

1
2 RESOLUTION NO. 2010-498

LATE FILING

3
4 SPONSOR Mr. Pry

5
6 DATE November 29, 2010

COMMITTEE: Public Works

7
8 **A Resolution authorizing the County Executive to execute an Agreement for Construction**
9 **of a Municipally Financed Sewer with the Village of Mogadore (“Village”), in Council**
10 **District 8, which will allow the Village to build a sanitary sewer extension of approximately**
11 **900 feet that will connect to the County’s sewer system, owned by the Village for a term of**
12 **20 years, then assigned to the County, and further to authorize the County to operate and**
13 **maintain the sanitary sewer extension for the 20 year term, for the Executive’s Department**
14 **of Environmental Services, and declaring an emergency.**

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16 WHEREAS, the Village has requested permission to construct, at Village's expense, a
17 gravity sewer located in the Village of Mogadore; known as the Gilchrist Road Sanitary Sewer
18 Extension (“Improvement”); and

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20 WHEREAS, the Village has obtained, or will obtain, financing through the State of Ohio
21 Water Pollution Control Loan Fund (“Loan”) to construct the Improvement, part of which
22 requires the Village to maintain ownership of the Improvement for a period of 20 years, which is
23 the term of the Loan; and

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25 WHEREAS, the Village has requested, that the County accept sanitary sewer flow from
26 the Improvement into the County’s sanitary sewer system and operate and maintain the gravity
27 sewer and appurtenances upon completion of the construction of the for a term of 20 years, at
28 which time the County shall accept ownership of the Improvement free of all liens and
29 encumbrances; and

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31 WHEREAS, this Council has determined by reviewing all pertinent information that it is
32 necessary and in the best interest of the County to authorize the Executive to execute the
33 aforementioned agreement with the Village;

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35 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
36 of Ohio, that:

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38 SECTION 1

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40 The County Executive is hereby authorized to execute an Agreement for Construction of
41 a Municipally Financed Sewer with the Village to allow the Village to build a sanitary sewer
42 extension of approximately 900 feet that will connect to the County’s sewer system, to be owned
43 by the Village for a term of 20 years, then assigned to the County, and further to authorize the
44 County to operate and maintain the sanitary sewer extension for the 20 year term, and to
45 otherwise define the duties of the County and Village consistently with this Resolution.

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47 SECTION 2

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49 This Resolution is declared an emergency in the interest of the health, safety and welfare
50 of the citizens of the County of Summit and for the further purpose of immediately authorizing
51 the Executive to execute the Agreement for Construction of a Municipally Financed Sewer with
52 the Village of Mogadore.
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2 PAGE TWO

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4 SECTION 3


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6 Provided this Resolution receives the affirmative vote of eight members, it shall take
7 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
8 effect and be in force at the earliest time provided by law.

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10 SECTION 4

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12 It is found and determined that all formal actions of this Council concerning and relating
13 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
14 deliberations of this Council and of any of its committees that resulted in such formal action,
15 were in meetings open to the public, in compliance with all legal requirements, including section
16 121.22 of the Ohio Revised Code.

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19 INTRODUCED November 15, 2010

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21 ADOPTED November 29, 2010

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26 CLERK OF COUNCIL

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34 PRESIDENT OF COUNCIL

35 APPROVED November 29, 2010

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34 EXECUTIVE

35 ENACTED EFFECTIVE November 29, 2010

Voice Vote: 11-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith