

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 22-123

INTRODUCED BY: Mayor Antoskiewicz
Co-Sponsor: Marnecheck, Carbone-McDonald

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 THE SANITARY FORCE MAIN LOWERING, AND DECLARING AN EMERGENCY

- 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, 2015 (the "RSMP Service Agreement"); and
- WHEREAS: Chippewa Creek is located on the Regional Stormwater System, as such term is defined in Title V; and
- WHEREAS: The District's Cuyahoga River South Stormwater Master Plan identified "Problem Area CCPA09" in Chippewa Creek subwatershed; and
- WHEREAS: The District is performing the design for certain improvements necessary to increase stormwater detention capacity within the Valley Lane Basin and conveyance throughout the project area to reduce flooding all in furtherance of the District's Regional Stormwater Management Program; and
- WHEREAS: The City owns a sanitary force main within the footprint of the Valley Lane Basin, which limits the District's ability to gain the necessary stormwater storage, and
- WHEREAS: The lowering of the force main within the Valley Lane Basin is an appropriate solution for both parties to increase the stormwater function in the basin in furtherance of the goals of the District's Regional Stormwater Management Program, while maintaining sanitary sewage flow to the pump station; and
- WHEREAS: Due to timing constraints, the City has proposed to perform the force main lowering within the basin (the "Project") prior to the District's Chippewa Creek Flood Reduction Project Near Echo Lane Project (1575) and the District has agreed to reimburse the City for half of the costs related to the construction of the Project, up to an amount not-to-exceed \$45,000.00; and
- WHEREAS: The District is authorized to reimburse the City toward the cost of the Project, 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.
- 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 the Sanitary Force Main Lowering 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 Sanitary Force Main Lowering avoid conflicts in the design and implementation of the project and insure consistency in the common initiative.

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: July 19, 2022

DATE APPROVED: July 25, 2022

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

First reading suspended
Second reading suspended
Third reading July 19, 2022

YEAS: Marnecheck, Nickell, Krejci,
Dietrich, Carbone-McDonald, Wos

NAYS: none

ABSENT: Barath