

# CITY OF OBERLIN, OHIO

## ORDINANCE No. 19-28 AC CMS

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A RESOLUTION OF DISPUTE WITH NEXUS GAS TRANSMISSION, LLC AND DECLARING AN EMERGENCY

WHEREAS, On October 2, 2017, NEXUS Gas Transmission, LLC filed a condemnation action against the City in the United States District Court for the Northern District of Ohio, Case No. 5:17-cv-2062, styled as *NEXUS Gas Transmission, LLC v. City of Green, Ohio, et al.*, (“Action”), seeking the acquisition by eminent domain of a permanent easement interest in 0.1 Acres ± and a temporary easement interest in 0.1 Acres ± of land owned by the City said land being located within what is commonly known as the Ramsey Right-of Way, (“Easement Land”) all for the purpose of the construction and operation of a natural gas transmission pipeline (“Pipeline”); and,

WHEREAS, on December 28, 2017, the Court in said Action ruled the NEXUS has the authority to condemn the Land for the purposes set forth in the Action and has since granted NEXUS exclusive use and possession of the Land; and,

WHEREAS, the construction of the Pipeline has been completed and the same is in operation; and,

WHEREAS, the only outstanding issue to be resolved in the Action is the amount of compensation to be paid to the City of Oberlin for the easement interests acquired; and,

WHEREAS, the City has long planned for the installation public water supply line, a portion of which is to be located within the Ramsey Right-of-Way and will traverse the Easement Land and across the Pipeline; and,

WHEREAS, in order to assure the ability of the City to construct the public water supply line as planned, Council for the City of Oberlin deems it to be in the interest of the City to resolve the pending eminent domain litigation with the NEXUS Gas Transmission, LLC on the terms set forth in Exhibit “A” attached hereto.

THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the City Manager is hereby authorized and directed to execute an Agreement for Resolution of Dispute with NEXUS Gas Transmission, LLC in substantially the form attached hereto as Exhibit “A”

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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. 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 citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: to assure the ability to install a water supply line for the benefit of the inhabitants of the City and to, promote economic development and to minimize the expenditure of funds for the continued pursuit of the litigation that is the subject of the agreement authorized hereunder and shall take effect immediately upon passage.

PASSED: 1st Reading: May 6, 2019 (E)  
2nd Reading: \_\_\_\_\_  
3rd Reading: \_\_\_\_\_

ATTEST:

  
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BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
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BRYAN BURGESS  
PRESIDENT OF COUNCIL

POSTED: 05/07/2019

EFFECTIVE DATE: 05/06/2019