

**ORDINANCE NO. 145-21**

**AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN THE CONSENT TO ACCESS AGREEMENT FOR THE PROPERTIES LOCATED AT 123 W. LIBERTY STREET PERTAINING TO THE OHIO EPA TARGETED BROWNFIELD ASSESSMENT GRANT, AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

**SEC. 1:** That the Mayor is hereby authorized and directed to sign the Consent to Access Agreement form to allow the Ohio EPA contractor to perform Phase II assessment on Permanent Parcel Nos. 028-19A-21-390 and 028-19A-21-391 pertaining to the Ohio EPA Targeted Brownfield Assessment Grant.

**SEC. 2:** That a copy of the Consent to Access Agreement form is marked Exhibit A, attached hereto and incorporated herein.

**SEC. 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

**SEC. 4:** That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to submit the application as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** September 13, 2021

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** September 13, 2021

**SIGNED:** Dennis Hanwell  
Mayor

Ord. 145.21  
Exh.

Appendix B – Sample Access Agreement

CONSENT TO ACCESS

By authorized signature, Ohio EPA and the (City of Medina), including their representatives and contractors, are hereby given consent to enter property owned by (City of Medina) located at (123 W Liberty St., Medina, 44256 ) (Parcel Numbers 028-19A-21-390 amd 028-19A-21-391) This property is the location of the former (Medina Public Parking lot). Consent to enter the property is requested in order to conduct activities described below. By providing this consent, the authorized signatory does not waive or otherwise compromise the property owner's rights under federal, state, or local law, nor under common law, with the exception of those rights waived in giving consent.

Activities which may be conducted on the above property by Ohio EPA and the (Medina City Development Corporation), including their representatives and contractors, include, but are not limited to, the following:

- 1) Site Visits;
- 2) Phase I Property Assessment activities;
- 3) Asbestos Survey, Lead Based Paint Survey and/or Geophysical Survey activities;
- 4) Installation of monitoring wells;
- 5) Sampling of soil, ground water, soil-gas, indoor air, surface water, or sediment;
- 6) Return to the property for re-sampling or additional sampling of any of the above.

Ohio EPA and its representatives will exert their best effort to esthetically restore any portion of the property substantially disturbed by its activities to its previous condition, after completion of the above described activities.

*Dennis Hanwell*

Signature of Property Owner

09-13-2021

Click here to enter a date.

City of Medina *Dennis Hanwell, Mayor*  
Printed or Typed Name of Property Owner

Enter Telephone #

123 West Liberty Street, Medina, OH 44256  
Address of Property Owner