

CITY OF KIRTLAND

RESOLUTION NUMBER 21-R-81

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH LAKE COUNTY, OHIO FOR THE PURPOSES OF SUBMITTING AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION FOR THE OLD TOWN SANITARY SEWER DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kirtland has previously been cited by the Ohio EPA for illicit discharges from residential septic systems in the storm sewer system from houses located in the City's the Old Town area; and

WHEREAS, the Ohio EPA and the City have entered into a Consent Agreement whereby the Director of the Ohio EPA has issued orders, called Director's Final Findings and Orders ("DFFO"); and

WHEREAS, the DFFO's set forth a schedule for the submission of plans, the commencement of construction, the completion of construction, and the period in which the affected homes must eliminate discharge by tying in to the new sewer system; and

WHEREAS, in order to comply with the DFFO's, the City has engaged the services of Lake County, Ohio for the implementation of this sewer project; and

WHEREAS, to assist in reducing the cost of this project for the affected residents, the City of Kirtland is submitting an application for a loan and grant through the Ohio Public Works Commission; and

WHEREAS, in order to submit said application, the City of Kirtland and Lake County, Ohio must enter into a Cooperative Agreement, which is in its substantial form attached hereto as Exhibit A, along with the application; and

WHEREAS, the Mayor has recommended approval of said Cooperative Agreement such that the OPWC application can be properly submitted.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Kirtland, County of Lake and State, Ohio, that:

SECTION I: The Mayor is hereby authorized and directed to sign a Cooperative Agreement with Lake County, Ohio for the purposes of submitting an application to the Ohio Public Works Commission for the Old Town Sanitary Sewer Project. A copy of the Cooperative Agreement, in its substantial form, is attached hereto as Exhibit A.

SECTION II:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed 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 actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to apply for said funding to ensure that certain residents have the needed sewer infrastructure; therefore, this Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this ____ day of
_____, 2021.

ATTEST:

Approved by the Mayor, this ____
day of _____, 2021.

Clerk of Council
OPWC Cooperative Agreement with Lake County

Mayor Kevin F. Potter

**COOPERATIVE AGREEMENT BETWEEN THE CITY OF
KIRTLAND, OHIO AND LAKE COUNTY, OHIO FOR THE
PURPOSES OF SUBMITTING AN APPLICATION TO THE
OHIO PUBLIC WORKS COMMISSION FOR THE OLD
TOWN SANITARY SEWER DISTRICT**

The City of Kirtland, Ohio (hereafter "Kirtland") and Lake County, Ohio (hereafter "Lake County") enter into a cooperation agreement to submit an application to the Ohio Public Works Commission for the Old Town Sanitary Sewer Improvements, Phase 2.

Kirtland will provide funds equal to zero percent (0%) of the total project cost. Such funds, if any, will come from the General Fund.

Lake County will provide funds equal to one hundred percent (100%) of the total project cost. Such funds will come from its General Fund.

Lake County authorizes Kirtland to serve as lead applicant and to sign all necessary documents.

Kirtland agrees to pay its zero percent (0%) of the cost as invoices are due / at the end of the project / as otherwise agreed upon.

Lake County agrees to pay its one hundred percent (100%) of the cost as invoices are due / at the end of the project / as otherwise agreed upon.

CITY OF KIRTLAND, OHIO

By: _____
Kevin F. Potter, Mayor

LAKE COUNTY, OHIO

By: _____
Name and Title: _____