

**ORDINANCE RECORD**  
**COUNCIL OF THE CITY OF BRECKSVILLE**

Ordinance No. 5230

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER  
INTO A STREAM MITIGATION AGREEMENT WITH THE  
WEST CREEK CONSERVANCY FOR THE PURCHASE  
AND PROTECTION OF PROPERTY FOR THE  
WHITWOOD AERIAL SEWER PROJECT; AND  
DECLARING AN EMERGENCY**

**WHEREAS,** the City is obligated by Ohio EPA/USACE to mitigate permanent impacts in accordance with the requirements of the Permit and/or Director's Authorization.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Mayor be, and he hereby is, authorized to enter into a Stream Mitigation Agreement with The West Creek Conservancy for the purchase and protection of property for the Whitewood Aerial Sewer Project in the amount of twenty-five thousand dollars (\$25,000.00), a copy of which Stream Mitigation Purchase Agreement is attached hereto as Exhibit "A" and incorporated herein as if by reference.

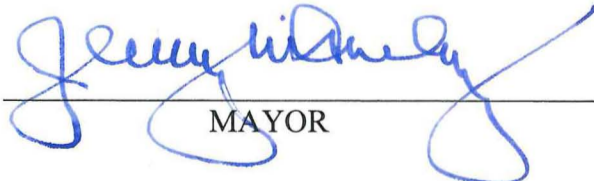
**SECTION 2.** The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof, and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes as expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

**SECTION 3.** The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is to mitigate for impacts to wetlands for the Whitewood Aerial Sewer Project, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

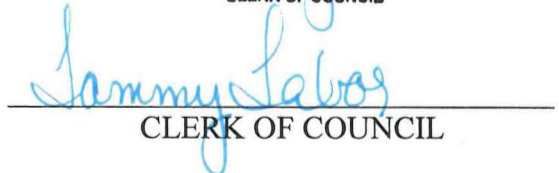
I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5230 duly passed by the Council of the City of Brecksville, Ohio, on 2-5, 20 19 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 2-8, 20 19.

PASSED: February 5, 2019

APPROVED: February 5, 2019

  
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MAYOR

  
\_\_\_\_\_  
CLERK OF COUNCIL

  
\_\_\_\_\_  
CLERK OF COUNCIL