

ORDINANCE NO. 2023-073

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE MAUMEE WATERSHED CONSERVANCY DISTRICT AS SET FORTH IN THE MEMORANDUM OF AGREEMENT ATTACHED HERETO AS EXHIBIT A, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the City of Findlay is desirous to provide cooperative floodplain management efforts with the Blanchard River Watershed to local communities impacted by several recent and severe flood events. One effort is to replace and update the design of the Norfolk Southern Railroad Bridge which crosses the Blanchard River just west of South Cory Street, and;

SECTION 2: That the City of Findlay, the Maumee Watershed Conservancy District, the Hancock County Commissioners, and Norfolk Southern Railroad have collaborated their efforts in finalizing designs, construction plans, and necessary legal documents that are required in order for project construction to begin in 2024, and;

SECTION 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to enter into said MOA so that the City of Findlay may move forward with a Laydown Agreement between the City of Findlay and the Maumee Watershed Conservancy District for the construction phase of the aforementioned effort. Said Laydown Agreement will be an appendix to the Construction Agreement executed between the Maumee Watershed Conservancy District and Norfolk Southern Railroad.

WHEREFORE, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


PRESIDENT OF COUNCIL *Pro-Tem*


Acting MAYOR

PASSED August 1, 2023

ATTEST 
CLERK OF COUNCIL

APPROVED August 1, 2023

**MEMORANDUM OF AGREEMENT
BY AND BETWEEN THE CITY OF FINDLAY, OHIO AND THE
MAUMEE WATERSHED CONSERVANCY DISTRICT**

I. BACKGROUND:

Several recent and severe floods in the Blanchard River Watershed have encouraged cooperative floodplain management efforts of local communities impacted by the events. The Hancock County Commissioners and the Maumee Watershed Conservancy District (MWCD) engaged Stantec Consulting Services, LLC to review a study prepared by the U.S. Army Corps of Engineers (USACE) to make recommendations for projects that would reduce the risk of damages during flood events. One of the recommendations is the replacement of the Norfolk Southern Railroad (NS) bridge over the Blanchard River in the City of Findlay with a longer span to improve the flow of floodwaters through the bridge.

MWCD, a watershed district formed pursuant to Chapter 6101 of the Ohio Revised Code, has tasked Stantec, in cooperation with NS, to prepare a plan for replacement of said bridge.

II. MWCD DUTIES AND REQUIREMENTS:

A. Project Administration. MWCD shall enter into a construction agreement with NS that defines the terms and conditions of the bridge replacement. MWCD shall ensure impacts resulting from the construction activities related to the replacement of the NS railroad bridge to properties adjacent to the NS right of way will be restored to their previous condition at the conclusion of construction activities.

B. Representations, Warranties and Covenants. MWCD is a subdivision of the State of Ohio with all the requisite power and authority to construct, or provide for the construction of, and operate the Project under the laws of the State and to carry on their activities as now conducted. MWCD has the power to enter into and perform its obligations under this Agreement and have been duly authorized to execute and deliver this Agreement. MWCD is not the subject of nor has it initiated any claim or cause of action that would give rise to any liability which would in any way inhibit the ability of MWCD and to carry out the performance of the terms of this Agreement.

III. CITY OF FINDLAY DUTIES AND REQUIREMENTS:

A. Land Use. The development of the project planning documents requires the designation of a parcel of land adjacent to the NS right of way to be used by the construction contractor as a laydown yard and staging area. Parcel number 34 on the attached Property Ownership Key has been selected as to the preferred location. The City agrees to allow the use of this parcel for the stated purposes during the course of the construction period. Should the project contractor express the need for additional space,

the contractor shall deal directly with the City to reach an agreement on an appropriate location.

IV. GENERAL TERMS

A. Liability. Each party to this Agreement shall be responsible for its own acts and omissions and those of its officers, employees and agents. In no event shall either party be liable to the other party for indirect, consequential, incidental, special, or punitive damages, or lost profits.

B. Effective Date. This Agreement shall become effective by the date of last signature.

C. Governing Law. This Agreement shall be interpreted and construed in accordance with the laws of the State. In the event any disputes related to this Agreement are to be resolved in a Court of Law, said Court shall be located in the courts of Hancock County, State of Ohio.

D. Entire Agreement. This Agreement and its Appendices and Attachments contain the entire understanding between the parties and supersede any prior understandings, agreements, proposals, and all other communications between the parties relating to the subject matter of this Agreement, whether such shall be oral or written.

E. Assignment. Neither this Agreement nor any rights, duties or obligations described herein shall be assigned by any party hereto without the prior written consent of the other parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date shown below.

SIGNATORIES:

Christina Muryn, Mayor
City of Findlay, Ohio

Date

George Ropp, President
Maumee Watershed Conservancy District

Date

Mark Moats, Board Member
Maumee Watershed Conservancy District

Date

David Kuhn, Board Member
Maumee Watershed Conservancy District

Date

COLURED BY HANCOCK COUNTY COMMISSIONERS PRIOR TO CONSTRUCTION

- 1 ROBERT S & L J 02020 43 AVE W OH 45840
- 1 BARTON L & JCA 02020 MAIN ST APT R W OH 45840
- 6 FINDLAY 02020 81 ST W OH 45840
- 6 FINDLAY 02020 81 ST W OH 45840
- 1 ESTATES 229 LLC 02020 MAIN ST W OH 45840
- REVI U 75 PUB LLC 02010 MAIN ST W OH 45840
- REVI U 75 PUB LLC 02010 81 ST W OH 45840
- 3LK SOUTHERN 340 1 HOLDINGS 02020 81 ST W OH 45840
- CHARLES G 02020 81 W OH 45840
- CAN NATIONAL ROSS 02020 81 ST W OH 45840
- 23 CITY OF FINDLAY 020202280 0 N CORY ST FINDLAY OH 45840
- 24 CITY OF FINDLAY 020202280 0 N CORY ST FINDLAY OH 45840
- 25 HANCOCK COUNTY COMMISSIONERS 0202021000 DAPPLE ALY FINDLAY OH 45840
- 26 NORFOLK SOUTHERN COMBINED TR RUBBER 0100020131 0 NA FINDLAY OH 45840
- 27 BOOCHE PARTS LLC 0202017040 310 WASHINGTON ST FINDLAY OH 45840
- 28 INNOTT JAMES V & INNOTT KARA L 0202017020 323 WASHINGTON ST FINDLAY OH 45840
- 29 TREP ENTERPRISES LLC 0202020110 401 WASHINGTON ST FINDLAY OH 45840
- 30 HAZELTON LARRY E & PAULA 0202021510 407 WASHINGTON ST FINDLAY OH 45840
- 31 UPRIGHT PROPERTIES LLC 0202021010 0 W FRONT ST FINDLAY OH 45840
- 32 BELTZ BRAD D 0100021444 400 W FRONT ST FINDLAY OH 45840
- 33 CHAMBERS MICHAEL R & REBECCA L 0202021020 224 W FRONT ST FINDLAY OH 45840
- 34 YBI PROPERTIES LLC 0202012640 314 W FRONT ST FINDLAY OH 45840
- 35 KEER NANCY L 0202021020 314 W FRONT ST FINDLAY OH 45840
- 36 BETER HOLDINGS LLC 0202021020 300 W FRONT ST FINDLAY OH 45840
- 37 NORFOLK SOUTHERN COMBINED TR RUBBER 0100020131 0 NA FINDLAY OH 45840
- 38 WANDSBERG MICHAEL L & ROBERT S 0202021020 118 S WEST ST APT REAR FINDLAY OH 45840
- 39 WINGRO RENTAL PROPERTY 0202021040 323 WASHINGTON ST FINDLAY OH 45840
- 40 WINGRO RENTAL PROPERTY 0202021040 323 WASHINGTON ST FINDLAY OH 45840
- 41 WINGRO RENTAL PROPERTY 0202021040 323 WASHINGTON ST FINDLAY OH 45840
- 42 WINGRO RENTAL PROPERTY 0202021040 323 WASHINGTON ST FINDLAY OH 45840
- 43 CITY OF FINDLAY 0100022500 0 WASHINGTON ST FINDLAY OH 45840

- 44 YBI PROPERTIES LLC 0202012640 314 W FRONT ST FINDLAY OH 45840
- 45 KEER NANCY L 0202021020 314 W FRONT ST FINDLAY OH 45840
- 46 BETER HOLDINGS LLC 0202021020 300 W FRONT ST FINDLAY OH 45840
- 47 NORFOLK SOUTHERN COMBINED TR RUBBER 0100020131 0 NA FINDLAY OH 45840
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- 49 WINGRO RENTAL PROPERTY 0202021040 323 WASHINGTON ST FINDLAY OH 45840
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- 52 WINGRO RENTAL PROPERTY 0202021040 323 WASHINGTON ST FINDLAY OH 45840
- 53 CITY OF FINDLAY 0100022500 0 WASHINGTON ST FINDLAY OH 45840



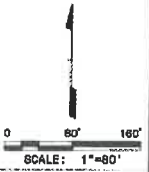
SURVEYING POSITIONAL PARAMETERS

SURVEY PERFORMED IN AUGUST 2019 BY BÖCKRATH AND ASSOCIATES

USE THE FOLLOWING VERTICAL POSITIONING AND HORIZONTAL POSITIONING PARAMETERS FOR ALL SURVEYS:

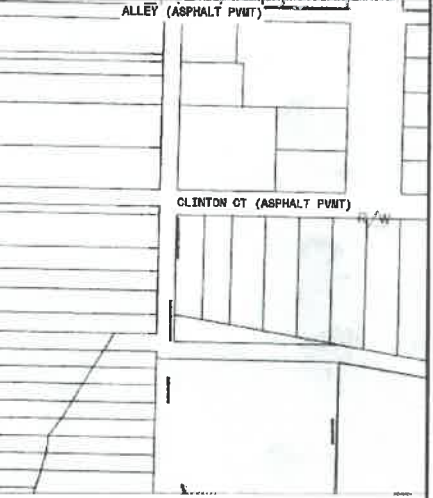
VERTICAL POSITIONING
 ORTHOMETRIC HEIGHT DATUM: NAVD83
 GEOID: GEOID19AUS

HORIZONTAL POSITIONING
 REFERENCE FRAME: NAD83 (2011)
 ELLIPSOID: GRS80
 MAP PROJECTION: LAMBERT CONFORMAL CONIC
 COORDINATE SYSTEM: OHIO STATE PLANE, NORTH ZONE
 GROUND CALCULATED SCALE FACTOR: 1.000224939
 SCALE POINT: 41° 02' 46.8840\" N 83° 33' 26.1071\" W
 UNITS ARE IN U.S. SURVEY FEET.



LEGEND

- LIMITS OF DISTURBANCE
- /-/ R/W RIGHT-OF-WAY
- RR R/R RAILROAD RIGHT-OF-WAY
- PROPERTY LINES
- SBM 30 SITE BENCHMARK (SBM)



SITE BENCHMARKS (SBM) KEY

SBM No.	NORTHING	EASTING	ELEVATION	DESCRIPTION
SBM 15	50769.15	1653821.92	770.73	SET MAG NAIL
SBM 16	502681.14	1653445.96	774.64	SET MAG NAIL
SBM 17	503289.35	1650771.40	775.69	MAG NAIL IN WALK
SBM 18	503079.81	1650764.15	775.89	MAG NAIL IN WALK
SBM 29	502692.8	1653725.02	780.91	MAG NAIL IN WALK
SBM 30	502467.91	1653723.4	778.85	MAG NAIL IN WALK

**PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION**

DRAWN BY : C. JOHNS DATE : 03/09/23
 CHECKED BY : I. A. CARNAHAN DATE : 03/09/23

DESIGN ENGINEER OF RECORD: DATE :



Stantec Consulting Services Inc.
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 Raleigh, NC 27630
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 Fax. (919) 851-7024
 www.stantec.com
 License No. 0-70638

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

MAUMEE WATERSHED
 CONSERVANCY DISTRICT
 FINDLAY, OH

**100% DESIGN
CIVIL**

SURVEY SCHEMATIC PLAN
 FOR NSRR BRIDGE SP 57.53
 OVER BLANCHARD RIVER BETWEEN
 WASHINGTON ST AND N CORY ST

REVISIONS				SHEET NO.	
NO	BY:	DATE:	NO	BY:	DATE:
1			2		
2			3		
3			4		

C-02
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