ORDINANCE NO. 2019 -106

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A
RIGHT OF ACCESS AGREEMENT WITH ABB INSTALLATION PRODUCTS INC. (ABB IP,
INC.) FOR SITE REMEDIATION AT 800 MOGADORE ROAD, AND DECLARING AN
EMERGENCY.

WHEREAS, ABB IP, Inc. is engaged in voluntary site remediation of the property known as 800
Mogadore Road, Kent, Ohio and related off-property impacts associated with the historical
activities at this Site; and

WHEREAS, in order to complete this site remediation, ABB IP, Inc. and its agents need to enter
onto City owned property; and

WHEREAS, ABB IP, Inc. will need to restore the City’s property to a condition similar to the
property’s current condition as described in the attached agreement; and

WHEREAS, the attached agreement (Exhibit “A”) needs to be executed in order to allow this
access to ABB IP, Inc. and its agents in order to complete the remediation work and to ensure
proper restoration of City owned property; and

WHEREAS, time is of the essence as ABB IP, Inc. and the City desire this phase of the
remediation work to begin immediately;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Kent, Portage County, Ohio
at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager or his designee to enter into
a Right of Access Agreement with ABB IP, Inc. and their agents so that they may cross over City
owned property to remediate the historical activities of said property, as more fully described and
in substantial compliance with the attached agreement (Exhibit “A”).

SECTION 2. That it is found and determined that all formal actions of this Council concerning
and relating to the adoption of this Ordinance 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 of Section
121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary
for the immediate preservation of the public peace, health, safety, and welfare of the residents of
this City, for which reason and other reasons manifest to this Council this Ordinance is hereby
declared to be an emergency measure and shall take effect and be in force immediately after
passage.

PASSED: September 18, 2019

Date

EFFECTIVE: September 18, 2019

Date

Jerry T. Fiala
Mayor and President of Council
I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN
WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS
OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No.
___________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ____________________, 20______.

(SEAL)

________________________
AMY WILKENS
CLERK OF COUNCIL