

**RESOLUTION NO. R13-06**

**A RESOLUTION DECLARING THE SUBMERGED LANDS IDENTIFIED IN THE VILLAGE'S SUBMERGED LAND LEASE APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES ARE NOT NECESSARY FOR THE CONSTRUCTION, MAINTENANCE, OR OPERATION BY THE VILLAGE, COUNTY, OR PORT AUTHORITY OF BREAKWATERS, PIERS, DOCKS, WHARVES, BULKHEADS, CONNECTING WAYS, WATER TERMINAL FACILITIES, AND IMPROVEMENTS, AND MARGINAL HIGHWAYS IN AID OF NAVIGATION AND WATER COMMERCE AND THAT THE LAND USES SPECIFIED IN THE APPLICATION COMPLY WITH REGULATION OF PERMISSIBLE LAND USE UNDER A WATERFRONT PLAN OF THE LOCAL AUTHORITY AND DECLARING AN EMERGENCY.**

**WHEREAS**, Harry L. Jr. and Yvonne L. Allen have recently submitted a submerged land lease application to the Ohio Department of Natural Resources.

**WHEREAS**, the lands involved are not necessary for the construction, maintenance or operation by the Village, County or Port Authority of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements, and marginal highways in aid of navigation and water commerce and that the land uses specified in the application comply with regulation of permissible land use under a waterfront plan of the local authority, and

**WHEREAS**, the Ohio Department of Natural Resources has recently advised the Village that prior to consideration of the aforementioned application, the Village must submit a Resolution that states that the submerged lands in question are not necessary for the construction maintenance or operation by the Village, County or Port Authority of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements, and marginal highways in aid of navigation and water commerce and that the land uses specified in the application comply with regulation of permissible land use under a waterfront plan of the local authority, and

**WHEREAS**, the submerged lands in question are not necessary for the construction maintenance or operation by the Village, County or Port Authority of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements, and marginal highways in aid of navigation and water commerce and that the land uses specified in the application comply with regulation of permissible land use under a waterfront plan of the local authority.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NORTH PERRY, COUNTY OF LAKE, AND STATE OF OHIO, AS FOLLOWS:**

**SECTION 1.** That the lands identified in the submerged land lease application of Harry L. Jr. and Yvonne L. Allen currently pending at the Ohio Department of Natural Resources are not necessary for the construction maintenance or operation by the Village, County or Port Authority of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements, and marginal highways in aid of navigation and water commerce and that the land uses specified in the application comply with regulation of permissible land use under a waterfront plan of the local authority.

**SECTION 2.** That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any of its committees, which resulting in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** This Resolution is hereby declared to be and is passed as an emergency measure, the emergency being the immediate necessity to provide supporting documentation to the Ohio Department of Natural Resources to facilitate approval of the submerged land lease application of Harry L. Jr. and Yvonne L. Allen. Said Resolution is necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of North Perry.

**WHEREFORE**, this Resolution shall be in full force and effect immediately upon its passage by Council.

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Mayor

ADOPTED: March 7, 2013

ATTEST:

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Finance Director

Motion to waive readings by Cicero, second by Cutler. Vote for waiver 6-0 "aye".

Motion by Taylor, second by L. Klco to adopt. Council members Cicero, Cutler, L. Klco, Shreve, Siegel and Taylor voted in favor of the resolution.