

CITY OF HUBBARD, OHIO
RECORD OF ORDINANCES AND RESOLUTIONS

THE FRED PROCTER CO., CINTI, O.

RESOLUTION NO. 10-18

ORDINANCE NO.

PASSED June 4 20 18



A RESOLUTION

A RESOLUTION TO AUTHORIZE A RIGHT OF WAY OCCUPANCY PERMIT AND DESIGNATING HISTORIC DISTRICTS AND UNDERGROUNDING AREAS.

WHEREAS, The City of Hubbard, Trumbull County, Ohio owns and controls the public ways within its corporate limits for the benefit of its citizens, taxpayers, and municipal utility customers and in accordance with state and local laws; and

WHEREAS, it is the policy of the state and the City of Hubbard to:

- (1) Promote the public health, safety, and welfare regarding access to and the occupancy or use of public ways, to protect public and private property, and to promote economic development in this state and City of Hubbard;
- (2) Promote the availability of a wide range of utility, communication, and other services to residents of this state at reasonable costs, including the rapid implementation of new technologies and innovative services;
- (3) Promote coordination and standardization of municipal management of the occupancy or use of public ways, to enable efficient placement and operation of structures, appurtenances, or facilities necessary for the delivery of public utility or cable services;
- (4) Expedite the installation and operation of micro, and smaller, wireless facilities in order to facilitate the deployment of advanced wireless service; and,
- (5) Establish fair terms and conditions for the use of public ways that do not unduly burden persons occupying or using public ways; and

WHEREAS, to service those purposes, the City of Hubbard must manage access to and the occupancy or use of public ways with regard to matters of local concern, and to receive cost recovery for the occupancy or use of public ways in accordance with law and prohibit persons from occupying or using public ways that would unreasonably compromise the public health, safety, and welfare or otherwise be unlawful.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HUBBARD, TRUMBULL COUNTY, STATE OF OHIO, THAT:

SECTION 1: That the form of Right of Way Occupancy Permit attached hereto, including any attachments or appendices that designate undergrounding requirements, historic districts or design requirements, be, and the same hereby is, approved substantially in the form attached hereto, subject to and with any and all changes provided herein and therein.

SECTION 2: That the Mayor or Service Director is hereby authorized and directed to execute and deliver on behalf of the City of Hubbard the Right of Way Occupancy Permit, substantially in the form attached hereto to the Public Utilities Commission of Ohio.

SECTION 3: That it is found and determined that, to the extent required by law, all formal actions of the City of Hubbard concerning and relating to the adoption of this Resolution were adopted in an open meeting of the City of Hubbard, and that all deliberations of the City of Hubbard and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 4: If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.



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SECTION 5: That this Resolution shall take effect at the earliest date allowed by law.

SECTION 6: All prior legislation or parts thereof in conflict with this Resolution are hereby repealed.

PASSED IN COUNCIL THIS 4TH DAY OF JUNE, 2018.

William Williams
PRESIDENT OF COUNCIL

ATTEST:
Lavie Brown
CLERK OF COUNCIL

APPROVED:
John D. Decker
MAYOR

APPROVAL DATE: 6-5-2018

FIRST READING: June 4 2018

SECOND READING: _____

THIRD READING: _____

I hereby certify that the foregoing Resolution was published in The News of Hubbard on the dates hereinbelow set forth and was posted at the Hubbard City Municipal Building and the Hubbard Police Department on the day hereinbelow set forth.

DATES OF PUBLICATION: _____ day of _____, 2018
POSTED: 6TH day of June, 2018
_____ day of _____, 2018
_____ day of _____, 2018