

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-8094 FORM NO. 30045

Resolution No. 19-2024 Passed April 1, 2024

A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ACCEPT DONATION OF AN EASEMENT ON/IN PARCEL NUMBER 10004009 FOR UTILITIES AND ELECTRIC UTILITY

WHEREAS, the Village of Brewster and the owner of the property located in the Village of Brewster at 8021 Wabash Ave (Parcel Number 10004009), Valerie M. Luckner, Trustee of the Katheryn Walker Trust, have a mutual interest in extending sanitary sewer service to 8021 Wabash Ave (Parcel Number 10004009), known as Hillview Mobile Home Park, and

WHEREAS, the Village of Brewster has proceeded with the Hillview Mobile Home Park Sanitary Sewer Project by:

- submitting nomination to Ohio EPA Water Pollution Control Fund (WPCLF) to finance costs of the design/planning of said Hillview Mobile Home Park Sanitary Sewer Project; and
- subsequently receiving and accepting grant funds from an Ohio EPA Water Pollution Control Fund (WPCLF) Loan to finance costs of the design/planning of said Hillview Mobile Home Park Sanitary Sewer Project through a loan with principal forgiveness (in essence a grant); and
- applying for, receiving, and accepting a CDBG Grant towards construction of said Hillview Mobile Home Park Sanitary Sewer Project; and
- submitting a nomination to Ohio EPA Water Pollution Control Fund (WPCLF) to finance a portion of the costs of the construction of said Hillview Mobile Home Park Sanitary Sewer Project; and

WHEREAS, the Village of Brewster needs to acquire a permanent easement in which to extend electric service for said Hillview Mobile Home Park Sanitary Sewer Project from the owner of the property located in the Village of Brewster at 8021 Wabash Ave (Parcel Number 10004009), Valerie M. Luckner, Trustee of the Katheryn Walker Trust, and

WHEREAS, the Village of Brewster must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) in acquiring easements associated with the Hillview Mobile Home Park Sanitary Sewer Project due to Federal HUD Funds and Federal EPA Funds being utilized towards the project, and

WHEREAS, the Village had the electric easement appraised in conformance with the URA, and

WHEREAS, the Village then notified the owner of the property located in the Village of Brewster at 8021 Wabash Ave (Parcel Number 10004009), Valerie M. Luckner, Trustee of the Katheryn Walker Trust, that:

- The Village of Brewster was/is interested in acquiring a permanent utility easement on property the Trust owns, tax parcel 10004009.
- That the proposed project may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the CDBG program.
- That the Village of Brewster possesses eminent domain authority to acquire property. In the event you are not interested in selling your property, or if the Village cannot reach an amicable agreement for the purchase of the Trust's property, the Village would/will not pursue its acquisition under eminent domain.
- That according to an appraisal dated June 24, 2023, the Village is prepared to offer you \$3,480 to purchase a permanent electric/utility easement on the Trust's property.
- The Village had discussed donation of the land for a permanent electric/utility easement in the past and requested that the Trust please acknowledge its decision to voluntarily relinquish payment due under the URA in writing.

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- In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), owner-occupants who move as a result of a voluntary acquisition are not eligible for relocation assistance. The Village's notice advised the Trust not to move, and further informed the trust that the Hillview Mobile Home Park Sanitary Sewer Project would not require relocation.

WHEREAS, the Village received written response to its notification that the owner of the property located in the Village of Brewster at 8021 Wabash Ave (Parcel Number 10004009), Valerie M. Luckner, Trustee of the Katheryn Walker Trust had:

- Received the Village's notice dated February 21, 2024, with attachments (HUD-1041-CPD and Hillview Easements Appraisal), and
- That Ms. Luckner, as Trustee, hereby voluntarily relinquishes payment which could be paid for the granting of the necessary permanent easement on this parcel for the construction of the pump station and sewer line to allow the sewerage generated on this parcel to be processed through and be a part of the Brewster Sewer District.
- That Ms. Luckner, as Trustee, understands that an appraisal of this permanent utility easement has been made, with the value of the easement determined to be \$3,480.00.
- That knowing this appraised value and not disagreeing with it, Ms. Luckner, as Trustee, is knowingly, voluntarily relinquishing this amount or any amount she may be entitled to under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) for her granting the permanent utility easement for Parcel No. 10004009.

WHEREAS, notwithstanding the foregoing rights, the Village has been informed by the current owner Valerie M. Luckner, Trustee of the Katheryn Walker Trust, that she is willing to waive all of said rights as noted, and willingly agrees to donate the property needed for the permanent utility easement in which a water line is already located and a proposed connection to Brewster's sanitary sewer system is to be constructed, and

WHEREAS, that Ms. Luckner, as Trustee, will donate a permanent utility easement in/on parcel 10004009 or 0.152 acres for utility purposes, as set forth and described in Exhibit A, attached hereto, and

WHEREAS, that Ms. Luckner, as Trustee, will donate a permanent utility easement in/on parcel 10004009 of 0.544 acres for electric utility purposes, as set forth and described in Exhibit B, attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: Village Council authorizes the Mayor to accept donation of a permanent easement on/in parcel number 10004009, as set forth in the attached Exhibit A, and execute appropriate documents to effect the acquisition of said easement, and to have the same recorded.


SECTION 2: Village Council authorizes the Mayor to accept donation of a permanent easement on/in parcel number 10004009, as set forth in the attached Exhibit B, and execute appropriate documents to effect the acquisition of said easement, and to have the same recorded.

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SECTION 3. This ordinance is passed on an emergency basis to allow timely execution and recording of said easement prior to the advertisement for bids via CDBG Grant and WPCLF Loan of a sanitary sewer within said easement, and shall be in full force and effect at the earliest date provided by law.



Mayor Charles Hawk

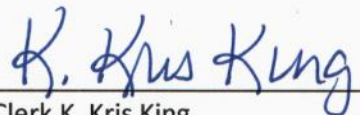
ATTEST:



Village Clerk Treasurer K. Kris King

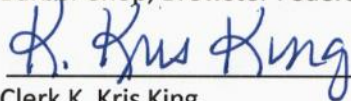
CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of a resolution passed at a regular meeting of the Brewster Village Council held on ~~March 18, 2024~~ April 1, 2024



Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Brewster Barber Shop, Brewster Federal Credit Union, Post Office, and Brewster Laundromat.



Clerk K. Kris King