

RESOLUTION 11-2017

A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO AN EXTENTION OF A RIGHT OF ENTRY AGREEMENT ON BEHALF OF THE VILLAGE OF COMMERCIAL POINT FOR THE EXAMINING AND TESTING OF PROPERTY FOR WATER SERVICE CAPACITY AND DECLARING AN EMERGENCY.

WHEREAS, the Village Council has determined a need to explore the possibility of expanding its water service capacity; and

WHEREAS, on or about, August 1, 2016, the Village had entered into a Right of Entry Agreement with Trustee, Robert Hess, for that purpose; and

WHEREAS, the Village Council desires to extend that agreement to allow additional testing.

NOW THEREFORE, be it resolved by the Council of the Village of Commercial Point, Pickaway County, Ohio, a majority or more of the members elected thereto concurring that:

SECTION 1: The Council of the Village of Commercial Point hereby authorizes and directs the Village Administrator and/or Mayor to enter into an extended Right of Entry Agreement on behalf of the Village to explore expanding the Village's water service capacity, copies of which is attached hereto as Exhibit A.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted 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 in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: That this resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after it passage. The Village is at near capacity for water services to ensure the health and welfare of the citizens' immediate exploration is needed.

Vote on Suspension of Readings:

Motion by: Mark Geiger 2nd Scott O'Neil

Roll Call:

Yes Mark Geiger
Yes David Sadler

Yes Ben Townsend
Yes Brad Laxton

Yes Scott O'Neil
Yes Becky Blevins

Vote on Passage of the Ordinance and declaring it an emergency:

Motion by: Scott O'Neil 2nd Ben Townsend

Roll Call:

Yes Mark Geiger
Yes David Sadler

Yes Ben Townsend
Yes Brad Laxton

Yes Scott O'Neil
Yes Becky Blevins

Adopted this 6 day of March, 2017.




Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

Approved as to Form:



Michael D. Hess, Law Director

Extension of Right of Entry Agreement

For good value, this Extension of the Right of Entry Agreement [hereinafter the "Agreement"] is made by and between Robert C. Hess, Trustee [the "Owner"], and the Village of Commercial Point, an Ohio municipal corporation [the "Village"].

Whereas an Agreement between the parties dated August 4, 2016, expires on February 1, 2017, and the parties want to extend and continue said Agreement; it is agreed that said Agreement is extended for an additional term commencing upon the expiration of the original term and shall now expire on May 31, 2017.

In consideration for this extension, the Village shall pay to Owner the sum of \$1,000.00 for right of entry for the months of February thru April. If the Village requires the right of entry for the month of May 2017 an additional \$1,000.00 sum is owed to Owner.

This extension shall be on all other terms and conditions as stated in the original Agreement.

This extension Agreement shall be binding upon and inure to the benefit of the parties, their successors, and personal representatives.

IN WITNESS WHEREOF, the Owner and Village have executed this Agreement on the dates(s) indicated.

ROBERT C. HESS, TRUSTEE

by: 

its: Trustee

STATE OF OHIO)
)
) SS:
COUNTY OF ROSS)

The foregoing instrument was acknowledged before me this 22ND day of February, 2017, by ROBERT C. HESS, its TRUSTEE, on behalf of Robert C. Hess, Trustee.



MARCIA ALANE WARTH
Notary Public, State of Ohio

Marcia Alane Warth
Notary Public
My Commission Expires: 12/8/18

VILLAGE OF COMMERCIAL POINT
an Ohio municipal corporation

by: [Signature]
its: ~~Mayor~~ Administrator
date: 3/6/2017

Authorized by Resolution 11-2017,
passed 3/6/17