

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 23-24

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 THE BIG CREEK BANK STABILIZATION AT WEST SPRAGUE ROAD PROJECT, AND DECLARING AN EMERGENCY

WHEREAS: The District and the City are working jointly in the Big Creek watershed near West Sprague Road, along Big Creek, which is part of the Regional Stormwater System (RSS) (District Asset ID: BC00392); and

WHEREAS: The City agreed to perform the engineering design, property acquisition and manage the construction for the Big Creek Bank Stabilization near West Sprague Road (the "Project"); and

WHEREAS: The scope of the Project is to rehabilitate and improve essential stormwater functions along the Big Creek to reduce erosion, improve water quality and maintain conveyance along this segment of the Regional Stormwater System; and

WHEREAS: The City requested the District to contribute funds to the Project and the District agreed to disburse such funds to the City for the engineering design, property acquisition and construction costs in the amount not to exceed \$1,000,000.00 (the "District Funds"); and

WHEREAS: The District is authorized under Ohio Revised Code Section 6119.41 to enter into contracts or other arrangements with a drainage, conservation, conservancy, or other improvement districts for co-operation or assistance in planning, constructing, maintaining, using, and operating the works of the District; is authorized under Ohio Revised Code Section 6119.06 (P) to enter into contracts with any person or any political subdivision to render services to such contracting party for any service the District is authorized to provide; is authorized under Ohio Revised Code Section 6119.06 (F) to make grants to any person or political subdivisions for the acquisition or construction of water resource projects by such person or political subdivisions; 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 Revised Code; and

WHEREAS: The parties desire to enter into this Agreement to memorialize their understanding with respect to the usage of the District Funds; 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 to rehabilitate and improve essential stormwater functions along the Big Creek to reduce erosion, improve water quality and maintain conveyance along this segment of the Regional Stormwater System for the Big Creek Bank Stabilization at West Sprague Road Project in North Royalton 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 to rehabilitate and improve essential stormwater functions along the Big Creek to reduce erosion, improve water quality and maintain conveyance along this segment of the Regional Stormwater System for the Big Creek Bank Stabilization at West Sprague Road Project in North Royalton.

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: February 21, 2023

DATE APPROVED: February 22, 2023

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

First reading suspended
Second reading suspended
Third reading February 21, 2023
Amended February 21, 2023

YEAS: Marnecheck, Nickell, Barath, Krejci,
Dietrich, Wos

NAYS: none