

ORDINANCE NO. 2013- 3643

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR PUBLIC FISHING AT THE FREMONT RESERVOIR AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL, CITY OF FREMONT, STATE OF OHIO:

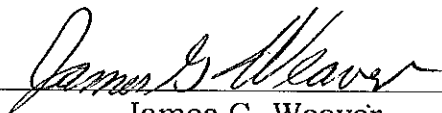
SECTION 1. The Fremont City Council hereby authorizes the Mayor to enter into an agreement with the Ohio Department of Natural Resources, attached as Exhibit A, for public fishing at the Fremont Reservoir.

SECTION 2. The agreement would be effective January 1, 2013 for a period of 10 years, expiring on January 1, 2023.

SECTION 3. It is hereby 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 all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 4. The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need to execute the agreement in a timely manner.

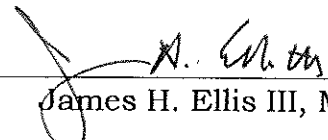
This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.


James G. Weaver
President of Council

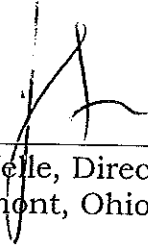
PASSED: 6-20-13
Effective Date: 6-20-13

YEAS: 6 NAYS: 1


Elaine J. Huntley, Clerk of Council


James H. Ellis III, Mayor

Approved as to form:

A handwritten signature in black ink, appearing to read 'J. Melle', is written over a horizontal line.

James F. Melle, Director of Law
City of Fremont, Ohio

Division of Wildlife
Ohio Department of Natural Resources

FISHING AGREEMENT

Agreement No. _____

In consideration of the mutual benefits this agreement is entered into by the State of Ohio, Department of Natural Resources, Division of Wildlife, hereinafter known as the Division and City of Fremont, hereinafter known as the Owner, this 1st day of January, 20 13, and expiring on the 1st day of January, 20 23; a period of 10 years.

It is the intent of this agreement to provide free public fishing in the body of water commonly known as Fremont Reservoir which is located in Ballville Township, Sandusky County and more completely described in a deed to the Owner filed in deed book number _____, page _____, of the _____ County Recorder's Office consisting of _____ acres more or less of land and water.

It is mutually agreed between the Division and the Owner as follows:

1. The State shall provide a fisheries management program including the enforcement of fish and wildlife laws and all orders of the Division of Wildlife.
2. The State and the Owner shall enforce the provisions of Section 1531.29 of the Revised Code.
3. The Owner shall permit free public fishing and reasonable access at all times.
4. Free public fishing shall include, but not be limited to, fishing from watercraft with horsepower limits agreeable to both parties.
5. The State shall have the right to remove all of its property or improvements at any time.
6. Obligations of the State are subject to the provisions of Section 126.07 of the Revised Code.
7. The State or its designee will be permitted to use gasoline-powered outboard motors on boats used to perform routine duties including surveys, research, and law enforcement.
8. The Owner will permit fishing upon the Owner's shoreline and water to responsible and respectful persons without regard to their race, color, national origin, sex, age, or handicap. If the Owner unduly restricts fishing access the Division may terminate this agreement immediately.

In witness, the parties hereafter have caused this instrument to be executed this day and year above written.

Witness to Owner

Owner

Witness to Owner

STATE OF OHIO

_____ County, ss:

Before me, a Notary Public in and for said County and State, personally appeared the above named _____ who acknowledged that _____ he _____ did sign the foregoing instrument and that the same is _____ free act and deed. IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at _____, this _____ day of _____, 20 _____.

Notary Public

State of Ohio, Department of Natural Resources, Division of Wildlife

By: _____
Chief, Division of Wildlife

APPROVED: