

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0220

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution approving an Amended and Restated Sewer Service Agreement with City of North Olmsted for conveyance and treatment of wastewater from Olmsted Township to the North Olmsted Wastewater Treatment Plant for the period 10/22/2013 - 10/21/2033 to confirm and clarify joint use, respective rights and obligations in connection with portions of the North Olmsted Sanitary Sewer System jointly used by North Olmsted and the County; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the City of North Olmsted (“North Olmsted”) owns and operates a sanitary sewer system, which includes a collection system, lift station, a wastewater treatment plant and appurtenances with the capacity to treat a certain volume of wastewater originating outside of North Olmsted corporate boundaries; and

WHEREAS, pursuant to ORC §6117, the County has established Cuyahoga County Sewer District No. 14 for the purpose of preserving and promoting public health and welfare; and

WHEREAS, included in District No. 14 is certain territory within Olmsted Township that can be served by the North Olmsted Sanitary Sewer System (“the Service Area”), and

WHEREAS, North Olmsted and the County entered into an agreement dated September 1, 1988 (as amended to date, the “Prior Agreement”) providing for the conveyance of wastewater from the Service Area to the North Olmsted Wastewater Treatment Plant, and for the use of the Wastewater Treatment Plant to treat wastewater from the Service Area; and

WHEREAS, North Olmsted and the County find it necessary and appropriate to amend the Prior Agreement and enter into an Amended and Restated Sewer Service Agreement for conveyance and treatment of wastewater from Olmsted Township to the North Olmsted Wastewater Treatment Plant for the period 10/22/2013 - 10/21/2033; to

confirm and clarify joint use, respective rights and obligations in connection with portions of the North Olmsted Sanitary Sewer System jointly used by North Olmsted and the County; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue without interruption, and to provide for the usual, daily operation of a county entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. The County Council hereby approves the Amended and Restated Sewer Service Agreement between the City of North Olmsted and the County for conveyance and treatment of wastewater from Olmsted Township to the North Olmsted Wastewater Treatment Plant for the period 10/22/2013 - 10/21/2033.

SECTION 2. That the County Executive is authorized to execute all documents required in connection with said Agreement.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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 compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Jones, seconded by Mr. Germana, the foregoing Resolution was duly adopted.

Yeas: Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana and Connally

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: October 8, 2013

Committee(s) Assigned: Public Works, Procurement & Contracting

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