

A RESOLUTION AUTHORIZING THE AVON LAKE ENVIRONMENTAL REDEVELOPMENT GROUP LLC TO FILE AN APPLICATION AND TO PARTICIPATE IN THE STATE OF OHIO BROWNFIELD REMEDIATION PROGRAM FUND AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments and their partners for the purpose of addressing local needs;

WHEREAS, the Avon Lake Environmental Redevelopment Group, LLC (“ALERG”) desires to receive financial assistance for the Lake Road Power Plant under the Ohio Brownfield Remediation Program Fund and in accordance with all requirements thereof;

WHEREAS, ALERG has the authority to apply for financial assistance with the approval of and in partnership with the City of Avon Lake as the “unit of local government” from the Ohio Brownfield Remediation Program Fund; and

WHEREAS, the Council of the City of Avon Lake must direct and approve appropriately authorized representatives of ALERG to act in connection with the application and to provide such additional information as may be required.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Council of the City of Avon Lake hereby approves ALERG’s filing an application for financial assistance under the Ohio Brownfield Remediation Program Fund and the establishment of an agreement between ALERG, the State of Ohio, Department of Development, and/or the City of Avon Lake, as required under the Ohio Brownfield Remediation Program Fund, to establish project management and implementation roles and responsibilities.

Section No. 2: That the Council of the City of Avon Lake authorizes ALERG, and ALERG’s authorized representatives, to participate in the Ohio Brownfield Remediation Program Fund and provide all information and documentation required in said application submission.

Section No. 3: That the Council of the City of Avon Lake hereby understands and agrees that ALERG’s participation in the Ohio Brownfield Remediation Program Fund will require ALERG to comply with all program guidelines and assurances and other applicable laws, rules, and regulations.

Section No. 4: That ALERG has agreed in writing to provide all designated match funding as described in the application.

Section No. 5: That 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 which resulted 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 No. 6: This Resolution is hereby declared to be an emergency measure, the emergency being the necessity to meet the application process deadlines, thus for the preservation of peace, health, safety, and welfare of the citizens of the City of Avon Lake. Therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: 6/27/2022

/s/ Martin E. O'Donnell

President of Council

POSTED: 7/01/2022

APPROVED: 6/28/2022

ATTEST: /s/ Valerie E. Rosmarin

Clerk of Council

/s/ Gregory J. Zilka

Mayor