

**RESOLUTION NO. 2016 - \_\_\_\_\_**

**A RESOLUTION FINDING THAT CERTAIN DESCRIBED SUBMERGED LAND ABUTTING THE CITY IS NOT NECESSARY FOR THE CONSTRUCTION OR MAINTENANCE OF VARIOUS IMPROVEMENTS**

**WHEREAS**, OIP Lorain II Limited Partnership, 2715 East Erie Avenue, Lorain, Ohio 44052 has Engineers to construct an erosion control measure on submerged land in Lake Erie abutting the City; and

**WHEREAS**, in order to receive the required permits from ODNR, the Lorain Port Authority is required by the State of Ohio to make certain findings regarding said land; and

**WHEREAS**, construction of the erosion control measure described in Exhibit A (attached) will not require the expenditure of public funds; and

**WHEREAS**, said land, more fully described in attached Exhibit A, is not necessary or required by the Lorain Port Authority for the construction, maintenance, or operation by the Lorain Port Authority of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, improvements, or marginal highways in aid of navigation and water commerce; and

**WHEREAS**, the use described in attached Exhibit A is consistent with permitted land uses for the area; and

**WHEREAS**, passage of the resolution provides for the immediate preservation of public health, safety and welfare for the reason that the described erosion control measures are necessary to prevent further loss of or damage to real property within the city.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Lorain Port Authority:

**SECTION I.** That the submerged land abutting the City and described in attached Exhibit A is not necessary or required by the Lorain Port Authority for the construction, maintenance, or operation of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, improvements, or marginal highways in aid of navigation and water commerce and the described in Exhibit A is consistent with uses permitted in the area.

**SECTION II.** That the Executive Director is hereby authorized and directed to transmit a copy of this resolution to OIP Lorain II Limited Partnership, 2715 East Erie Avenue, Lorain, OH 44052 and the Ohio Department of natural Resources.

**SECTION III.** It is found and determined that all formal proceedings and actions Of this Board concerning and relating to the passage of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board 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.

**Ayes:**

**Nays:**

**Abstain:**

**Adopted:**

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Brad Mullins, Vice Chairman

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Richard M. Novak, Executive Director