structure will not conflict with existing or proposed utility uses, or their maintenance, repair and replacement, and further subject to any other applicable laws, ordinances, or subdivision regulations. As used in this section, "City-owned utility easement" shall have the same meaning as set forth in Section 1016.01(b)(16)."

Section 2. Section 230.05 of the Codified Ordinances as it existed prior to the effective date of this Ordinance be, and the same is hereby repealed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

Craig A. Shubert, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance No. 21-24 was duly passed by the Council of said Municipality on _____, 2021.

Elizabeth Slagle, Clerk of Council