

ORDINANCE NO. 2018-10
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE GRANTING A PERMANENT EASEMENT TO THE OHIO BELL TELEPHONE COMPANY DBA AT&T OHIO, AN OHIO CORPORATION, AND ITS AFFILIATES AND LICENSEES, SUCCESSORS AND ASSIGNS, UPON CUYAHOGA COUNTY PERMANENT PARCEL NO. 714-16-002 IN ORDER TO INSTALL COMMUNICATION FACILITIES AT BRAINARD PARK, AND DECLARING AN EMERGENCY.

WHEREAS, The City of Lyndhurst, Ohio is the owner of real property known as Cuyahoga County Permanent Parcel No. 714-16-002, and also known as Brainard Park; and

WHEREAS, The Ohio Bell Telephone Company dba AT&T Ohio must install a fiber optic cabinet to replace the existing cabinets at Brainard Park; and

WHEREAS, in order to do so the City must grant a permanent easement to the Ohio Bell Telephone Company dba AT&T Ohio; and

WHEREAS, the City's Service Department has reviewed the request, and does not object to the installation; and

WHEREAS, the City's Engineer has reviewed the request, and does not object to the installation; and

WHEREAS, the City's Law Department has reviewed the request, and has determined the request can be granted provided a permanent easement setting out the rights, duties and obligations of the parties is executed. Now, therefore,

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

SECTION 1. This Council authorizes the City to grant a permanent underground easement to the Ohio Bell Telephone Company dba AT&T Ohio, an Ohio Corporation, and its affiliates and licensees, successors and assigns, upon Cuyahoga County Permanent Parcel No. 714-16-002.

SECTION 2. This Council hereby directs the Law Director to review and approve a permanent easement which will incorporate sufficient protections for the City.

SECTION 3. This Council hereby directs the Mayor to execute the permanent easement document.

SECTION 4. The permanent easement shall be granted and recorded at no cost to the City.

SECTION 5. 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 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Lyndhurst and its residents for the reason that it is necessary to approve the aforesaid easement so as to not unnecessarily delay the installation of the fiber optic cabinet. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: February 5, 2018

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 Ordinance 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 February 15, 2018 and February 22, 2018.

Clerk of Council

First Reading: February 5, 2018

Second Reading: Suspended

Third Reading: Suspended

Passed 2-05-2018