

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF CLEVELAND FOR AN EXTENSION OF A WATER LINE ALONG CHITTENDEN ROAD IN THE VILLAGE OF BOSTON HEIGHTS; AND DECLARING AN EMERGENCY.

WHEREAS, an owner and developer of property in the Village of Boston Heights, Geocharis, LLC, is in need of potable water for a development of commercial property at 6217 Chittenden Road (the "Subject Property") and the only feasible source of such water is from the City of Hudson water line that currently extends to 6155 Chittenden Road and that will need to be extended at the developer's sole cost in a northerly direction in order to serve the property at 6217 Chittenden Road; and

WHEREAS, the Subject Property is located in a designated City of Cleveland water service district area but water lines supplied by Cleveland are not located anywhere near the Subject Property; and

WHEREAS, the City of Cleveland and the Village of Boston Heights are amenable to the City of Hudson supplying water to the Subject Property through an extension of the existing Hudson water line in the Village of Boston Heights that would be subject to an agreement between the City of Cleveland and the City of Hudson, which agreement will also include a condition that if water supplied by the City of Cleveland is extended to the Subject Property, the ownership of the Hudson water line that extends northerly from State Route 303 to the Subject Property will be transferred to the City of Cleveland.

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

Section 1. The City Manager is authorized to enter into an agreement with the City of Cleveland to extend the Hudson water line from 6155 Chittenden Road to 6217 Chittenden Road in the Village of Boston Heights under the conditions set forth in the preamble to this Resolution and which shall be approved as to legal form by the City Solicitor.

Section 2. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the public, and for the further reason that the extension of the water line is necessary at this time in order to provide potable water to a commercial facility to be occupied by persons requiring such water service; wherefore, this Resolution shall be in effect immediately upon its passage provided it receives the affirmative vote of five (5) members of Council, except that six (6) affirmative votes shall be

required if all members are present; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

William A. Currin, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution was duly passed by the Council of said Municipality on _____, 2014.

Elizabeth Slagle, Clerk of Council