

# EXHIBIT A

NORTHEAST OHIO REGIONAL SEWER DISTRICT  
RESOLUTION NO. 114-13

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Authorizing the Executive Director to enter into Regional Stormwater Management Program Community Cost-Share Program Agreements with Member Communities.  
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WHEREAS, the Code of Regulations of the Northeast Ohio Regional Sewer District, Title V – Stormwater Management Code Chapter 9 outlines the Community Cost-Share Program developed to provide funds to District Member Communities for construction, operation and maintenance activities of community-specific stormwater management projects; and

WHEREAS, under the Community Cost-Share Program, 25% of the annual collected stormwater revenue from each Member Community will be held by the District in a Community Cost-Share account, whereby Communities, with review and approval by the District, through specific applications outlining the community-specific stormwater work to be performed can access reimbursement of their funds; and

WHEREAS, the District is seeking authority to enter into Regional Stormwater Management Program Community Cost-Share Program Agreements with Member Communities for the purpose of detailing and memorializing responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

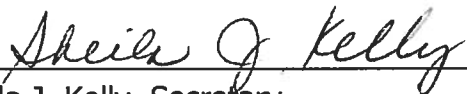
Section 1. That this Board finds that for the reasons stated in the preamble hereof it is in the best interests of the District to enter into Regional Stormwater Management Program Cost-Share Program Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program.

Section 2. That this Board hereby authorizes the Executive Director to enter into Regional Stormwater Management Program Cost-Share Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program under such terms and conditions that are satisfactory to the Director of Law and in the best interests of the District.

Section 3. That this Board authorizes the Executive Director to execute all documents and do all things necessary to effect the terms and conditions of the Stormwater Management Program Direct Billing Agreements with Member Communities.

Section 4. That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Mayor Starr seconded by Mr. O'Malley, the foregoing resolution was unanimously adopted on May 16, 2013.

  
\_\_\_\_\_  
Sheila J. Kelly, Secretary  
Board of Trustees  
Northeast Ohio Regional Sewer District

# EXHIBIT B

(Insert Member Community  
Ordinance/Resolution)

# EXHIBIT C



INTERNAL DOCUMENT ONLY

**COMMUNITY COST-SHARE PROGRAM  
PROJECT INTAKE  
STANDARD AGREEMENT - FUND TRANSFER TO DISTRICT**

**Date Received:** 08/09/2022



Regional System



Local System

**Member Community:** North Royalton

**Project Name:** Rocky River Stream Stabilization and Sewer Protection (1590)

**Community Cost-Share Fund Request:** \$ 105,700.00

**Community Cost-Share Project Category:** Other

**Plan Review Submittal Required:**



Yes\*



No

\*if yes, the WTL will work with community to ensure for submission

**Brief Project Summary:**

The City would like to use CCS funds for the sanitary sewer encasement portion of the District's 1590 project. The sanitary sewer runs within the stream's floodplain and was encased in concrete to protect both the sewer and the Rocky River from sanitary waste if the pipe were to break.

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**Application w/copy of App. Intake form to Legal,  
copy WTL & WFA**

\_\_\_\_\_  
Initial

\_\_\_\_\_  
Date

**Entered into Oracle - Requisition  
Agreement copy sent to Finance & WTL**

\_\_\_\_\_  
Initial

\_\_\_\_\_  
Date

**P.O. # Received, completed Application Intake  
form sent to WFA**

\_\_\_\_\_  
Initial

\_\_\_\_\_  
Date



## **Community Cost-Share Program APPLICATION**

### **Member Community Information**

Community: \_\_\_\_\_

Primary Project Contact: \_\_\_\_\_  
(Name & Title)

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

### **Project Information**

Project Title: \_\_\_\_\_

Address or Location of Project: \_\_\_\_\_

Project Start Date: \_\_\_\_\_

Project End Date: \_\_\_\_\_

Community Cost-Share Fund Request: \_\_\_\_\_

Submission Date: \_\_\_\_\_





## **Project Narrative**

### **1) Project Summary (1,000 word maximum)**

Describe the Project and include the following information, as applicable:

- Describe the Project and deliverables; provide a map if applicable
- Submit a deliverable worksheet listing tasks and deliverables with start dates and end dates for the significant benchmarks.
- List permitting requirements necessary to initiate and complete project and how the requirements will be met.



*Community Cost-Share Program  
Application*

**2) Ability to Provide Long Term Maintenance (500 word maximum)**

Describe the plans for long-term maintenance, addressing the following question:

- Who is responsible to provide on-going maintenance for the project and how will maintenance be ensured?
- Provide documentation of scheduled maintenance and operation for completed stormwater project(s).



*Community Cost-Share Program  
Application*

3) **Visibility and Public Outreach:** (500 word maximum)

Public outreach is required if appropriate for your project.

- What audiences will be exposed to this Project (neighbors, students, community groups, general public)?



*Community Cost-Share Program  
Application*

4) **Budget Summary** (500 words maximum)

The Budget Summary and Project Budget (*see page 3*) represent the Community Cost-Share Project components exclusively. Include details on the provider of all services such as design, engineering, construction management and materials including specific material cost, equipment, and hourly rate.

If an engineer's estimate is included with the application, indicate which line items are included in the Community Cost-Share Project application.



*Community Cost-Share Program  
Application*

**Vendor Registration**

Prior to submission, ensure that the Member Community is a registered vendor with the District. Vendor Registration can be done by accessing [http://www.neorsd.org/isupplier\\_homepage.php](http://www.neorsd.org/isupplier_homepage.php) and completing the New Vendor Registration. If unsure of the Member Community vendor status, by initiating the New Vendor Registration a message of active registration will appear if currently registered as a vendor.

**Project Budget**

<b>Project Expenses</b>	<b>Community Cost-Share Expense</b>	<b>Line Item Description</b>
Professional Services		
Personnel <i>(Member Community staff only)</i>		
Subcontract		
Equipment		
Materials		
Other		
<b>TOTAL</b>	\$	

REIMBURSEMENT 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

This Reimbursement Agreement ("Agreement") is entered into as of this 20th day of May, 2021 ("Effective Date") by and between the Northeast Ohio Regional Sewer District ("District") a regional sewer district organized and existing as a political subdivision under Chapter 6119 of the Ohio Revised Code, acting pursuant to Resolution No. 115-21, adopted by the Board of Trustees of the District on April 15, 2021 (attached hereto as Exhibit "A"), and the City of North Royalton ("City"), a Charter Municipality of the State of Ohio, acting pursuant to Ordinance No. 21-76, passed by its City Council on April 21, 2021 (attached hereto as Exhibit "B").

**RECITALS**

1. 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.
2. The City of North Royalton owns the local sanitary sewer system within the District's Project area.
3. 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.
4. 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.
5. 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.

6. 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.

NOW, THEREFORE, in consideration of the foregoing and the agreements set forth herein, the parties agree as follows:

Section 1. District Performance of Sanitary Sewer Encasement. In consideration of the coordination of efforts between the City and the District, the District shall perform the construction work necessary for the Sanitary Sewer Encasement of the City's Sanitary Sewer, as depicted in Exhibit "C," under the District's Project.

Section 2. City Reimbursement of District Costs. The City agrees to reimburse the District based upon the District's actual costs associated with all construction work performed for the Sanitary Sewer Encasement. The City has authorized an initial amount not-to-exceed One Hundred Thirty-Nine Thousand Four Hundred Dollars (\$139,400.00.00) (the "City Funds") for such services and work. The City shall reimburse the District after receipt of documentation to the City's reasonable satisfaction and submitted in a form sufficient to allow the City to review, inspect and approve the contractor's invoices and/or pay requests for materials, labor, and quantities installed that are included in the District's construction costs. In the event that the initial amount of City Funds authorized hereunder is insufficient to fully reimburse the District as required, the City shall seek additional City Council authority for the funding necessary to fully reimburse the District.

Section 3. Remedies. The parties agree that all claims, counter-claims, disputes and other matters in question between the District and City arising out of or relating to this Agreement, or the breach thereof, will be decided at law. This Agreement shall be governed by and interpreted according to the law of the State of Ohio.

Section 4. Counterpart Signatures. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which counterparts when taken together shall constitute one Agreement.

Section 5. Governing Law. The terms and provisions of this Agreement shall be construed under and governed by the laws of Ohio (to which all parties hereto consent to venue and jurisdiction).

Section 6. Disclaimer of Joint Venture. This Agreement is not intended to create a joint venture, partnership or agency relationship between the City and District, and such joint venture, partnership, or agency relationship is specifically hereby disclaimed.

Section 7. Authority to Execute. Each person executing this Agreement represents and warrants that it is duly authorized to execute this Agreement by the party on whose behalf it is so executing.

Section 8. Exhibits. The following exhibits are attached hereto and incorporated herein:

Exhibit "A" – District Resolution

Exhibit "B" – City Ordinance

Exhibit "C" – Sanitary Sewer Encasement Depiction

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]



The parties hereto have executed and delivered this Agreement as of the date first above written.

NORTHEAST OHIO REGIONAL SEWER DISTRICT

By: Kyle Dreyfuss-Wells  
Kyle Dreyfuss-Wells  
Chief Executive Officer

and: Darnell Brown  
Darnell Brown, President  
Board of Trustees

CITY OF NORTH ROYALTON

By: Ray O'Shea  
Title: MAYOR

The legal form and correctness  
of this instrument is approved.

Thomas A. Kelly  
Director of Law

By: Thomas A. Kelly  
~~Donna M. Vozar~~  
~~Assistant Director of Law~~

Date: 4/27/21

This Instrument Prepared By:

Katarina K. Waag  
Katarina K. Waag  
Assistant Director of Law  
Northeast Ohio Regional Sewer District

Each party agrees that this Agreement may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Agreement shall have the same legal effect as if such signatures were in their originally written format.

# EXHIBIT A

NORTHEAST OHIO REGIONAL SEWER DISTRICT  
RESOLUTION NO. 115-21

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AUTHORIZATION TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH THE CITY OF NORTH ROYALTON WHEREBY THE DISTRICT INCLUDES CONCRETE ENCASEMENT OF A CITY SANITARY SEWER LINE WITHIN THE SCOPE OF THE DISTRICT'S ROCKY RIVER STREAM STABILIZATION AND SEWER PROTECTION PROJECT IN NORTH ROYALTON AND PROVIDING FOR THE CITY'S REIMBURSEMENT TO THE DISTRICT FOR SUCH WORK IN AN INITIAL AMOUNT NOT-TO-EXCEED \$139,400.00 WITHOUT FURTHER CITY COUNCIL APPROVAL.  
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**WHEREAS**, erosion along an unnamed tributary to the East Branch of the Rocky River on the Regional Stormwater System (RSS) is threatening a sanitary sewer owned by the City of North Royalton; and

**WHEREAS**, the District's Rocky River Stream Stabilization and Sewer Protection Project in North Royalton (the "Water Resource Project") will stabilize eroding streambanks and protect the exposed local sanitary sewer in the City of North Royalton; and

**WHEREAS**, the District has agreed to protect the sanitary sewer by constructing concrete encasement and installing a riffle structure in the stream to allow sediment to accumulate over the encasement and provide further protection; and

**WHEREAS**, the City of North Royalton has agreed to reimburse the District for the construction costs associated with the encasement of the sanitary sewer, in an initial amount not-to-exceed One Hundred Thirty-Nine Thousand Four Hundred and 00/100 Dollars (\$139,400.00);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

**Section 1.** That this Board hereby authorizes the District to enter into a reimbursement agreement with the City of North Royalton for the City to reimburse the District for the construction costs associated with the encasement of a City sanitary sewer as part of the District's Rocky River Stream Stabilization and Sewer Project, in an initial amount not-to-exceed One Hundred Thirty-Nine Thousand Four Hundred and 00/100 Dollars (\$139,400.00), without further City Council approval.

**Section 2.** That this Board further finds that the agreement is necessary and serves a public purpose of working cooperatively with the City of North Royalton in performing work related to the City-owned sanitary sewer that is currently exposed in an unnamed tributary to the East Branch of the Rocky River on the RSS.

**Section 3.** That this Board hereby authorizes the Chief Executive Officer, at the request of the Director of Watershed Programs, to execute all documents and do all things necessary to effectuate the terms and conditions of the agreement authorized herein.

**Section 4.** That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Ms. Dumas, seconded by Mr. Joyce, the foregoing resolution was unanimously adopted on April 15, 2021.



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Timothy J. DeGeeter, Secretary  
Board of Trustees  
Northeast Ohio Regional Sewer District

# EXHIBIT B

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 21-76

INTRODUCED BY: Mayor Antoskiewicz  
Co-Sponsor: Marnecheck

## AN ORDINANCE GRANTING TWO PERMANENT STORM WATER EASEMENTS TO THE NORTHEAST OHIO REGIONAL SEWER DISTRICT, AND DECLARING AN EMERGENCY

**WHEREAS:** It is the desire of the City of North Royalton to grant and convey two, permanent Storm Water Easements to the Northeast Ohio Regional Sewer District on Permanent Parcel Nos. 483-20-010 and 483-20-030 in order to allow for the storm water improvement project to encase an existing sewer to proceed.

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 the attached easement agreements and thereby convey two, permanent Storm Water Easements to the NEORS on Permanent Parcel Nos. 483-20-010 and 483-20-030 and as further described on Exhibits 1 and 2 attached hereto for the purposes stated in the easements and as described in the separately proposed Ordinance 21-75.

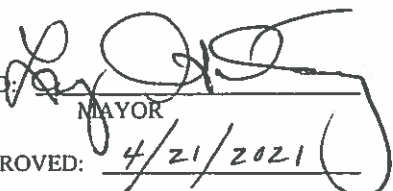
**Section 2.** The Mayor is hereby authorized to execute said agreements and to take such action and to execute such other documents and amendments thereto as may be necessary as are approved by the Law Director.


**Section 3.** 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 4.** 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 grant two permanent Storm Water Easements to the Northeast Ohio Regional Sewer District on Permanent Parcel Nos. 483-20-010 and 483-20-030.

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.

  
PRESIDENT OF COUNCIL

APPROVED:   
MAYOR  
DATE APPROVED: 4/21/2021

DATE PASSED: April 20, 2021  
ATTEST:   
DIRECTOR OF LEGISLATIVE SERVICES

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

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

NAYS: none

I, Director of Legislative Services of the  
City of North Royalton, certify that this is a true and  
exact copy of the original of said Ordinance/Resolution/  
21-76

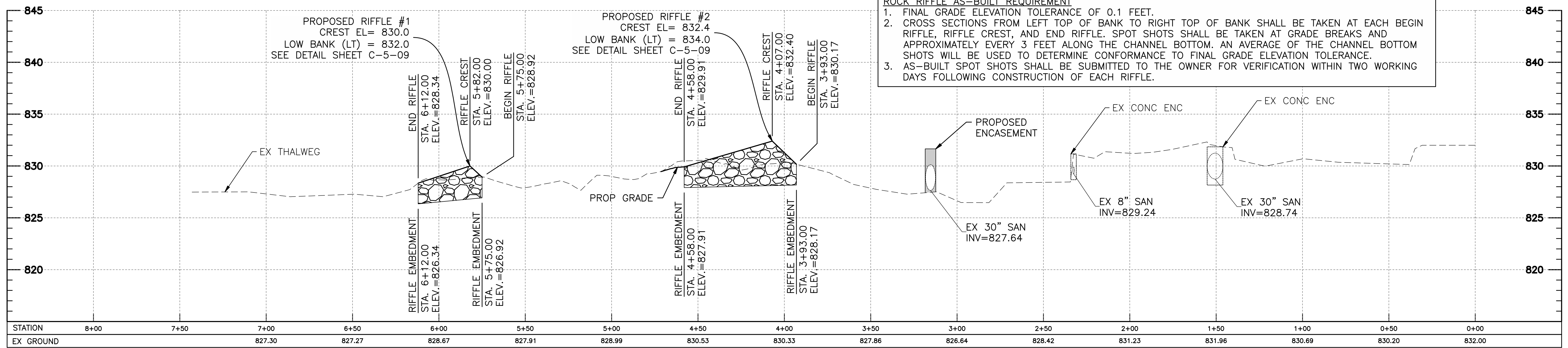
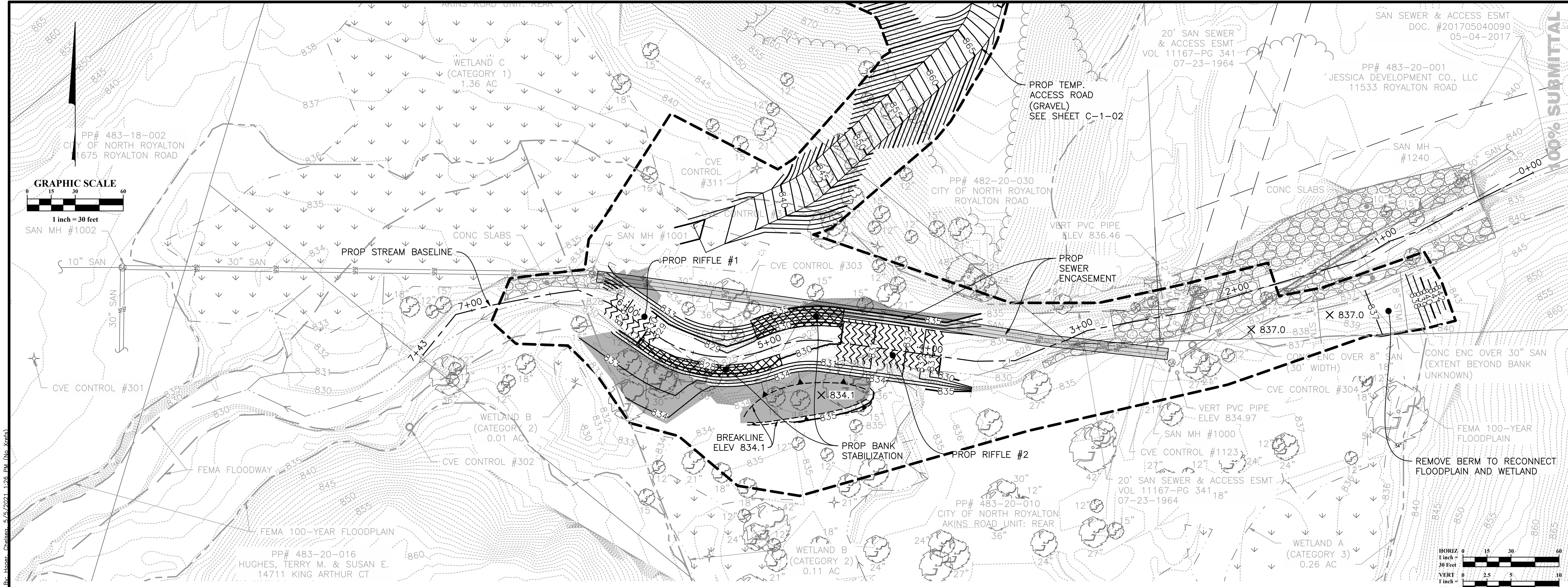
Director of Legislative Services

# EXHIBIT C





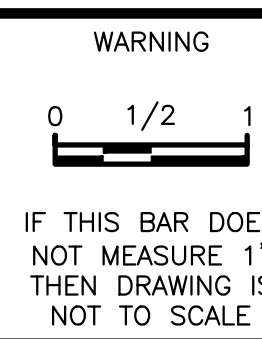




REV NO	DATE	ISSUED BY	REMARKS

ROCKY RIVER STREAM STABILIZATION  
AND SEWER PROTECTION  
IN NORTH ROYALTON  
PROJECT 1590

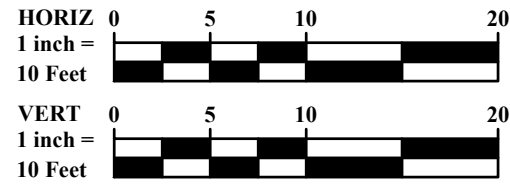
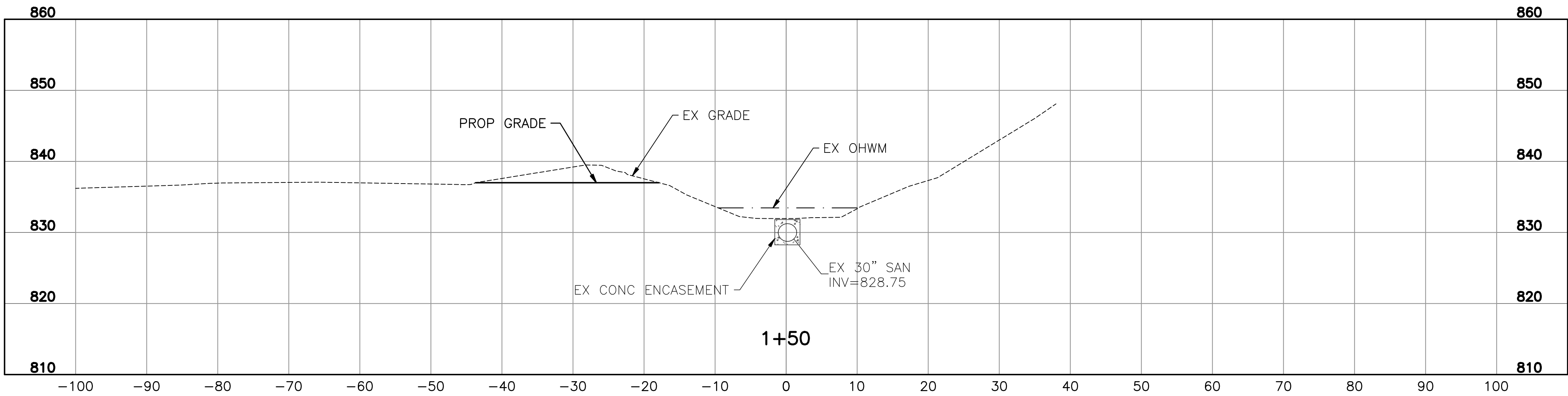
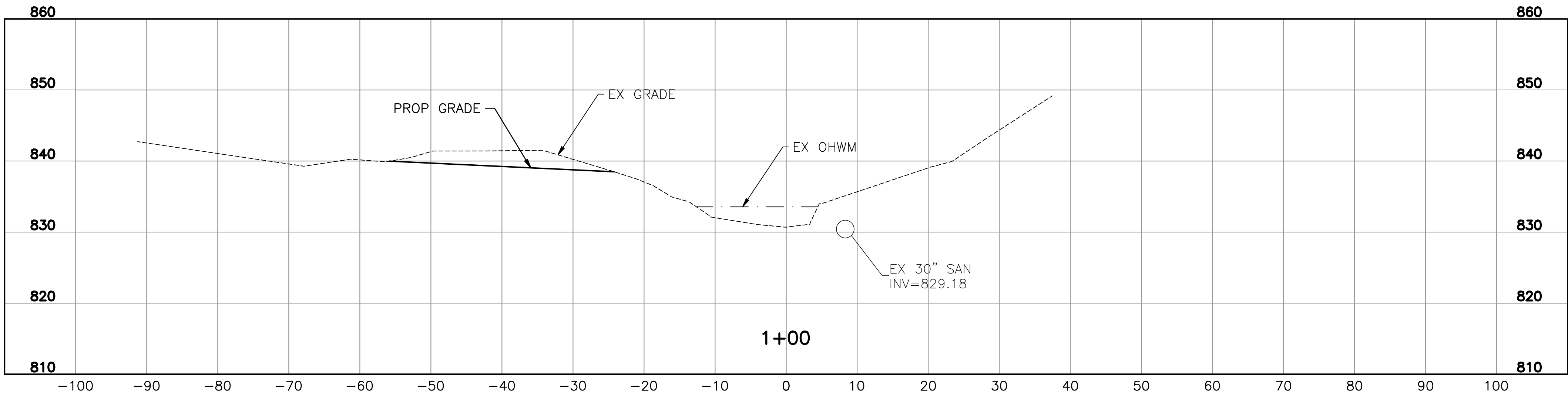
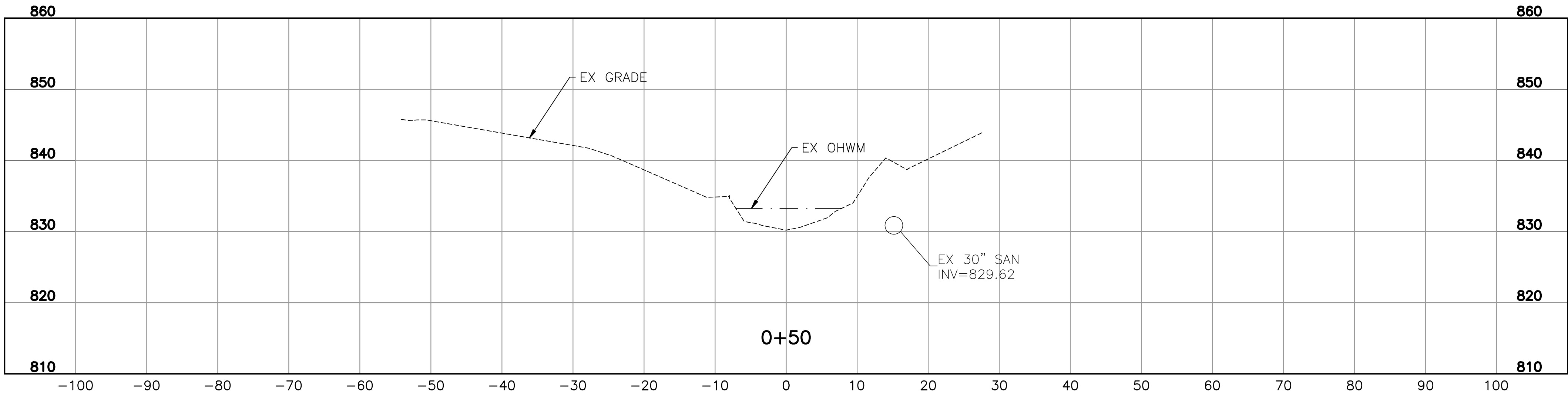
STREAM PLAN & PROFILE



PROJECT SET: 11 OF 25  
C SHEET: 03 OF 15  
SHEET NO.:  
**C-1-03**



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ROCKY RIVER STREAM STABILIZATION  
AND SEWER PROTECTION  
IN NORTH ROYALTON  
PROJECT 1590

STREAM CROSS SECTIONS

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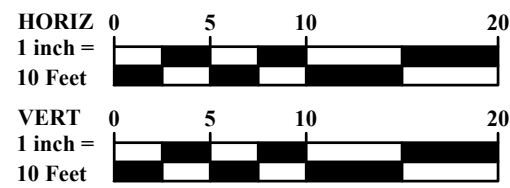
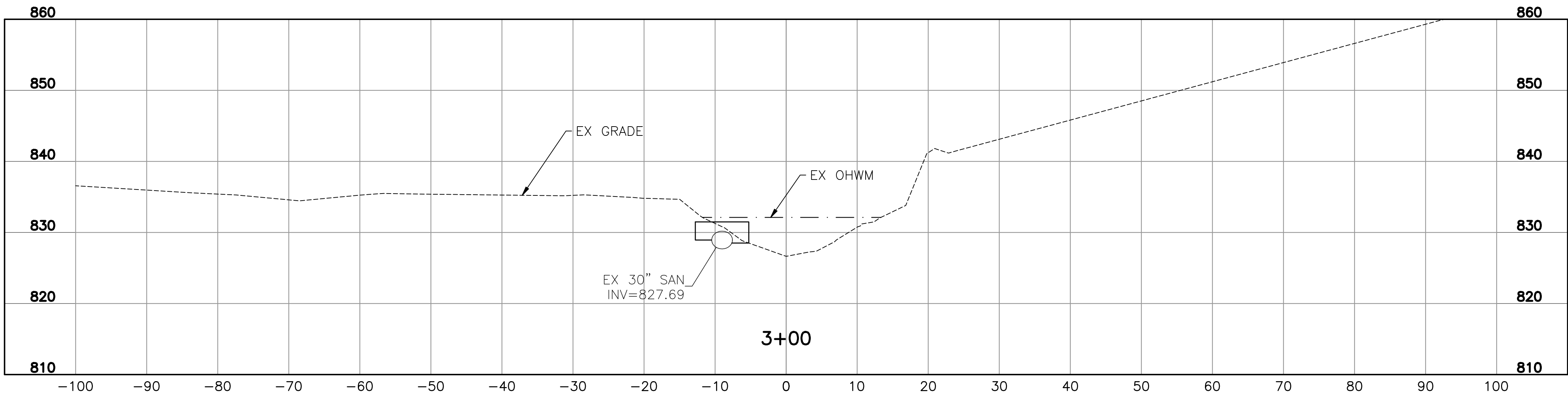
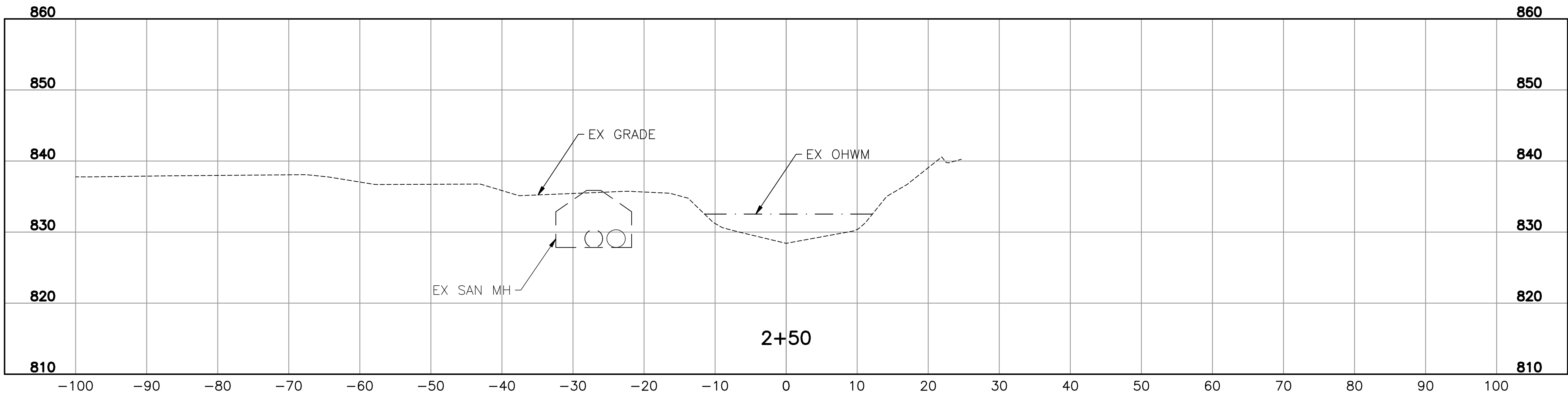
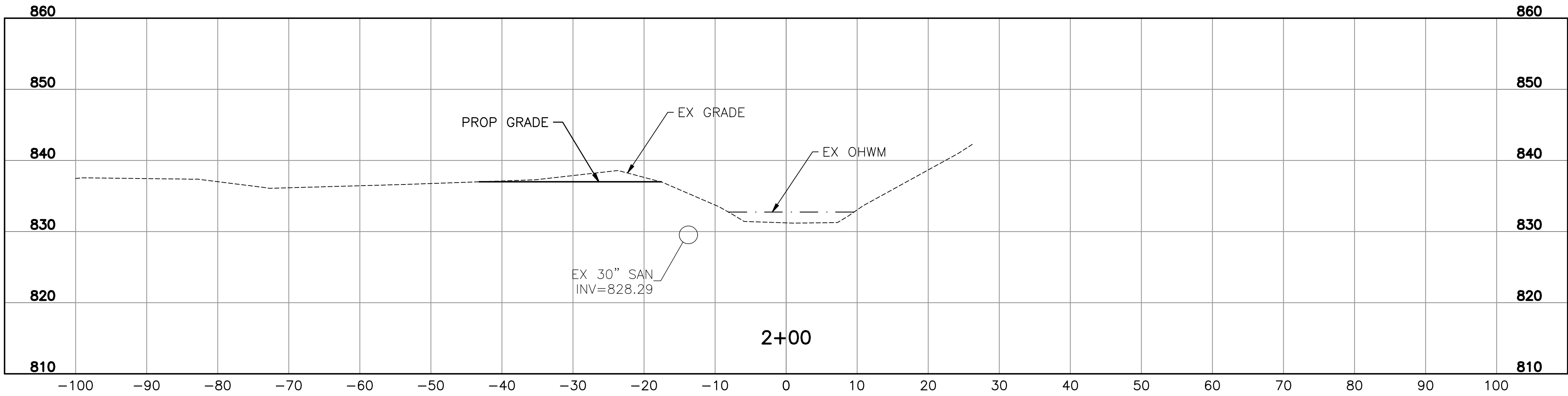
PROJECT SET: 12 OF 25

C SHEET: 04 OF 15

SHEET NO.:  
**C-3-04**

100% SUBMITTAL

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ROCKY RIVER STREAM STABILIZATION  
AND SEWER PROTECTION  
IN NORTH ROYALTON  
PROJECT 1590

STREAM CROSS SECTIONS

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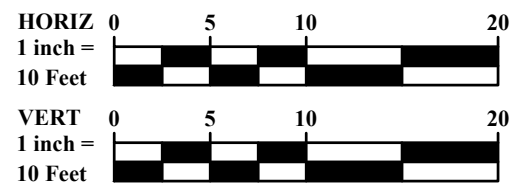
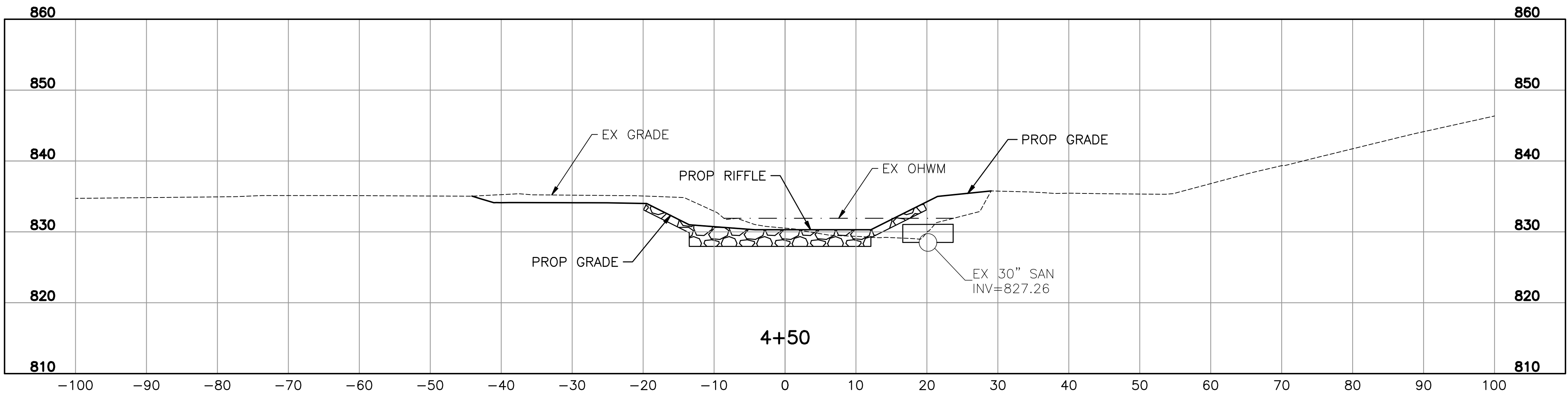
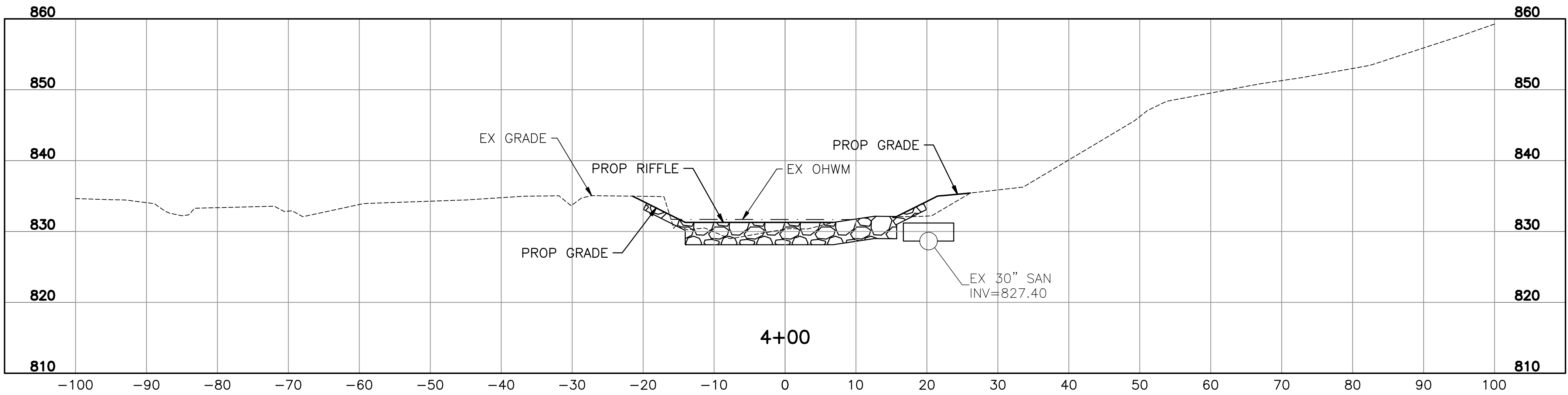
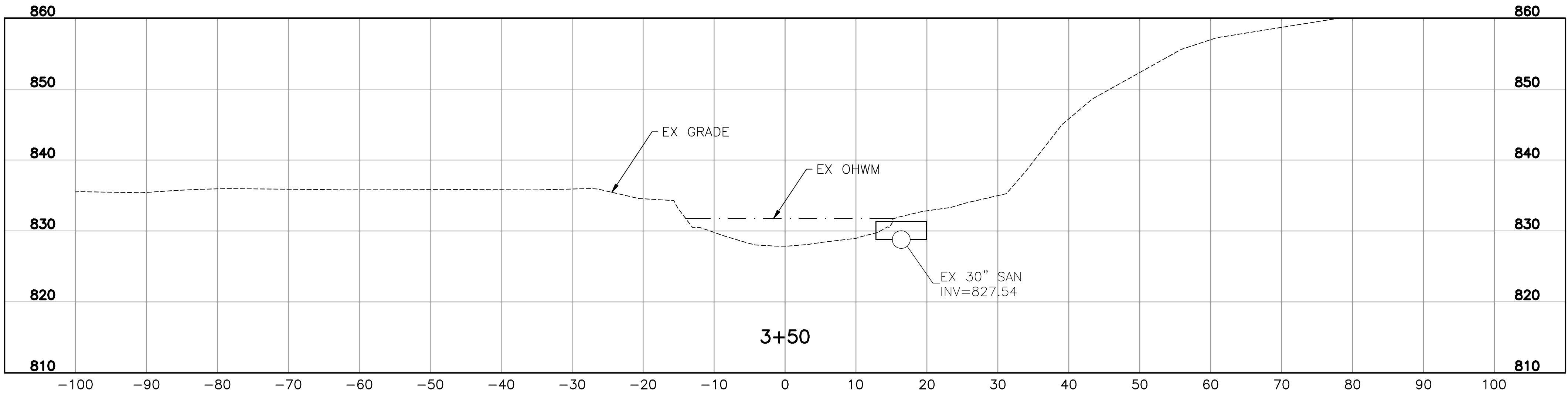
PROJECT SET: 13 OF 25

C SHEET: 05 OF 15

SHEET NO.:  
**C-3-05**

100% SUBMITTAL

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ROCKY RIVER STREAM STABILIZATION  
AND SEWER PROTECTION  
IN NORTH ROYALTON  
PROJECT 1590

STREAM CROSS SECTIONS

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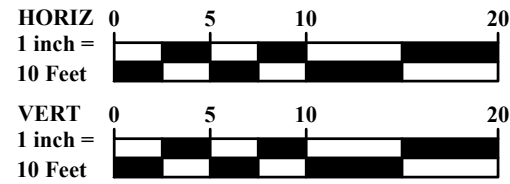
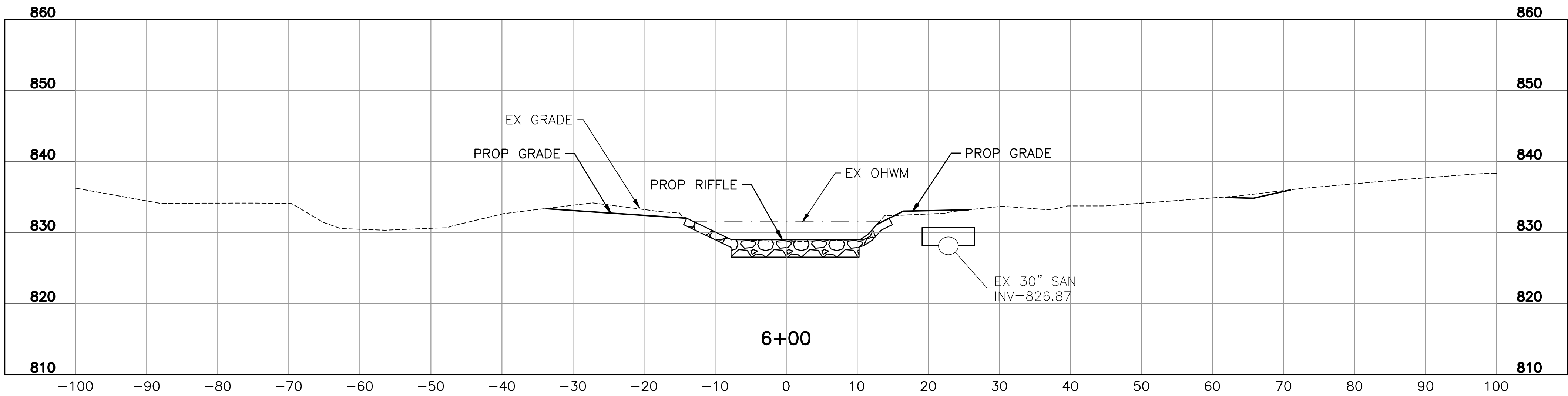
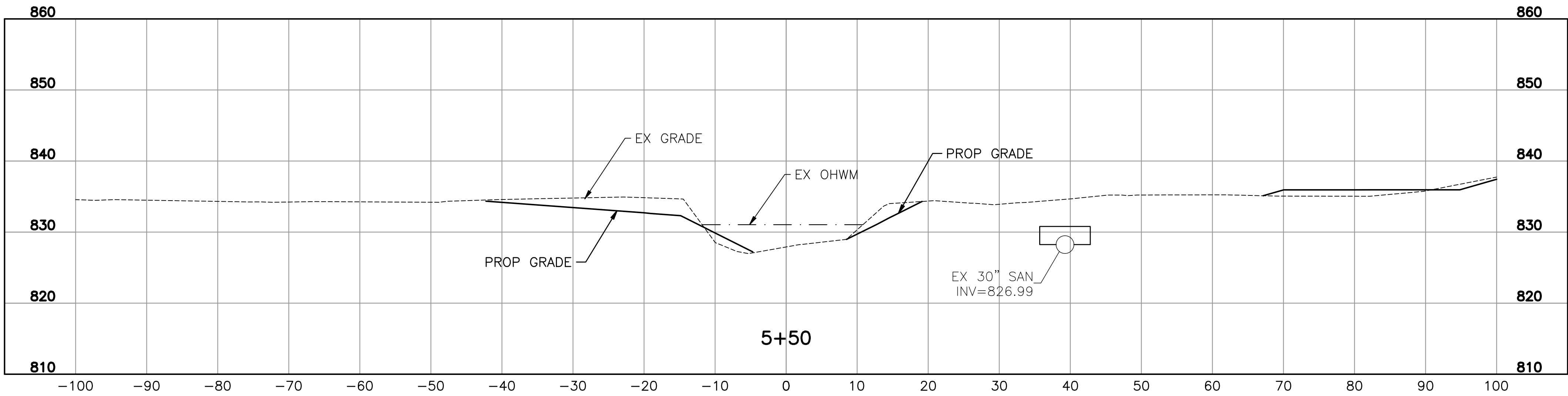
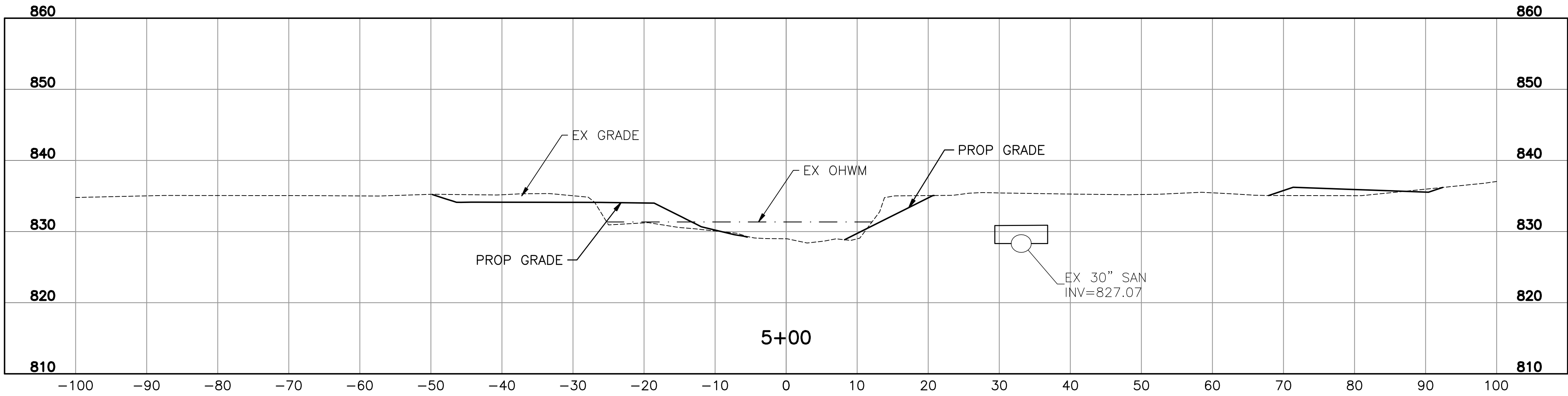
PROJECT SET: 14 OF 25

C SHEET: 06 OF 15

SHEET NO.:  
**C-3-06**

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ROCKY RIVER STREAM STABILIZATION  
AND SEWER PROTECTION  
IN NORTH ROYALTON  
PROJECT 1590

STREAM CROSS SECTIONS

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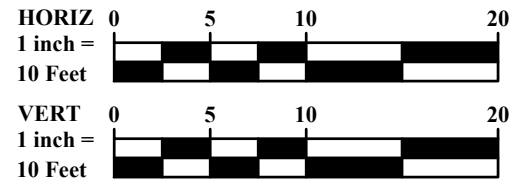
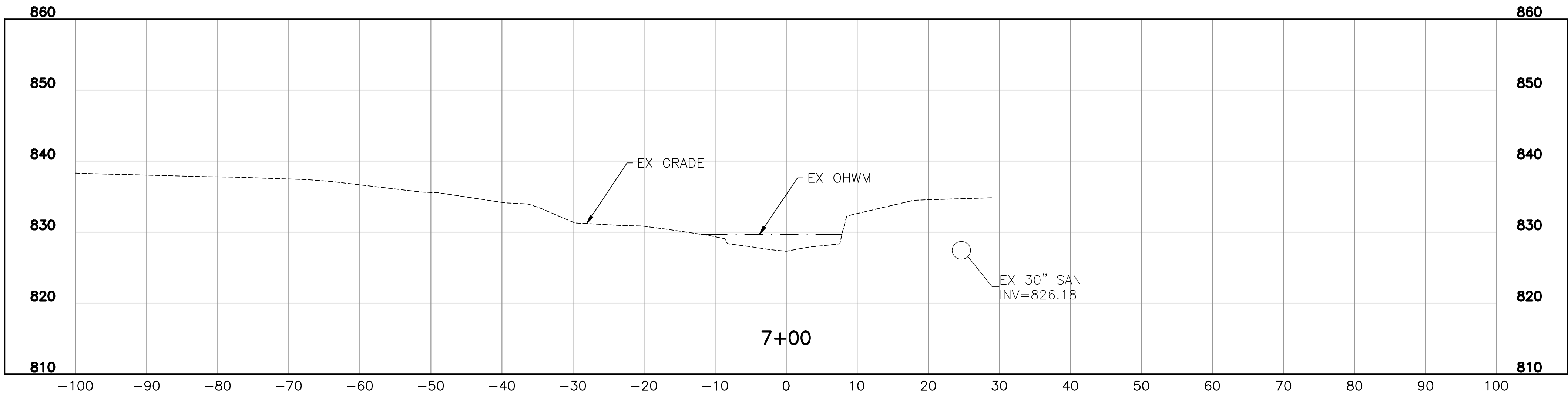
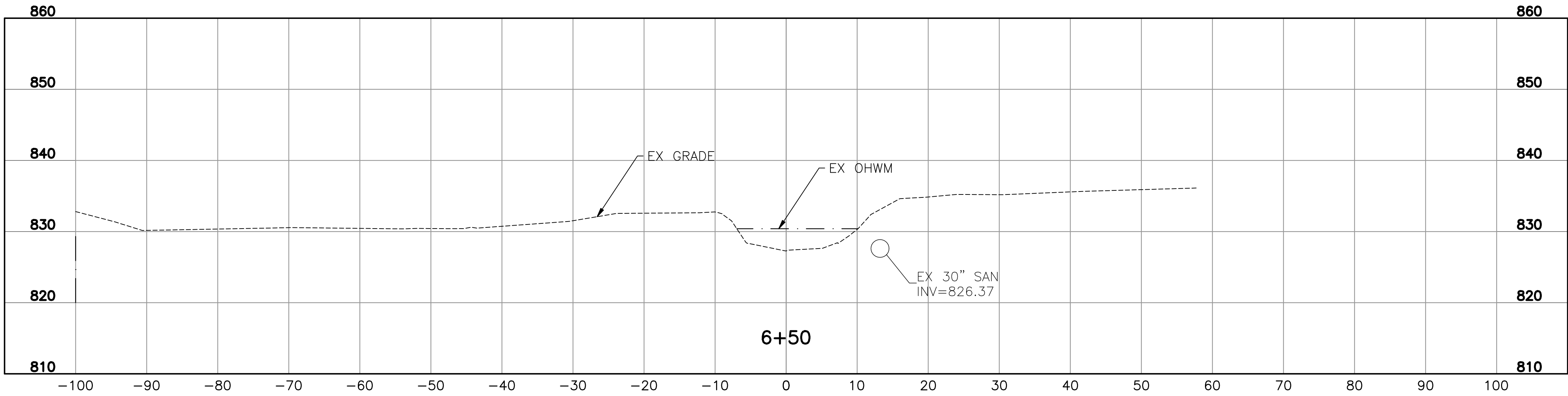
PROJECT SET: 15 OF 25

C SHEET: 07 OF 15

SHEET NO.:  
**C-3-07**

100% SUBMITTAL

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REV	DATE	ISSUED BY	REMARKS

DESIGNED BY: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
SHEET CHK'D BY: \_\_\_\_\_  
CROSS CHK'D BY: \_\_\_\_\_  
APPROVED BY: \_\_\_\_\_  
ISSUED DATE: \_\_\_\_\_

ROCKY RIVER STREAM STABILIZATION  
AND SEWER PROTECTION  
IN NORTH ROYALTON  
PROJECT 1590

STREAM CROSS SECTIONS

WARNING  
0 1/2 1  
IF THIS BAR DOES  
NOT MEASURE 1"  
THEN DRAWING IS  
NOT TO SCALE

PROJECT SET: 16 OF 25

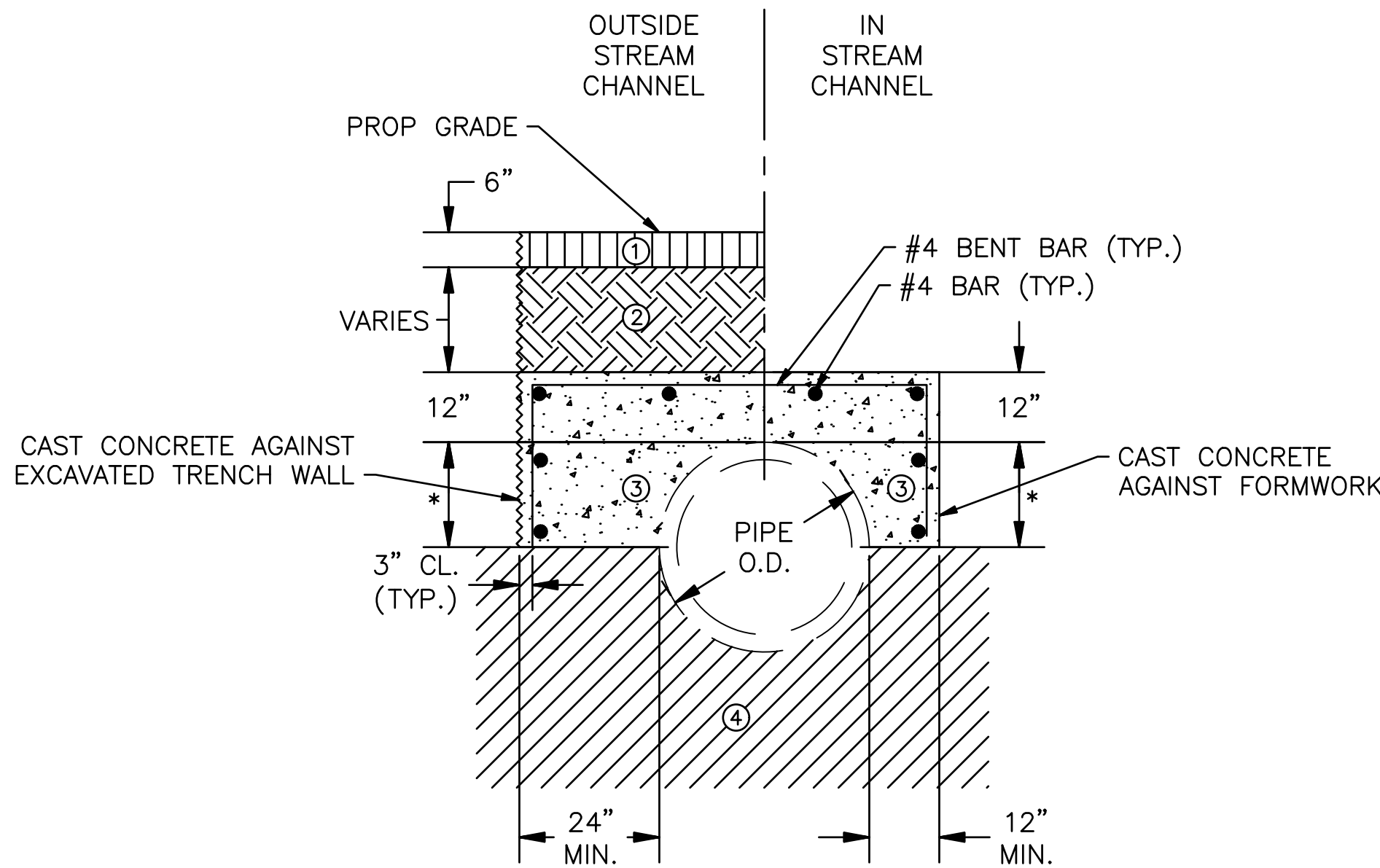
C SHEET: 08 OF 15

SHEET NO.:  
**C-3-08**

100% SUBMITTAL

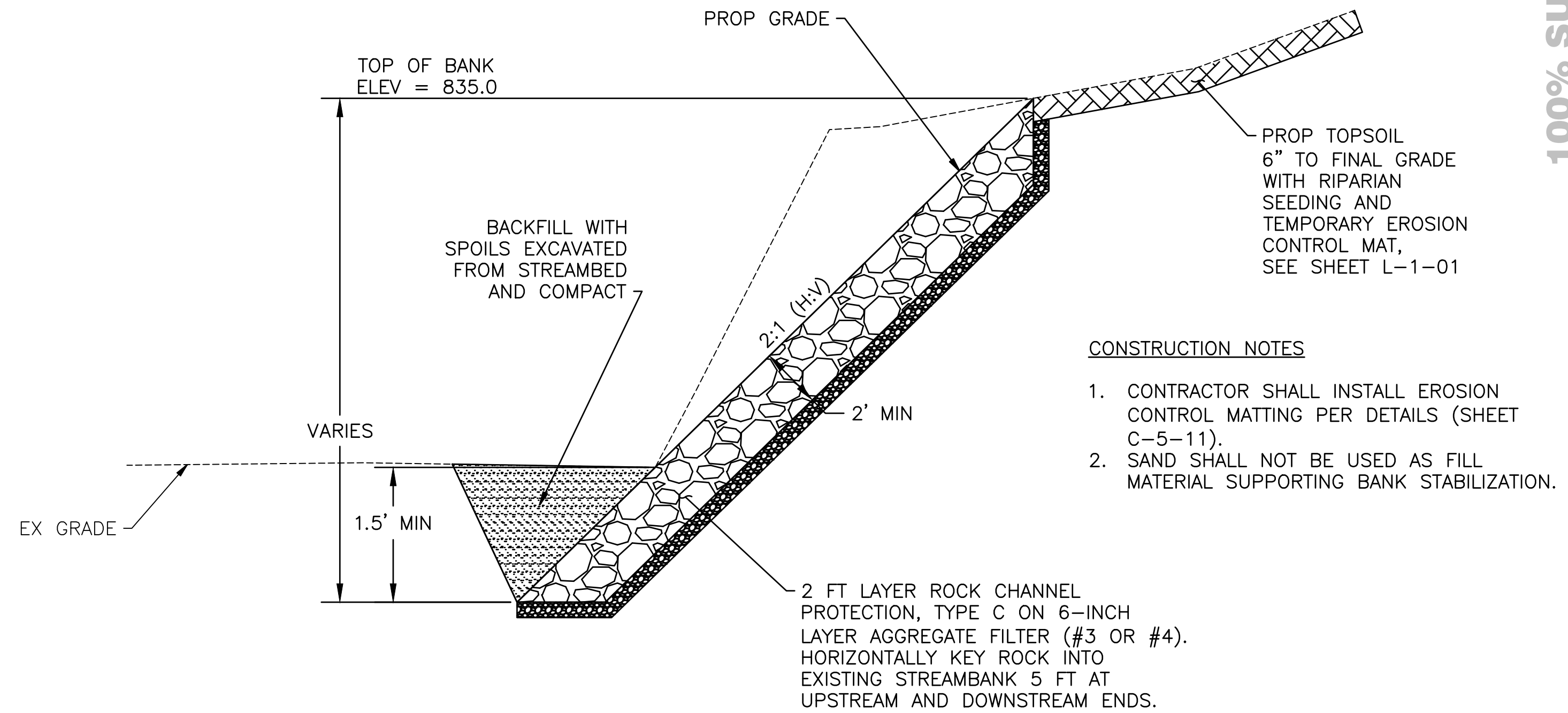


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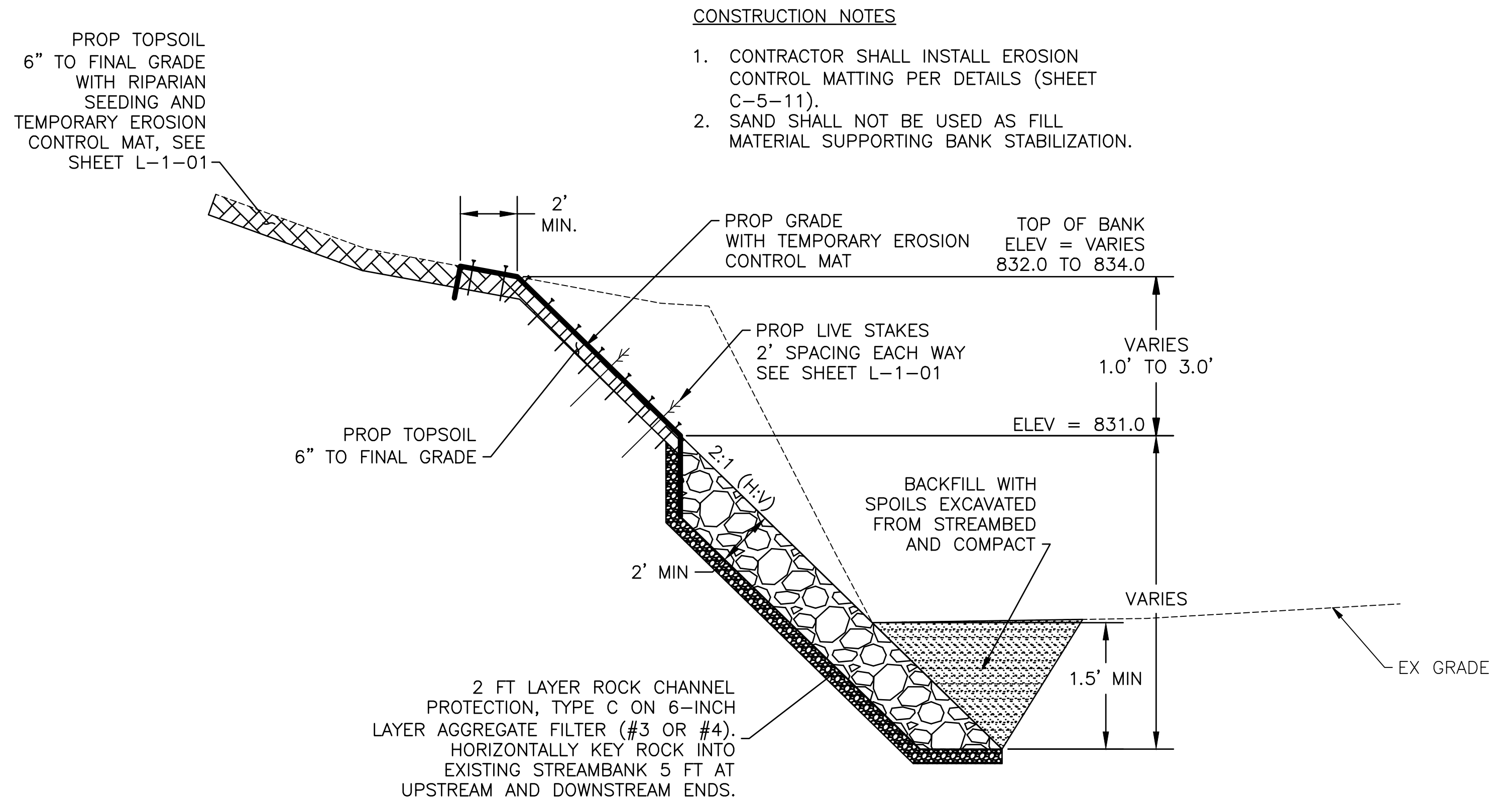


NOTES:

- ① 6" TOPSOIL
  - ② COMPACTED BACKFILL
  - ③ CONCRETE, CLASS MISC
  - ④ UNDISTURBED EARTH / PIPE BEDDING
  - \* EXCAVATE AND EXPOSE PIPE TO A DEPTH OF 0.5 x PIPE O.D. OR TO EXISTING GRADE, WHICHEVER IS DEEPER.
- STEEL REINFORCEMENT: PROVIDE GRADE 60 REBAR PER SPECIFICATION 03 21 00. MINIMUM REINFORCEMENT SHALL BE #4 BARS, EACH WAY, AT 12" SPACING TO OBTAIN 0.20 IN<sup>2</sup>/SF REINFORCING RATIO IN ALL PLANES AND ALL DIRECTIONS.



DETAIL  
BANK STABILIZATION - STA 4+58 TO 5+07, RIGHT (NORTH BANK) NOT TO SCALE



DETAIL  
BANK STABILIZATION - STA 4+97 TO 5+80, LEFT (SOUTH BANK) NOT TO SCALE



REV NO	DATE	ISSUED BY	REMARKS

DESIGNED BY: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
SHEET CHK'D BY: \_\_\_\_\_  
CROSS CHK'D BY: \_\_\_\_\_  
APPROVED BY: \_\_\_\_\_  
ISSUED DATE: \_\_\_\_\_

ROCKY RIVER STREAM STABILIZATION  
AND SEWER PROTECTION  
IN NORTH ROYALTON  
PROJECT 1590

CIVIL DETAILS



IF THIS BAR DOES  
NOT MEASURE 1"  
THEN DRAWING IS  
NOT TO SCALE

PROJECT SET: 18 OF 25

C SHEET: 10 OF 15

SHEET NO.:  
**C-5-10**

100% SUBMITTAL

# AGREEMENT NO.

NORTHEAST OHIO REGIONAL  
SEWER DISTRICT

WITH

CITY OF NORTH ROYALTON

FOR

LOCAL SANITARY SEWER  
ENCASEMENT REIMBURSEMENT

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Approximate Amount of Funds to Be  
Received:

\$139,400.00

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The legal form and correctness of the  
within instrument are hereby approved.



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ERIC J. LUCKAGE  
CHIEF LEGAL OFFICER


05/12/2021

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Date

## ACKNOWLEDGMENT

It is hereby acknowledged that any  
funds or receipt of revenue required  
to meet the terms and conditions of  
the contract, agreement, or  
obligations, for the above, will be  
deposited into the Treasury and  
directed for authorized purposes.



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KENNETH J. DUPLAY  
CHIEF FINANCIAL OFFICER

05/12/21

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Date