

SPONSOR: *Frank J. ...*

ORDINANCE NO. 15-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND THE CHILD DEVELOPMENT CENTER OF JACKSON, FOR THREE-PHASE ELECTRIC SERVICE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Mayor and/or his designated representative is authorized to enter into an Agreement between the City of Jackson, Ohio, and Child Development Center of Jackson (CDC), for three-phase electric service to CDC's new facility on Pattonsville Road. A copy of the Agreement is attached hereto as Exhibit "A".

Section Two. This Ordinance is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, in that it is necessary to enter into this agreement as soon as possible in order that CDC may proceed with the construction of its new facility and remain on schedule in order to complete the project in a timely manner. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

Section Four. It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Date: 2/20/07

Renaul B. Spearman
PRESIDENT OF COUNCIL

Dea L. Brown
CLERK OF COUNCIL

Approved:

Date: 2-20-07

[Signature]
MAYOR

EXHIBIT "A"

AGREEMENT FOR THREE-PHASE
ELECTRIC SERVICE

This agreement is made this day between the Child Development Center of Jackson (referred to as the CDC), an Ohio non-profit corporation, and the City of Jackson, Ohio (referred as the City) for the construction of a line to supply three-phase electric service to the Pattonsville Road site where the CDC is constructing a new daycare facility.

RECITALS: The CDC is constructing a new daycare facility on Pattonsville Road in the City of Jackson, Ohio. The site is zoned as industrial by the City of Jackson. The site is not presently supplied with Three-Phase electric service. Three-Phase electric service is a common method of electric service that is suited for industrial use. Providing Three-Phase service to the Pattonsville Road area will benefit the CDC as well as the City by making the area zoned as industrial more desirable to businesses to locate in that area. The City has had an opportunity to inspect the site and is aware of the requirements necessary to provide Three-Phase service to the Pattonsville Road area.

DESCRIPTION OF WORK: The City shall obtain the easements necessary to provide service to the CDC's Pattonsville Road site and to locate Three-Phase electric service on the site in a location suitable for use by the CDC and in a place as agreed upon by the CDC's architect and the City's Service Director. The Three-Phase service shall be designed and installed by the City and shall pass all applicable State and local codes.

COMMENCEMENT OF WORK: The City shall take action as required to obtain the necessary easements and to commence work at the earliest possible date. Work shall be completed on or before March 16, 2007.

PAYMENT: The CDC shall pay the total sum of \$15,000 to the City upon commencement by the City to obtain the easements. The CDC recognizes that this money may be used by the City to deposit with the Court in the event an eminent domain action is required to obtain the necessary easements. The payment of \$15,000 by the CDC to the City represents the total obligation of the CDC pursuant to this Agreement.

AUTHORITY: The board of the CDC, an Ohio non-profit corporation, has duly authorized Marlene Ray, its executive director, to execute this Agreement and to make payment to the City as required. The City has authorized its Director of Public Service to execute this Agreement on behalf of the City.

Dated: _____

Steve Benson, Director of Service
of the City of Jackson

Marlene Ray, Executive Director