

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 12-45

INTRODUCED BY: Mayor Stefanik

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CITY OF CLEVELAND FOR THE SUBURBAN DISTRIBUTION ASSET RENEWAL PROGRAM, PROJECT REIMBURSEMENT, AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton adopted Ordinance 09-131 which entered into an Amended Water Service Agreement with the City of Cleveland under which the City of North Royalton transferred ownership of its water distribution assets to the City of Cleveland, Department of Public Utilities, Division of Water; and

WHEREAS: Under the Amended Water Service Agreement the City of Cleveland, Department of Public Utilities, Division of Water, is responsible for the capital improvements to such distribution assets, including water main replacements and rehabilitations (projects); and

WHEREAS: In lieu of the City of Cleveland, Department of Public Utilities, Division of Water, performing all of the projects, the parties have determined that it would be beneficial to have the City of North Royalton perform certain projects, as mutually agreed-upon by the parties, and for the City of Cleveland, Department of Public Utilities, Division of Water, to reimburse the city for the cost of such projects; and

WHEREAS: Council desires to authorize the Mayor to enter into this 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. The Mayor is hereby authorized and directed to execute an agreement in accordance with the contract with the City of Cleveland captioned "Suburban Distribution Asset Renewal Program, Project Reimbursement" 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 hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in full 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 to enter into this agreement in order to ensure the future provision of sewer and water services.

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/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: February 21, 2012

DATE APPROVED: February 22, 2012

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading February 21, 2012

YEAS: Antoskiewicz, Nickell, Petrusky, Willey
Marnecheck, Muller, Kasaris

NAYS: none