

**CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO
ORDINANCE 13-03**

AN ORDINANCE ACCEPTING CERTAIN WATER IMPROVEMENTS AND EASEMENTS AS PART OF THE CITY'S WATER DISTRIBUTION SYSTEM AND DECLARING AN EMERGENCY

WHEREAS, Delphi Automotive Systems, LLC and Delphi Properties Management LLC, (collectively "Delphi") owns and/or operates the industrial property located at 480 North Dixie Highway and 250 Northwood Boulevard, Vandalia, Montgomery County, Ohio (the "Delphi Property"); and

WHEREAS, soil and groundwater contamination containing chemical substances, including volatile organic compounds (the "Contamination"), have been identified at, in, and under the Delphi Property; and

WHEREAS, to prevent any use, consumption or exposure to groundwater in the vicinity of the Delphi Property which may have been affected by the Contamination, Delphi has agreed to connect certain properties located outside of the City's corporate limits, to the City Water System at Delphi's sole cost and expense; and

WHEREAS, the City is willing to provide water services to such properties, subject to the provisions in the City Code regarding such service, via certain water improvements to be constructed by Delphi; and

WHEREAS, the water improvements have been constructed by Delphi and consists of the installation of a new water main line, connections, valves, curb stops, meters, meter pits, and radio read units, as more particularly set forth in the as built drawings attached as Exhibit A which are incorporated herein by this reference, (the "Water Improvements"); and

WHEREAS, the City has agreed that upon verification by the City that the Water Improvements are in compliance with the City's Standards and the approved construction drawings, and upon all associated real property rights being transferred to the City, being the Easements as set forth in Exhibit B which are incorporated herein by this reference, (the "Easements") the City will accept the Water Improvements for public use and accept all incidents of ownership and responsibility upon such acceptance; and

WHEREAS, City staff has confirmed that the Water Improvements, have be constructed in accordance with required governmental plan approvals and permits, including the City's standards, and that the Easements have been fully executed and will be recorded;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO, THAT:

Section 1. The City hereby accepts the Water Improvements and Easements as part of the City's Water System

Section 2. The Water Improvements shall be subject to a one year maintenance bond.

Section 3. Council ratifies the Development Agreement for construction of the Water Improvements executed by the City Manager on December 7, 2012

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety of the City, and for the further reason that the acceptance of the Water Improvements and Easements needs to take immediate effect so that the connections to the City Water System are immediately under the City's control; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Section 6. This ordinance shall become effective immediately upon its passage.

Passed this 18 day of February, 2013.

APPROVED:

Arlene Setzer, Mayor

ATTEST:

Robert L. Anderson
Clerk of Council