

RESOLUTION NO. 020-19R

A RESOLUTION AUTHORIZING AND APPROVING THE SUBMISSION OF AN APPLICATION TO THE U.S. ARMY CORPS OF ENGINEERS TO OBTAIN A DEPARTMENT OF ARMY PERMIT, SUBMITTAL OF AN APPLICATION TO THE STATE OF OHIO TO OBTAIN A SUBMERGED LANDS LEASE, IF REQUIRED TO IMPLEMENT THE PROJECT, A SHORE STRUCTURE PERMIT, AND A WATER QUALITY CERTIFICATION, AND SUBMITTAL TO THE U.S. COAST GUARD FOR PRIVATE AIDS TO NAVIGATION IN CONNECTION WITH THE PLANNED SANDUSKY BAY INITIATIVE PROJECT; AND DECLARING THAT THIS RESOLUTION TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City has determined that it is in the best interest of the City to construct improvements to support aquatic habitat restoration in the Sandusky Bay through the beneficial use of dredged material and in connection with the Sandusky Bay Initiative Project; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into Professional Services & Subgrant Agreements with Foth Infrastructure & Environment, LLC, of De Pere, Wisconsin, for Area 1 & 2 Projects, and Biohabitats, Inc., of Baltimore, Maryland, for Area 3 Project for the Sandusky Bay Initiative Project by Ordinance No. 17-130 and No. 17-131, passed on June 26, 2017; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into a Second Amendment to the Professional Services & Subgrant Agreement with Foth Infrastructure & Environment, LLC, of De Pere, Wisconsin, for the Sandusky Bay Causeway Wetland Restoration Project related to the Sandusky Bay Initiative by Ordinance No. 18-184, passed on September 10, 2018; and

WHEREAS, the City desires to file an application with the U.S. Army Corps of Engineers to obtain a Department of Army permit for the Sandusky Bay Initiative Project; and

WHEREAS, the City desires to file an application with Ohio Department of Natural Resources to obtain a Shore Structure Permit, Consistency Certification and to enter into a Submerged Lands Leases with New Lease Area limits through the submission of a legal plat description, if required to implement the project; and

WHEREAS, the City determines that the New Lease Area for the project footprint will not interfere with navigation and water commerce and such uses will comply with regulations of permissible land use under applicable City of Sandusky plans; and

WHEREAS, the City desires to file an application with Ohio Environmental Protection Agency to obtain a Water Quality Certification for the Sandusky Bay Initiative Project; and

WHEREAS, the City desires to file an application with the U.S. Coast Guard for Private Aids to Navigation related to the Sandusky Bay Initiative Projects and

WHEREAS, the Sandusky Bay Initiative Project is scheduled to begin the Summer of 2020 to coincide with the Army Corps of Engineers dredging schedule for Sandusky Bay in the Fall of 2020 and since regulatory reviews can take up to 18 months, it is imperative that conversation begin immediately, and approval by

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this City Commission to submit the requested applications is required to initiate conversation with the various agencies; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for the applications to be filed and initiate conversations with the appropriate agencies to meet the construction schedule for the project; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission on behalf of the City of Sandusky does hereby authorize and approve submission of an application for a Department of Army Permit and that the City Manager, Eric Wobser, is hereby authorized and directed to take such further actions and execute such further documents necessary to obtain a Department of Army permit for the Sandusky Bay Initiative Project.

Section 2. This City Commission on behalf of the City of Sandusky does hereby authorize and approve submission of an application for an Ohio Department of Natural Resources Shore Structure Permit, Consistency Certification and Submerged Lands Lease (if required to implement the project) and that the City Manager, Eric Wobser, is hereby authorized and directed to take such further actions and execute such further documents necessary to obtain an Ohio Department of Natural Resources Shore Structure Permit, Consistency Certification and Submerged Lands Lease, if required to implement the project, as required for the Sandusky Bay Initiative Project.

Section 3. This City Commission on behalf of the City of Sandusky does hereby authorize and approve submission of an application for a Water Quality Certification from the Ohio Environmental Protection Agency and that the City Manager, Eric Wobser, is hereby authorized and directed to take such further actions and execute such further documents necessary to obtain a Water Quality

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Certification from the Ohio Environmental Protection Agency for the Sandusky Bay Initiative Project.

Section 4. This City Commission on behalf of the City of Sandusky does hereby authorize and approve submission of an application to the U.S. Coast Guard for Private Aids to Navigation related to the Sandusky Bay Initiative Project and that the City Manager, Eric Wobser, is hereby authorized and directed to take such further actions and execute such further documents necessary to obtain authorization from the U.S. Coast Guard.

Section 5. This City Commission on behalf of the City of Sandusky hereby finds and determines that the submerged lands included in the Sandusky Bay Initiative Project are not necessary or required for the construction, maintenance, or operation by the City of Sandusky of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, improvements, and marginal highways in aid of navigation and water commerce and that the land uses comply with regulation of permissible land use under all waterfront plans of the City of Sandusky.

Section 6. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 7. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

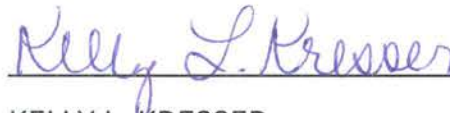
Section 8. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



DENNIS E. MURRAY, JR.

PRESIDENT OF THE CITY COMMISSION

ATTEST:



KELLY L. KRESSER

CLERK OF THE CITY COMMISSION

Passed: May 28, 2019