

REQUESTED BY:
WHITE

LAW DEPARTMENT
DRAFT NO. 0446

TITLE

AN ORDINANCE FOR THE PURPOSE OF AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE AND SAFETY TO TRANSFER CERTAIN REAL PROPERTY TO THE WESTERN RESERVE PORT AUTHORITY (PORT AUTHORITY), AND VACATING A RIGHT OF WAY FOR THE PURPOSE OF ECONOMIC DEVELOPMENT, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 13294/2023

WHEREAS, the City of Warren, Ohio, is the owner of a real property located in the City of Warren, Trumbull County, Ohio, and attached hereto as "Exhibit A"; and

WHEREAS, the City of Warren, Ohio, has a "right of way" on a parcel(s) of property located in the City of Warren, Trumbull County, Ohio, and attached hereto as "Exhibit B"; and

WHEREAS, said property is no longer needed for Municipal purposes; and

WHEREAS, the Port Authority is willing to assist the City of Warren in the development of said properties and is willing to acquire properties from the City for the purpose of creating economic development opportunities, preserving jobs, and improving the economic vitality of the City of Warren, Ohio; and

WHEREAS, the State of Ohio under Sections 721.01 and 4582.121 of the Ohio Revised Code allows for the transfer of properties from the City of Warren, Ohio to the Port Authority without the need for public bid or auction; and

WHEREAS, the State of Ohio under Sections 4582.01 through 4582.59 of the Ohio Revised Code allows the Port Authority to acquire interests in real property; and

WHEREAS, the City of Warren has a Cooperative Agreement with the Port Authority for the purpose of developing City-owned property no longer needed for municipal purposes; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That the Mayor and Director of Public Service and Safety, pursuant to the Ohio Revised Code, are hereby authorized to allow for the transfer of a municipally-owned parcel, attached hereto as "Exhibit A", to the Western Reserve Port Authority, and the vacating of a municipally-owned "right of way", attached hereto as "Exhibit B", for the purpose of economic development.

Section 2: That the Western Reserve Port Authority shall secure a Title Examination and Title Guarantee to complete the transfer and cause a deed to be executed by the proper officials to complete the Contract of Sale.

Section 3: That this Ordinance must be approved by a two-thirds vote of all members elected to this Council and approved by the Mayor.

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare, and safety, and for the further reason that it is necessary to proceed with the transfer of property at the earliest possible time and without undue delay as said property is no longer needed for any Municipal purpose. WHEREFORE, this Ordinance shall go into immediate effect.

Passed in Council this 13TH day of December, 2023.

SIGNED: John B. ATTEST: Brenda Smith
PRESIDENT OF COUNCIL CLERK

FILED WITH THE MAYOR: 12-13-23

DATE APPROVED: 12-13-23

[Signature]
MAYOR, CITY OF WARREN, OHIO

THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE PUBLIC WORKS ADMINISTRATION, HEREBY CERTIFIES THAT IT IS THE OWNER OF THE LAND DESCRIBED ON THIS PLAN, THAT AS SUCH OWNER, IT HAS CAUSED THE SAME TO BE SURVEYED, AND BASED ON THE SURVEYOR'S CERTIFICATE APPEARING THEREON, ACKNOWLEDGES SAID PLAN TO BE CORRECT AND ACCORDS THE SAME, AND HEREBY DIRECTS TO PUBLIC USE POWER, CORRELLS AVENUE, S.W., DELAWARE AVENUE, S.W., UNION STREET, S.W., WESTLAWN STREET, S.W., FRONT STREET, S.W. AND THE WESTERN IS FEET OF BERKHA AVENUE, S.W. AT INDIAN WERKON FOR A STREET PURPOSES AND LOT NO. 14 INDIAN WERKON FOR PUBLIC USE FOR ACCELERATION PURPOSES, AND THAT THE UNDERSIGNED, SUBJECT TO THE RESERVATIONS HEREINAFTER SET FORTH, HEREBY CONVEYS AND GIVES CLAIMS TO THE CITY OF WARREN, OHIO, ITS SUCCESSORS, AND ASSIGNS, PERPETUAL EASEMENTS AND RIGHT-OF-WAYS AS SHOWN AND LOCATED ON THIS PLAN TO REPAIR, MAINTAIN AND OPERATE THE STORM AND SANITARY SEWER AND WATER MAINS LOCATED HEREON, AND THAT THE UNDERSIGNED BY THESE PRESENTS DOES FURTHER ASSIGN, TRANSFER AND LET OVER TO THE SAID CITY OF WARREN, OHIO, ALL ITS RIGHT, TITLE AND INTEREST IN AND TO THE PAVES, LAMES, MARK FACILITIES AND APPURTENANCES CONSTITUTING AND COMPRISING SAID STORM AND SANITARY SEWER AND WATER SYSTEMS AS LOCATED WITHIN THE RESPECTIVE BOROUGHS AND COMPANS OF THE AREAS DESIGNATED TO PUBLIC USE AND THE EAST-ERN AREAS HEREBY CONVEYED TO SAID CITY OF WARREN, OHIO, SAID STORM AND SANITARY SEWER AND WATER SYSTEMS ARE TRANSFERRED UNTO THE CITY OF WARREN, OHIO, AS IF AND WHETHER BY WITHOUT WARRANTY, GUARANTY OR REPRESENTATION AS TO QUANTITY, QUALITY, CHARACTER, CONDITION, SIZE OR KIND OF THAT THE SAME IS IN CONDITION OR FIT TO BE USED FOR THE PURPOSES NOW WHEN IT IS INTENDED.

THE FOREGOING DECLARATION, ASSIGNMENT AND GRANTS HEREBY MADE ARE SUBJECT TO A RESERVATION TO THE UNITED STATES OF AMERICA IN ACCORDANCE WITH EXECUTIVE ORDER 9808, APPROVED SEPTEMBER 8, 1947 (48 F.R. 8232), OF ALL OREANING, THROUING, AND ALL OTHER MATERIALS, DETERMINED PURSUANT TO SECTION 5 (AND) OF THE ATOMIC ENERGY ACT OF 1946 (40 STAT. 754) TO BE PARTICULARLY ESSENTIAL TO THE PRODUCTION OF FISSIBLE MATERIAL, AND SUBJECT FURTHER TO A RESERVATION UNTO THE UNITED STATES OF AMERICA, AND ITS ASSIGNS, OF EASEMENTS NECESSARY FOR THE OPERATION, REPAIR AND MAINTENANCE OF THE GAS AND ELECTRIC DISTRIBUTION SYSTEMS AS LOCATED UNTO THE UNITED STATES OF AMERICA, THE MAINS, LINES, PIPES, WIRES, POLES, AND ALL THE APPURTENANCES AND FACILITIES COMPRISING SAID SYSTEMS.