



City of Gahanna

200 South Hamilton Road  
Gahanna, Ohio 43230

## Signature Report

### Ordinance

**FILE NO:** 990326

**Date Passed:** 8/2/99

**Date Effective:** 8/3/99

#### Title

TO AUTHORIZE THE MAYOR TO ENTER INTO AMENDED REIMBURSEMENT AGREEMENT WITH DONALD R KENNEY FOR CONSTRUCTION OF EAST INDUSTRIAL SANITARY SEWER, IMPROVEMENT #727; TO SUPPLEMENTALLY APPROPRIATE \$450,000 THEREFOR; AND TO DECLARE AN EMERGENCY.

#### Body

WHEREAS, Donald R. Kenney is constructing the East Industrial Sanitary Sewer, Improvement #727 under the authority of the reimbursement agreement approved by Ordinance 990135; and

WHEREAS, groundwater was discovered which will require \$150,000 extra in de-watering costs to Mr. Kenney; and

WHEREAS, a supplemental appropriation is needed in order to have sufficient funds to complete this work; and

WHEREAS, the groundwater problem was discovered after the work had commenced and it is imperative to move forward immediately to maintain the work schedule on the project, all for the preservation of the public peace, health, safety and welfare;

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

Section 1. That the Mayor is hereby authorized to enter into amended Reimbursement Agreement with Donald R. Kenney for construction of the East Industrial Sanitary Sewer, said agreement attached hereto as Exhibit A.

Section 2. That the THREE HUNDRED THOUSAND DOLLARS (\$300,000) supplementally appropriated in Ord. 990135 is hereby released back to the unappropriated balance of the SSCI fund.

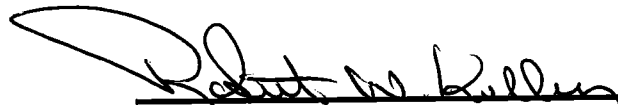
Section 3. That the amount of FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) is hereby supplementally appropriated from the unencumbered, unappropriated balance in the SSCI Fund to Account No. 662.361.5543, Sanitary Sewer.

Section 4. That Ordinance No. 990001, passed January 2, 1999, is hereby amended to reflect this supplemental appropriation.

Section 5. That this ordinance shall be declared emergency legislation and shall be in full

force and effect upon passage by this Council and signature by the Mayor.

This Ordinance Adopted as an Emergency this 2nd day of August, 1999.

  
Robert W. Kelley, President of Council

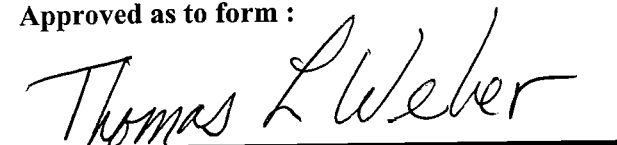
*ATTESTED to and PRESENTED to the Mayor,  
this 3rd day of August, 1999.*

  
Peg Cunningham, CMC/AAE  
Clerk of Council

*APPROVED by the Mayor, this  
3rd day of Aug. 1999.*

  
James F. McGregor  
Mayor

Approved as to form :

  
Thomas L. Weber  
City Attorney

**REIMBURSEMENT AGREEMENT  
FOR  
CONSTRUCTION OF EAST INDUSTRIAL SANITARY SEWER  
IMPROVEMENT # 727**

**THE CITY OF GAHANNA, OHIO**, hereinafter designated Party of the First Part, or the City and **DONALD R KENNEY** hereinafter designated Party of the Second Part, or Second Party.

Whereas the Party of the Second intends to construct Phase I of the East Industrial Sanitary Sewer. Whereas the East Industrial Sanitary Sewer will enable the development of the East Industrial Territory as established in Ordinance #     and #     . Whereas construction of the sewer by the Party of the Second will be mutually beneficial to both parties by providing a more timely and cost effective project.

The Party of the Second hereby agrees to construct a portion of the East Industrial Sanitary Sewer (Imp. # 727) according to the plans and specifications. The Party of the First agrees to reimburse the Party of the Second the actual cost of construction of the sewer not to exceed ~~\$300,000.00~~ and by the following terms and conditions:

450,000

Donald R. Kenney agrees to give a 20' easement for the City of Gahanna's purposes in constructing a sanitary sewer within his property along Taylor and Taylor Station Roads. The routing for this sewer will be determined based upon the most beneficial routing for both the City of Gahanna and Don Kenney. In exchange, the City of Gahanna will remove the property from the tributary district, and no fees will be assessed against the property or the future development, to be called Crossroads Commerce Center, in that sewer is available to the south at Blatt Blvd. Futhermore, Mr. Kenney will construct the sanitary sewer required by his development and tie into this 15" sanitary sewer line. A portion of the improved sewer main will be installed by Don Kenney at designed depths (+/-25'). All other sewers within the development will be designed to normal development depths (+/-7'). The cost difference between the constructed depth and the increased pipe size and the required depth and smaller pipe size required for his development will be borne by the City of Gahanna and reimbursed to Mr. Kenney. When the main line sewer is constructed, Mr. Kenney will have the option of tying into this new sewer for purposes of future development. At that time, he will pay sewer capacity charges as required by the current zoning and development ordinances.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

**DONALD R KENNEY**

**CITY OF GAHANNA**

\_\_\_\_\_  
SIGNATURE OF SECOND PARTY

\_\_\_\_\_  
MAYOR, CITY OF GAHANNA

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY/STATE/ZIP

APPROVED as to form this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
CITY ATTORNEY