

CITY COUNCIL AGENDA

February 21, 2012

7:30 p.m.

The meeting will be held at City Hall, in Council Chambers, 1st Floor, 538 N. Market Street, Wooster, Ohio.

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2012-05 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ABS MATERIALS, INC. AND THE WOOSTER GROWTH CORPORATION FOR TAX ABATEMENT, AND DECLARING AN EMERGENCY (Steiner)

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-06 AUTHORIZING THE MAYOR TO EXECUTE A PERMANENT EASEMENT FOR AN ENCROACHMENT UPON THE PUBLIC RIGHT-OF-WAY, AND DECLARING AN EMERGENCY (Ulbright)
2. First Reading - RESOLUTION NO 2012-32 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES PROVIDED TO THE MUNICIPALITY PURSUANT TO A CONTRACT WITH BUREAU VERITAS NORTH AMERICA, INC. (Ansel)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

Refer to attached documentation for specific details related to ABSMaterials 75% 10 year Enterprise Zone tax incentive request.

Is there a need for rules suspension or time limitation when this must be passed?

Yes – Approval by council during the February 6th 2012 meeting will confirm the Wooster community's strong support of the proposed project.

Manager Requesting

Date

Approved for Agenda

ord #5

ORDINANCE NO. 2012-06

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERMANENT EASEMENT FOR AN ENCROACHMENT UPON THE PUBLIC RIGHT-OF-WAY, AND DECLARING AN EMERGENCY

WHEREAS, the owner of Lot Nos. 9575 and 9578 in the first block of West Liberty Street (as more fully described in Exhibit A, attached hereto) has initiated construction of a combined commercial and residential structure known as the Merchants Block project, and the structure, as planned, will encroach no more than six (6) inches onto the public right of way (a sidewalk, as appears on the Location Plat attached hereto as Exhibit B). Additionally, older adjacent buildings have encroachments onto the public right-of-way that have existed for many years within this block; and

WHEREAS, the existing sidewalk is nearly fourteen (14) feet wide, and an easement of six (6) inches from the existing building line would leave sufficient room for the passage of pedestrians, and would be consistent with all other encroachments along the sidewalk within this block; and

WHEREAS, the Engineering Division has examined the location and determined that the encroachment will not interfere with any current municipal interest.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Mayor is hereby authorized to grant a permanent easement for an encroachment of a combined commercial and residential structure to be located on Lot Nos. 9575 and 9578 upon the public right-of-way (a sidewalk), being no more than a six (6) inch wide easement parallel and adjacent to the south property lines. This easement is subject to the following limitations: (1) that it will be dissolved immediately upon the destruction, dismantling or removal of the structure to be constructed thereupon; and (2) that the property owner assumes all responsibility and liability for that which it owns, erects or otherwise places upon the easement, and for damage occurring to persons or property attributable to such.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that time is of the essence in enabling the property owner to fully establish the boundaries of the easement in order to facilitate the financing and construction of the project; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2012 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2012
Mayor

Introduced by: Jon E. Ulbright

Exhibit "A"

LEGAL DESCRIPTION OF REAL ESTATE

Parcel 1:

Situated in the City of Wooster, County of Wayne and State of Ohio:

Known as and being Lot Number 9575 on the Merchants Block Plat, as shown by the plat recorded in Volume 29, Page 312, Plat Records of Wayne County, Ohio.

Permanent Parcel Number: 64-00528.000

Parcel 2:

Situated in the City of Wooster, County of Wayne and State of Ohio:

Known as and being Lot Number 9578 on the Merchants Block Plat, as shown by the plat recorded in Volume 29, Page 312, Plat Records of Wayne County, Ohio.

Permanent Parcel Number: 64-01687.000

[end of Exhibit "A"]

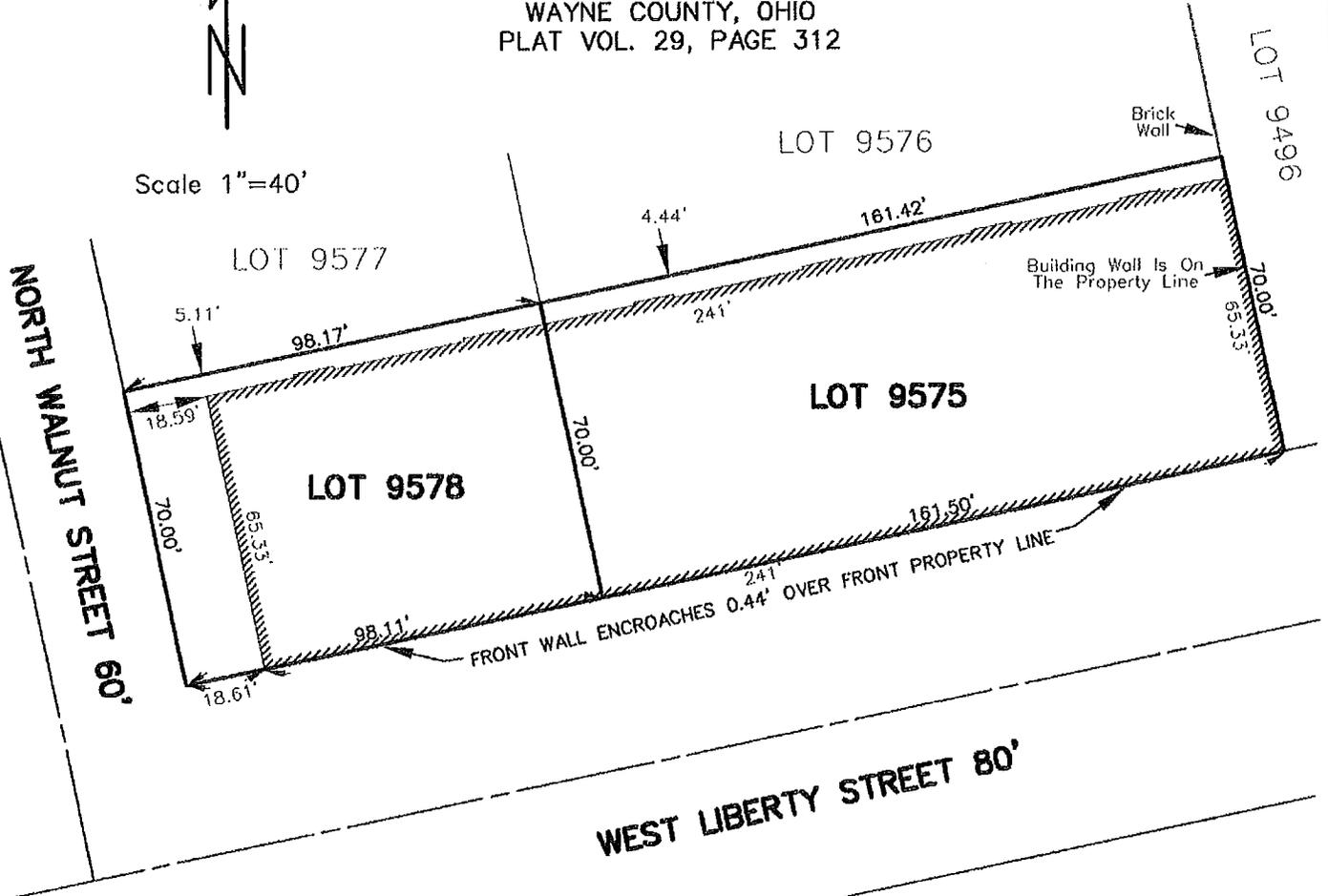
LOCATION PLAT

125 WEST LIBERTY STREET

LOT NO.'S 9575 & 9578
MERCHANTS BLOCK PLAT
CITY OF WOOSTER
WAYNE COUNTY, OHIO
PLAT VOL. 29, PAGE 312



Scale 1"=40'



I CERTIFY THAT THIS PARCEL IS NOT IN THE FLOOD PLAIN AS DEFINED BY THE FOLLOWING DATUM:

FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY NO. 390579 E. MAP NO. 39169C0212 E. ZONE X.

This Mortgage Location Plat Has Been Prepared In Accordance With Chapter 4733-38, Ohio Administrative Code, And Is Not A Boundry Survey Pursuant To Chapter 4733-37, Ohio Administrative Code.

THIS MORTGAGE LOCATION SURVEY IS CERTIFIED TO THE STATED TITLE COMPANY AND/OR LENDER. IT IS NOT INTENDED FOR USE BY THE PROPERTY OWNER AND SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES. DISTANCES ARE CALCULATED TO PLUS OR MINUS 1 FOOT.

2-14-2012
Date JASON J. LINGENFELTER P.S. No. 8499



R.G. Rudolph SURVEYING, INC.

223 W. Liberty St.
Wooster, Ohio 44691
(330) 262-0798
Job No. 21004

