

**ORDINANCE NO. 2006-17**  
**BUCKEYE LAKE PUBLIC WATER SYSTEM PROJECT**  
**VILLAGE OF BUCKEYE LAKE**  
**LICKING COUNTY, OHIO**

**AN ORDINANCE AUTHORIZING PARTICIPATION AND RATIFYING PRIOR PARTICIPATION OF THE VILLAGE OF BUCKEYE LAKE, LICKING COUNTY, OHIO, WITH THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, FOR THE DESIGN AND CONSTRUCTION OF THE BUCKEYE LAKE PUBLIC WATER SYSTEM PROJECT, SECTION 594 PROJECT, AND AUTHORIZING THE MAYOR OF THE VILLAGE OF BUCKEYE LAKE, AND OTHER APPROPRIATE VILLAGE OFFICIALS, TO ACT FOR AND ON BEHALF OF THE VILLAGE OF BUCKEYE LAKE, IN EXECUTING, ACCEPTING OR OTHERWISE APPROVING ALL DOCUMENTS, AGREEMENTS, INSTRUMENTS, OR OTHER NECESSARY PAPERS REQUIRED BY THE DEPARTMENT OF THE ARMY TO IMPLEMENT SAID PARTICIPATION IN THE PROJECT.**

**BE IT RESOLVED** by the Village of Buckeye Lake Council, Licking County, Ohio, that:

Section 1: The Village of Buckeye Lake authorizes its Mayor, by and through its authorized officers and officials, to participate with the Department of the Army, Corps of Engineers, in the design and construction of the Buckeye Lake Public Water System Project, Ohio Environmental Restoration Infrastructure and Resource Protection and Development Program authorized by Section 594 of the Water Resources Development Act of 1999, which project is located in Licking County, Ohio.

Section 2: Frank H. Foster, Mayor, Village of Buckeye Lake, and other appropriate Village of Buckeye Lake officials, including Village of Buckeye Lake's Solicitor, are authorized to execute on behalf of the Village of Buckeye Lake, Licking County, Ohio, all documents necessary to implement participation by the Village of Buckeye Lake, Licking County, Ohio, in the design and construction of an Environmental Restoration Infrastructure and Resource Protection Project, being a public water system, in the Village of Buckeye Lake, in conjunction with the Department of the Army, Corps of Engineers, including but not limited to the Project Cooperation Agreement between the Department of the Army and the Village of Buckeye Lake, Licking County, Ohio, for the implementation of the Buckeye Lake Public Water System Project, that provides, among other things, that the Village of Buckeye Lake shall:

a. Provide without cost to the United States Government all lands, easements, and rights-of-way including suitable borrow and dredge material disposal areas, all modifications, relocations and alterations of structures including but not limited to buildings, utilities, including relocations of on-site underground utilities, roads, bridges, sewers and water supply facilities and repair or replacement of all intakes, drains, and appurtenant facilities necessary for the construction, operation and maintenance of the Project;

b. Hold and save the United States Government free from damages due to the construction, operation and maintenance of the Project, exclusive of damages due to the fault or

negligence of the United States Government or its contractors;

c. Operate, maintain, replace and rehabilitate the Project upon completion, and as constructed, in accordance with the regulations or directions by the Secretary of the Army and all without cost to the United States Government;

d. Pay its percentage share of total project costs as required by The Water Resources Development Act of 1986, (Public Law 99-662), and by the Project Cooperation Agreement;

e. Prevent obstruction of or encroachment on the Project that would reduce the level of protection it affords or that would hinder operation and maintenance thereof; AND


f. Comply with the provisions of the Uniform Relocations Assistance and Real Property Acquisitions Policies Act of 1970, Public Law 91-646, approved 2 January 1971; and Section 221, Public Law 91-611, approved 31 December 1970, as amended.

Section 3: The Village of Buckeye Lake Council hereby approves and ratifies all prior participation and acts of the Village of Buckeye Lake, by and through its officials, with the Department of the Army, Corps of Engineers, in relationship to said Project.

Section 4: The Mayor of the Village of Buckeye Lake and other appropriate Village officials are hereby authorized to purchase, or otherwise acquire from private property owners, in the name of the Village of Buckeye Lake, and in accordance with said Agreement, any and all interests in real property necessary for the construction, operation and maintenance of the property.

Duly passed in accordance with the laws of the State of Ohio, this 12<sup>th</sup> day of JUNE, 2006.

Passed:

  
CHARLENE HAYDEN, President  
Village of Buckeye Lake Council

  
FRANK FOSTER, MAYOR

ATTEST:

Accepted by Mayor for action on JUNE 12, 2006