

**ORDINANCE NO. 42-2018**

**INTRODUCED BY: Mayor James Graven and Council as a Whole**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SEWER SERVICE AGREEMENT WITH BEREA ANIMAL RESCUE FUND TO PERMIT THE UTILIZATION OF A PORTION OF THE CITY'S SANITARY SEWER SYSTEM AND DECLARING AN EMERGENCY**

**WHEREAS**, Berea Animal Rescue Fund have requested that the wastewater flow from their business located at 10005 East River Road, Columbia Station, Ohio be connected into a sanitary sewer owned and operated by the City of Olmsted Falls; and

**WHEREAS**, it is the desire of the City to accept the wastewater flow from the business into its sanitary system for transportation to the Northeast Ohio Regional Sewer District for treatment and disposal; and

**WHEREAS**, the City Engineer has determined said connection will not adversely affect the ability of the City to provide wastewater collection treatment and disposal services to its residents; and

**WHEREAS**, it is necessary to execute an Agreement reflecting the agreement of the parties. Now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:**

**SECTION 1.** For the reasons stated in the preamble, the Mayor is hereby authorized to enter into an Agreement with Berea Animal Rescue Fund to permit them to utilize a portion of the City's sanitary sewer system, said Agreement is attached hereto and made a part thereof as Exhibit "A."

**SECTION 2.** This Council declares that the tap-in fee to be paid by Berea Animal Rescue Fund prior to the connection, as stated in the Agreement, shall be Twenty-Seven Thousand Ninety Dollars (\$27,090.00).

**SECTION 3.** This Agreement shall be contingent upon Berea Animal Rescue Fund obtaining written approval by all applicable public agencies, including the Ohio Environmental Protection Agency, the Northeast Ohio Area Coordinating Agency, Lorain County and the Northeast Ohio Regional Sewer District for said connection.

**SECTION 4.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.



## **AGREEMENT**

This Agreement made this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between **THE CITY OF OLMSTED FALLS**, an Ohio municipal corporation organized and existing pursuant to Title 7 of the Ohio Revised Code, and has adopted a Charter pursuant to Article XIII, Section 3 of the Ohio Constitution, acting pursuant to Ordinance No. 42-2018 adopted \_\_\_\_\_, 2018 (hereinafter referred to as “Olmsted Falls”), and **BEREA ANIMAL RESCUE FUND**, owners of 10005 East River Road, Columbia Station, Ohio 44028 (hereinafter referred to as “Berea ARF”).

### **W I T N E S S E T H**

**WHEREAS**, BARF owns a business located at 1005 East River Road, Columbia Station, Ohio 44028 (hereinafter referred to as “Property”); and

**WHEREAS**, Berea ARF has requested, by letter dated June 13, 2018 that they be permitted to discharge the wastewater from their business into a sanitary sewer owned and maintained by Olmsted Falls; and

**WHEREAS**, as consideration for granting said request, Berea ARF has agreed to provide certain benefits to Olmsted Falls and to its residents. Now therefore,

### **IT IS AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:**

1. This Agreement is contingent upon Berea ARF entering into written agreements of approval with all applicable public agencies, including but not limited to the Ohio Environmental Protection Agency, the Northeast Ohio Area Coordinating Agency, Lorain County and the Northeast Ohio Regional Sewer District for said connection, along with other terms and conditions deemed appropriate.
2. As further consideration for this Agreement, Berea ARF agrees to pay to Olmsted Falls a onetime tap-in fee of Twenty-Seven Thousand Ninety Dollars (\$27,090.00). Said amount shall be due and payable prior to commencement of the sanitary sewer installation.
3. Any change to the proposed building use in the future will be subject to review and possibly additional fees, if deemed appropriate.

4. All work in the right-of-way will require appropriate street opening permits, safety plan, and maintenance of traffic, pavement and landscape restoration fees, deposits, and inspections.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and date first stated above.

**BEREA ANIMAL RESCUE FUND**

By: \_\_\_\_\_

Its: \_\_\_\_\_

**THE CITY OF OLMSTED FALLS**

By: \_\_\_\_\_  
*JAMES P. GRAVEN*

Its: Mayor \_\_\_\_\_

*Authorized by Ordinance No. 42-2018, adopted  
By The Council of Olmsted Falls on  
\_\_\_\_\_, 2018*