

RESOLUTION NO. 013-23R

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 AND SHORE STRUCTURE PERMIT, IF REQUIRED, SUBMITTAL TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR A WATER QUALITY CERTIFICATION, AND SUBMITTAL TO THE U.S. COAST GUARD FOR PRIVATE AIDS TO NAVIGATION, IF REQUIRED, IN CONNECTION WITH THE CEDAR POINT CAUSEWAY WETLAND PROJECT, RELATED TO THE SANDUSKY BAY INITIATIVE; AND DECLARING THAT THIS RESOLUTION SHALL 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 Cedar Point Causeway Wetland Project (Phase I), related to the Sandusky Bay Initiative; and

WHEREAS, this City Commission previously approved Agreements for Professional Services with Foth Infrastructure & Environment, LLC, of De Pere, Wisconsin, for the Sandusky Bay Initiative Area 1 & 2 Project, which includes the Cedar Point Causeway Wetland Project, by Ordinance No. 17-130, passed on June 26, 2017, Ordinance No. 18-045, passed on February 26, 2018, and Ordinance No. 18-184, passed on September 10, 2018; and

WHEREAS, the Cedar Point Causeway Wetland Project is Project 2 of the Sandusky Bay Initiative (SBI) and Phase 1 of the Cedar Point Causeway Wetland Project and involved the installation of an armor stone breakwater from local quarries, natural wooden structures, turbidity curtains and other environmentally friendly materials to construct basins for the placement of dredged material; and

WHEREAS, the City Commission declared the necessity to proceed with the Cedar Point Causeway Wetland Project, Phase 1, by Resolution No. 035-21R, passed on August 9, 2021; and

WHEREAS, the City Commission approved the awarding of the contract to Mark Schaffer Excavating & Trucking, Inc. of Norwalk, Ohio, for work to be performed for the Cedar Point Causeway Wetland Project, Phase 1, by Ordinance No. 21-138, passed on September 13, 2021, and approved the First & Final Change Order by Ordinance No. 22-132, passed on July 11, 2022; and

WHEREAS, the Army Corps of Engineers hydraulically pumped dredged materials from the Moseley shipping channel into the diked area for dewatering and the this material will be utilized to form the coastal wetlands; and

WHEREAS, there is additional capacity to allow the Army Corps of Engineers to place at least one more round of dredging into the Cedar Point Causeway Wetlands; and

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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 Cedar Point Causeway Wetland Project (Phase I), related to the Sandusky Bay Initiative; 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, if required to implement the project; and

WHEREAS, the City desires to file an application with Ohio Environmental Protection Agency to obtain a Water Quality Certification for the Cedar Point Causeway Wetland Project (Phase I), related to the Sandusky Bay Initiative; and

WHEREAS, the City desires to file an application with the U.S. Coast Guard for Private Aids to Navigation, if required to implement the project; 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 dredging can be completed during the 2023 fiscal year to maintain the appropriate depths of the shipping channel; 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 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 Cedar Point Causeway Wetland Project (Phase I), related to the Sandusky Bay Initiative.

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 is hereby authorized and directed to take such further actions and execute such further documents necessary to obtain an Ohio

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Department of Natural Resources Shore Structure Permit, Consistency Certification and Submerged Lands Lease (if required to implement the 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 is hereby authorized and directed to take such further actions and execute such further documents necessary to obtain a Water Quality Certification from the Ohio Environmental Protection Agency for the Cedar Point Causeway Wetland Project (Phase I), related to the Sandusky Bay Initiative.

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 (if required to implement the project) and that the City Manager 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 (if required to implement the project).

Section 5. This City Commission on behalf of the City of Sandusky hereby finds and determines that the submerged lands included in the Cedar Point Causeway Wetland Project (Phase I), related to the Sandusky Bay Initiative, 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

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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.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: March 13, 2023