

Ordinance No.: 2009-16

Passed: May 11 2009

RESOLUTION TO ENTER A COOPERATIVE AGREEMENT FOR STATE PLANNING PROJECT WITH OHIO WATER DEVELOPMENT AUTHORITY

A resolution for authority to enter a Cooperative Agreement for State Planning Project with the Ohio Water Development Authority for planning and design of sanitary sewers for unsewered areas in the Village of West Lafayette and WWTP improvements:

WHEREAS, THE COUNCIL FOR THE VILLAGE OF WEST LAFAYETTE, OHIO, having met in regular session on May 11, 2009, and Council member Lusk having moved the adoption of a resolution to authorize the Village of West Lafayette Council to enter into an agreement with the Ohio water Development Authority, in substantial compliance with the form attached to this resolution, for purposes of securing financing for planning activities for improvement to the Village sewer and Treatment system, and the following Council Members having concurred

~~Christy Mauer~~ - Christy Mauer - Kelly R. Josssett - Ron Lusk
Dary L. Lee

NOW THEREFORE BE IT RESOLVED

SECTION I: That the West Lafayette Village Council enter into a Cooperative Agreement for State Planning Project with the Ohio Water Development Authority ("OWDA"), a body corporate and politic organized and existing under the provisions of Chapter 6121 of the Ohio Revised Code, and to execute and deliver to OWDA those instruments and agreements necessary and appropriate to obtain financing from said OWDA in an amount of \$101,500, or such LESSER sum as may be extended by OWDA, It is further resolved that the Fiscal Officer be hereby authorized and directed to execute and deliver all documents and instruments authorized hereby, and that same shall be the valid, legal and binding obligations of the West Lafayette Village Council.

SECTION II: That said resolution is deemed to be an emergency for reason the grant must be applied for by May 15, 2009, and is needed for the health, safety, and welfare of the citizens of the Village of West Lafayette, Ohio and will be effective immediately upon passage by Council.

The Fiscal Officer is hereby authorized and instructed to post this Resolution in the usual and customary manner and certify copies of this resolution to all necessary and/or proper parties.

PASSED IN COUNCIL THIS 11th day of May 2009

Jack L. Patterson
Jack L. Patterson, Mayor

ATTEST:
Lisa Derr
Lisa Derr, Fiscal Officer

APPROVED AS TO FORM:
William M. Owens
William M. Owens, Solicitor for the Village of West Lafayette, Ohio

May 11, 2009

Ohio Water Development Authority
480 South High Street
Columbus, Ohio 43215

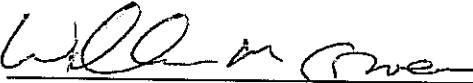
Re: Cooperative Agreement between the Ohio Water Development Authority and
the Village of West Lafayette, Ohio, dated May 11, 2009.

Gentlemen:

The undersigned is the duly appointed and serving Solicitor for the Village of West Lafayette, Ohio and as such has examined the documents, or copies thereof certified to his satisfaction, referred to in the following paragraph. As said Solicitor, the undersigned advises you that:

1. Ordinance No. ~~2009-110~~ passed/adopted on the 11th day of May, 2009 by the Council of the Village of West Lafayette, Ohio (the "Legislative Authority") authorizing the execution and delivery of the Cooperative Agreement was duly and lawfully passed/adopted by the Legislative Authority on said date, is in full force and effect and has not been withdrawn or repealed as of this date.
2. All formal actions of the Legislative Authority concerning or relating to the enactment of the legislation described in paragraph 1 were taken in an open meeting of the Legislative Authority 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.
3. The Cooperative Agreement has been duly executed and delivered and constitutes a valid, legal and binding obligation of the Legislative Authority enforceable in accordance with its terms, subject to the provisions of federal bankruptcy laws and other laws affecting creditor's rights.

Yours truly,

by 
William M. Owens, Solicitor

WMO/jlj