

SPONSOR: Wiggins / E. Brown

ORDINANCE NO. 67-09

AN ORDINANCE ADOPTING AND ENACTING A RIGHT-OF-WAY MANAGEMENT ASSESSMENT PLAN AND POLICY FOR THE CITY'S UTILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson, Ohio is an Ohio municipal corporation which operates utilities which provide various services to customers of the City, said services including but not necessarily limited to, water service, sewer service, and electric service; and

WHEREAS, the General Fund of the City of Jackson is responsible for the maintenance, care, and upkeep of the streets, alleys, and other public grounds within the City of Jackson, Ohio; and

WHEREAS, in order to provide services to customers the City's utilities use and access the City's streets, alleys, and other public grounds to convey, among other services, water, sewer, and electric; and

WHEREAS, the City desires to adopt a plan and policy wherein the City's utilities may be assessed a fair charge for the use of the City's streets, alleys, and other public grounds, in order that the streets, alleys, and other public grounds may be properly maintained.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Jackson, Ohio, that:

Section One. Jackson City Council hereby accepts, adopts, and enacts the Right-of-Way Assessment Plan which is attached hereto which is attached hereto as Exhibit "A".

Section Two. This Council authorizes the City Auditor and the City Law Director to present this plan to the Ohio State Auditor. This Council further authorizes the City Law Director to take any and all actions, including any legal proceedings, the Law Director deems necessary, to enforce this Plan.

Section Three. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section Four. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this Ordinance is required to be immediately effective in order to implement

the policies and processes as set forth in the Assessment Plan. Therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Section Five. 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.

Date: 8/10/09


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Approved:

Date: 8/10/09


MAYOR

Exhibit "A"

**CITY OF JACKSON, OHIO
RENTS AND RIGHT-OF-WAY PLAN
FOR CITY OWNED UTILITIES**

The City of Jackson, Ohio adopts this plan and policy for the reimbursement of rents and rights-of-ways used by the City's utilities. The City finds that the streets, alleys, and other public areas used for right-of-way access to deliver services to customers are across properties required to be maintained by the City's General Fund.

INTRODUCTION:

The City of Jackson has studied various plans for reimbursement of rents and rights-of-way, including a gross revenue plan and a footage plan based upon number of feet and property valuations.

The City has determined that the gross revenue methodology best serves the City of Jackson, Ohio, and such plan shall be adopted as the basis for the recovery of reimbursements of rents and rights-of-way used by the City's utilities.

The amount of five percent (5%) of gross revenues has been determined to be a fair and reasonable reimbursement amount for public utilities which use a municipal right-of-way.

POLICY:

The City of Jackson hereby adopts the policy that up to five percent (5%) of the gross revenues of the City's utilities which access and use the City's streets, alleys, and other public areas for the delivery of services to customers, may be paid to the City's General Fund, as and for a fair and equitable fee for using the City's streets, alleys, and public ways as and for rights-of-ways for servicing customers.