

**RESOLUTION NO. 2015-32
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN OPERATION AND MAINTENANCE AGREEMENT WITH WXZ RETAIL GROUP/LYNDHURST, LLC, AND THE DIRECTOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY TO ENSURE ENGINEERING CONTROL AND GROUND WATER REMEDY ON THE PROPERTY KNOWN AS CUYAHOGA COUNTY PERMANENT PARCEL NUMBERS 712-21-012, 712-21-013, 712-21-014 AND 712-21-015, AND DECLARING AN EMERGENCY.

WHEREAS, the City has received a Clean Ohio Revitalization Fund Grant from the Clean Ohio Council to assist in the clean up or remediation of a Brownfield located in the City, and known as 5637, 5647, 5649-5651 Mayfield Road, and further known as Cuyahoga County Permanent Parcel Numbers 712-21-012, 712-21-013, 712-21-014 and 712-21-015;

WHEREAS, clean up or remediation has been completed to the satisfaction of the Ohio Environmental Protection Agency and;

WHEREAS, it is necessary to execute an Operation and Maintenance Agreement with WXZ Retail Group/Lyndhurst, LLC, and the Director of the Ohio Environmental Protection Agency to ensure engineering control and ground water remedy on the property. Now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNDHURST, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

SECTION 1. This Council hereby authorizes the Mayor to execute an Operation and Maintenance Agreement with WXZ Retail Group/Lyndhurst, LLC, and the Director of the Ohio Environmental Protection Agency, a copy of which is attached hereto and made a part hereof as Exhibit A, to ensure engineering control and ground water remedy on the property known as Cuyahoga County Permanent Parcel Numbers 712-21-012, 712-21-013, 712-21-014 and 712-21-015

SECTION 2. Said Agreement shall not be executed without the approval of the City's Director of Law.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst in order to ensure engineering control and ground water remedy are implemented in a timely fashion. Therefore, this Resolution shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: May 4, 2015

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on _____ May 14, 2015 _____ and _____ May 21, 2015 _____.

Clerk of Council

First Reading: _____ May 4, 2015 _____

Second Reading: _____ Suspended _____

Third Reading: _____ Suspended _____

Passed 5-4-2015