

LOM:raf
10-31-2013
Lysenko

Presented by: Mr.

ORDINANCE NO. 178-2013

**TITLE: RIGHT OF WAY ENCROACHMENT
OHIO EDISON SUBSTATION**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON
PERMITTING OHIO EDISON SUBSTATION FENCE TO STAY IN PLACE,
AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Barberton is performing a roadway improvement project in conjunction with the Ohio Department of Transportation at 31st Street in Barberton. As part of the Right of Way research, the City of Barberton is required by the State to notify property owners of any encroachments in the Right of Way. Therefore, the City is Aware that Ohio Edison's substation fence (parcel 23) is an encroachment.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio, that:

SECTION 1. The City of Barberton permits the Ohio Edison substation fence to stay in place.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for further reason that this ordinance is required to be immediately effective to provide for the ODOT requirements, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2013

Clerk of Council

President of Council

Approved _____ 2013

Mayor