

RESOLUTION NO.: 52-2023

INTRODUCED BY: Mayor Thomas and All of Council

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY OF RICHMOND HEIGHTS, A "RIGHT OF WAY AND EASEMENT FOR THE MAINTENANCE OF A WATER MAIN FOR THE PURPOSE OF SUPPLYING WATER SERVICE" WITH THE CITY OF CLEVELAND AND RICHMOND HEIGHTS TOWN SQUARE OWNER LLC.

WHEREAS, in order for the City of Cleveland, which is the sole supplier of water service in the City of Richmond Heights, to provide water service to the project to redevelop the former Richmond Town Square Mall property known as Belle Oaks (the "Project), the City of Cleveland's standard but modified "Right of Way and Easement for the Maintenance of a Water Main for the Purpose of Supplying Water Service" (the "Easement") must be executed between the Cities of Cleveland and Richmond Heights and the owner of the properties making up the Project, Richmond Heights Town Square Owner LLC (the "Owner");

WHEREAS, as set forth in the proposed Easement, the City of Richmond Heights would take ownership of the water distribution lines once they are properly installed by the Owner but the City of Richmond Heights will have no obligations with respect to any ongoing maintenance, repair, or replacement of the water lines and no other financial obligations with respect thereto; the City of Cleveland will have the legal obligation to maintain and repair the lines; and the Owner will have the legal obligation to replace the lines when necessary to do so;

WHEREAS, in the future, the City of Richmond Heights is not restricted by the Easement from transferring ownership of the water distribution lines in the Project to the City of Cleveland (or another entity acceptable to the parties);

WHEREAS, the execution of the Easement by the three parties thereto is necessary for the Owner to finalize its financing of the Project and then to commence the demolition and construction activities of the Project at the earliest time that is feasible.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Richmond Heights, Ohio, that:

Section 1: The Mayor is authorized, on behalf of the City of Richmond Heights, to execute the "Right of Way and Easement for the Maintenance of a Water Main for the Purpose of Supplying Water Service" with the provisions as set forth in the recitals to this Resolution and as approved as to form and correctness by the Director of Law.

Section 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal

action, 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 shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 11, 2023

APPROVED: April 11, 2023

ATTEST: Donnie Hunter  
Donnie L. Hunter  
Clerk of Council

[Signature]  
Kim A. Thomas, Mayor

[Signature]  
Bobby Jordan  
President of Council