

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 20-56

INTRODUCED BY: Mayor Antoskiewicz
Co-Sponsor: Langshaw, Marnecheck

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE RIDGE ROAD REPAIR AND ROCKY RIVER TRIBUTARY STABILIZATION AND RE-ALIGNMENT, AND DECLARING AN EMERGENCY

- WHEREAS: The City, pursuant to Ohio Revised Code Section 723.01, has special power to regulate the use of the streets and is responsible for the care, supervision, and control of the streets within the City; and
- WHEREAS: The fill and embankment of a segment of the southbound lane of Ridge Road (State Route 3) in North Royalton (the “Road”), south of Cady Road is failing and requires immediate stabilization for the safety and use of the road by the traveling public; and
- WHEREAS: The source of the failing segment of the Road is a stream tributary to the East Branch of the Rocky River that is traversing the parcels located adjacent to the Road, which has laterally eroded the roadway embankment to the edge of the pavement; and
- WHEREAS: Prior efforts of the City to abate the lateral erosion and provide more enduring stabilization to the Road have been unsuccessful as proximity of the stream continues to erode the roadway embankment supporting the Road during periods of wet weather; and
- WHEREAS: The City has been notified by the Ohio Department of Transportation (ODOT) that the Road is in need of repair due to the tributary eroding the roadway embankment fill and asphalt shoulder which will eventually result in the erosion of the southbound lane of Ridge Road, SR -3; and
- WHEREAS: The City has determined that the only practical long-term solution to the continuing erosion causing destabilization of the Road is the re-routing of the stream away from the Road to help avoid imminent failure and destabilization of the Road; and
- WHEREAS: The District, pursuant to the authority of Ohio Revised Code Chapter 6119, and Title V Stormwater Management Code of the District’s Code of Regulations (“Title V”) is authorized to provide overall Stormwater Management of the Regional Stormwater System, including planning, financing, design, improvement, construction, inspection, monitoring, maintenance, operation, and regulation for the proper handling of stormwater runoff and the development and provision of technical support information and services to member communities; and
- WHEREAS: The City and the District entered into a Regional Stormwater Management Program Service Agreement dated October 1, 2013, which was subsequently amended on May 20, 2016 (the “RSMP Service Agreement”); and
- WHEREAS: The stream is located on the Regional Stormwater System, as such term is defined in Title V; and
- WHEREAS: The parties desire to work cooperatively to abate the erosion of the roadway embankment and stabilize the Road by relocating the stream away from the Road to reduce the risk of future erosion and to rebuild the eroded roadway embankment (the “Project”); and
- WHEREAS: The relocation incorporates natural channel design techniques to construct a new stream channel with in-stream structures that ensure a stable stream and improve ecological function and will effectuate a long-term solution for the protection of the Road; and
- WHEREAS: Due to the District’s proficiency and experience in such stream relocation and stabilization, management of the Regional Stormwater System and the impact of the Project on the Regional Stormwater System, the parties have determined that the Project is best managed by the District; and

WHEREAS: The District is authorized to perform the Project, generally, under Ohio Revised Code Chapter 6119, and specifically, under Ohio Revised Code Section 6119.06(G) to contract with any political subdivision to construct, reconstruct, enlarge, improve, maintain, repair, and operate Water Resource Projects; and under Ohio Revised Code Section 6119.09 to enter into agreements with political subdivisions for the effective cooperative action and safeguarding of the respective interests of the parties for the construction and funding of projects by one or more of the parties; and is authorized under Ohio Revised Code Section 6119.06 (O) to make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under Chapter 6119 of the Ohio Revised Code; and

WHEREAS: The parties are authorized under Ohio Revised Code Section 9.482(B) to enter into an agreement to exercise any power, perform any function, or render any service for the contracting recipient political subdivision that the contracting recipient political subdivision is otherwise legally authorized to exercise, perform, or render.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Mayor is hereby authorized to enter into a Memorandum of Understanding with the Northeast Ohio Regional Sewer District for the Ridge Road Repair and Rocky River Tributary Stabilization and Re-Alignment pursuant to terms and conditions approved by the Director of Law and substantially similar to a copy of which is attached hereto as Exhibit A and incorporated as if fully rewritten.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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.

Section 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to authorize the Mayor enter into a Memorandum of Understanding with the Northeast Ohio Regional Sewer District for the Ridge Road Repair and Rocky River Tributary Stabilization and Re-Alignment.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Paul F. Marnecheck
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz
MAYOR

DATE PASSED: March 3, 2020

DATE APPROVED: March 4, 2020

ATTEST: /s/ Dana A. Schroeder
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading March 3, 2020

YEAS: Marnecheck, Fenos, Barath, Langshaw
Dietrich, Weimer, Wos

NAYS: none