

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 21-75

INTRODUCED BY: Mayor Antoskiewicz
Co-Sponsor: Marnecheck

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BY AND BETWEEN NORTHEAST OHIO REGIONAL SEWER DISTRICT AND THE CITY OF NORTH ROYALTON FOR LOCAL SANITARY SEWER ENCASEMENT UNDER THE DISTRICT'S ROCKY RIVER STREAM STABILIZATION AND SEWER PROTECTION IN NORTH ROYALTON PROJECT, AND DECLARING AN EMERGENCY

- WHEREAS: The District is performing the Rocky River Stream Stabilization and Sewer Protection in North Royalton Project (the "District's Project") as a Water Resource Project under its Regional Stormwater Management Program; and
- WHEREAS: The City of North Royalton owns the local sanitary sewer system within the District's Project area; and
- WHEREAS: The District's Project will include stabilizing eroding streambanks and protecting an exposed local sanitary sewer (the "City's Sanitary Sewer") on an unnamed tributary to the East Branch of the Rocky River in the City of North Royalton; and
- WHEREAS: Protection of the exposed portion of the City's Sanitary Sewer will include constructing a concrete encasement (the "Sanitary Sewer Encasement") and the installation of riffle structures in the stream to allow sediment to accumulate over the encased sewer to provide further protection; and
- WHEREAS: The District has agreed to perform the Sanitary Sewer Encasement under the District's Project and to receive reimbursement from the City for such performance, in accordance with the terms and conditions contained in this Agreement; and
- WHEREAS: The District is authorized to perform the Sanitary Sewer Encasement, generally, under Ohio Revised Code Section 6119.09, 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: Council desires to authorize the Mayor to execute said agreement.

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

Section 1. Council hereby authorizes the Mayor to execute an agreement by and between Northeast Ohio Regional Sewer District and City of North Royalton for local sanitary sewer encasement under the district's Rocky River Stream Stabilization and Sewer Protection in North Royalton Project 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 execute the agreement by and between Northeast Ohio Regional Sewer District and City of North Royalton for local sanitary sewer encasement under the district's Rocky River Stream Stabilization and Sewer Protection in North Royalton Project to protect and preserve the integrity of that section of sewer.

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: April 20, 2021

DATE APPROVED: April 21, 2021

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

First reading suspended
Second reading suspended
Third reading April 20, 2021

YEAS: Marnecheck, Fenos, Barath, Krejci
Dietrich, Weimer, Vos

NAYS: none