

RESOLUTION NO. 132 (22-23)

A Resolution to amend Resolution No. 87 (22-23) that was passed on March 16, 2023, in order to correct the language used in said Resolution No. 87 (22-23) and declaring an EMERGENCY.

WHEREAS, Resolution No. 87 (22-23) was presented to the Council of the City of Marietta, Ohio on March 16, 2023 for its first reading; and

WHEREAS, on March 16, 2023, Council for the City of Marietta, Ohio suspended the rules and dispensed with the Second and Third Reading of Resolution No. 87 (22-23) and passed said Resolution; and

WHEREAS, the purpose of Resolution No. 87 (22-23) was to authorize and direct the Director of Public Safety and Service to **apply for, accept, and enter into a Loan Agreement** on behalf of the City of Marietta, Ohio, with the Ohio Environmental Protection Agency, for a design loan for the Colegate Drive I/I Improvements Project, (Infrastructure Improvements); and

WHEREAS, Resolution No. 87 (22-23), stated only that the Resolution was to authorize and direct the Director of Public Safety and Service to “apply” on behalf of the City of Marietta, Ohio to the Ohio Environmental Protection Agency for a design loan for the Colegate Drive I/I Improvements Project, when in fact, Resolution No. 87 (22-23) should have stated that the Director of Public Safety and Service is authorized and directed to **“apply for, accept and enter into a loan agreement” on behalf of the City of Marietta, Ohio with the Ohio Environmental Protection Agency for a design loan for the Colegate Drive I/I Improvements Project, and declaring an Emergency.**

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WHEREAS, the purpose of this Resolution is to clarify that anywhere in Resolution No. 87 (22-23) that states "to apply for", should read **"to apply for, accept and enter into a loan agreement" on behalf of the City of Marietta, Ohio with the Ohio Environmental Protection Agency for a design loan for the Colegate Drive I/I Improvements Project**; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

- Section 1: That Resolution No. 87 (22-23) shall be amended to correct a language error in that Resolution No. 87 (22-23) was for the purpose of authorizing and directing the Director of Public Safety and Service **"to apply for, accept, and enter into a loan agreement" on behalf of the City of Marietta, Ohio with the Ohio Environmental Protection Agency for a design loan for the Colegate Drive I/I Improvements Project**, (Infrastructure Improvements), however throughout the body of Resolution No. 87 (22-23), the Resolution only reads to "apply for" and failed to state "to apply for, accept, and enter into".
- Section 2: That Resolution No. 132 (22-23), as now correctly written, states that Resolution No. 132 (22-23) is a Resolution to authorize and direct the Director of Public Safety and Service to apply for, accept, and enter into a loan agreement on behalf of the City of Marietta, Ohio with the Ohio Environmental Protection Agency for a design loan for the Colegate Drive I/I Improvements Project, (Infrastructure Improvements), and declaring an EMERGENCY.
- Section 3: That all other provisions of Resolution No. 87 (22-23) not modified herein, shall remain in full force and effect.
- Section 4: That the Director of Public Safety and Service shall be and is hereby authorized and directed to execute any and all documents necessary, with regard to the design loan Agreement for the Colegate Drive I/I Improvements Project, according to the terms and conditions of the loan application attached hereto as Exhibit "A", which terms and conditions are hereby adopted and approved.



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Section 5: That the total cost for the design of the Colegate Drive I/I Improvements Project is estimated to be \$260,000.00 and the City of Marietta, if awarded the loan, further agrees to pay One Hundred Percent (100%) of the construction cost over and above the maximum amount provided by the Ohio Environmental Protection Agency, Division of Environmental & Financial Assistance (DEFA) Program, as administered by the Office of Financial Assistance (OFA).

Section 6: That this Resolution shall be and is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health, and safety of the City of Marietta, Ohio, and for the further reason that the loan funds in question are limited and may be lost if the City does not submit **correct** documents, i.e. legislation in support of its loan application at the earliest possible opportunity. WHEREFORE, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Introduced by the Water, Sewer & Sanitation Committee, Bret Allphin, Chairman.

  
Bret Allphin

Passed this 2<sup>nd</sup> day of Nov, 2023.

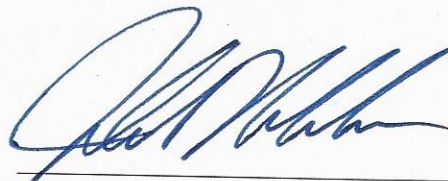
  
President of Council

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ATTEST:

Michele Newbanks  
Clerk of Council

Approved this 2nd day of November, 2023.



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Mayor

First Reading November 2, 2023

Second Reading Suspended

Third Reading Suspended