

CITY OF KIRTLAND

RESOLUTION NUMBER 22-R-62

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BOARD OF LAKE COUNTY COMMISSIONERS THROUGH THE LAKE COUNTY DEPARTMENT OF UTILITIES, STORMWATER MANAGEMENT DIVISION, RELATING TO FUNDING FOR THE FOX HILL DRIVE DRAINAGE IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kirtland and the Board of Lake County Commissioners, through the Lake County Department of Utilities, Stormwater Management Division, desire to enter into a Memorandum of Understanding, relating to funding for the drainage improvement project approved by 22-R-61 for the Fox Hill Drive Drainage Improvement Project; and

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

SECTION I: The Mayor be and he is hereby authorized and directed to enter into a Memorandum of Understanding with the Board of Lake County Commissioners, the terms and conditions of which are set forth in Exhibit "A" attached hereto and made a part hereof.

SECTION II: The Clerk of Council is hereby authorized and directed to transmit a certified copy of this Resolution to the Board of Lake County Commissioners.

SECTION III:

(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 action 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 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 maintain the streets and roads of the City; wherefor, 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
_____, 2022.

ATTEST:

Approved by the Mayor, this _____
day of _____, 2022.

Clerk of Council
MOU with Stormwater Re. Fox Hill Drainage Improvement

Mayor Kevin F. Potter

MEMORANDUM OF UNDERSTANDING
BOARD OF LAKE COUNTY COMMISSIONERS
AND
THE CITY OF KIRTLAND

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into this _____ day of _____, 2022, by and between the City of Kirtland ("City") and the Board of Lake County Commissioners through the Lake County Department of Utilities, Stormwater Management Division ("District").

WHEREAS, the parties to this agreement are parties to a separate Memorandum of Understanding by the terms of which the City has agreed to participate as a member community in the storm water management program of the District ("User Agreement") and

WHEREAS, the City is bidding the Fox Hill Drainage Improvements Project "(Improvement and/or Project "), and

WHEREAS, the Fox Hill Drainage Improvements Project will include drainage improvements to the drainage system; and

WHEREAS, pursuant to Sections 6117.41 through and including 6117.44 of the Revised Code, the County and City are authorized to collaborate with each other for the acquisition and completion of the Improvement and to provide assistance for the financing of and compensation for the Improvement; and

WHEREAS, the City, has requested the use of \$90,000.00 in District funds for the Improvement as shown on the attached engineer's estimate, and

WHEREAS, the District has agreed to fund the drainage improvements in an amount of \$90,000.00, and

WHEREAS, the City has agreed to bid the Improvement and the District, from District funds, has agreed to forward the funds to the City for those costs associated with the Improvement in accordance with the terms and conditions of this MOU.

NOW THEREFORE, the parties hereby agree as follows:

Duties of the City:

The City agrees to do the following:

1. To prepare, submit and obtain the necessary permits for the Improvement.

2. To undertake construction of the Improvement located in the City as described herein in accordance with the Improvement Plans and all County requirements for such projects and in accordance with the final Improvement cost estimate.
3. To determine the final Improvement cost.
4. To utilize District funds and City funds for the Improvement.
5. To return any District funds forwarded to the City not used on the Improvement to the District upon project closeout.
6. To notify the District prior to authorizing any cost overruns of the Improvement that the City would request the payment for from District funds
7. In the event the City withdraws from the District during any period of time during which the Improvement is still under construction, the City agrees:
 - a. To pay any remaining obligations of the Improvement.

Duties of the District:

The District has determined that the Improvement is eligible for funding under the District's Operations and Maintenance Program. The District, therefore, agrees:

1. To assist the City in determining final Improvement cost.
2. To encumber \$90,000.00 in District funds to be deposited with the City for use on this Improvement based on the attached engineer's estimate.

Duties of Parties:

The parties jointly agree to do the following:

1. Work jointly with the other party to reduce the amount of the final project cost by exploring options for direct participation by the District; any such participation shall be of such nature and in such amount as shall be jointly agreed to by the parties.
2. Each party agrees and acknowledges that this MOU is entered into pursuant to the authority granted to each party by the Ohio Revised Code, the Charter and Ordinances of the City of Kirtland and that authorizing legislation has been passed by each party.

IN WITNESS WHEREOF, the parties have affixed their hands and seals in Lake County, Ohio this _____ day of _____ 20____.

BOARD OF LAKE COUNTY COMMISSIONERS

John Hamercheck, President

John Plecnik, Commissioner

Mark A. Tyler, Commissioner

CITY OF KIRTLAND

Kevin F. Potter, Mayor

Approved as to form:

Matthew Lallo, Law Director

Date

Lake County Prosecuting Attorney

Date



THE C.W. COURTNEY COMPANY

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L.G. Courtney, PE, PS

C.L. Courtney, PE, PS, CPSWQ, CPESC

D.G. Courtney, PE

**ESTIMATED PROJECT COSTS
FOR
THE FOX HILL DRIVE DRAINAGE IMPROVEMENTS
September 15, 2022**

Ref.	ODOT Item #	Item Description	Estimated Quantity	Low Bidder Unit Cost	Low Bidder Total Cost
FOX HILL DRIVE DRAINAGE					
1	209	Linear Grading - Roadside Ditch Grading & Restoration, Complete, APP	920.0 lf	\$20.25	\$18,630.00
2	832	Seeding & Temp. Ditch Stabilization Matting	875.0 sy	\$10.00	\$8,750.00
3	611	Existing Drive Culvert Removed & Replaced, Complete, APP	145.0 lf	\$72.55	\$10,519.75
4	452	Drive Apron Repair over Drive Culvert (Concrete)	20.0 sy	\$300.00	\$6,000.00
5	448	Drive Apron Repair over Drive Culvert (Asphalt)	10.0 sy	\$300.00	\$3,000.00
6	203	Embankment Construction	5.0 cy	\$250.00	\$1,250.00
7	614	Maintaining Traffic	1.0 lump	\$3,000.00	\$3,000.00
8	624	Mobilization	1.0 lump	\$3,500.00	\$3,500.00
9	-	Good Faith Estimate of Construction Inspection	\$45.0 /hr	80.0	\$3,600.00
SUBTOTAL FOX HILL DRIVE DRAINAGE					\$58,249.75
FOX HILL DRIVE CONTINGENCIES (To be used only as directed by the Engineer)					
10	209	Linear Grading - Roadside Ditch Grading & Restoration, Complete, APP	92.0 lf	\$20.25	\$1,863.00
11	832	Seeding & Temp. Ditch Stabilization Matting	85.0 sy	\$10.00	\$850.00
12	611	Existing Drive Culvert Removed & Replaced, Complete, APP	14.0 lf	\$72.55	\$1,015.70
13	452	Drive Apron Repair over Drive Culvert (Concrete)	4.0 sy	\$300.00	\$1,200.00
14	448	Drive Apron Repair over Drive Culvert (Asphalt)	4.0 sy	\$300.00	\$1,200.00
15	203	Embankment Construction	5.0 cy	\$250.00	\$1,250.00
SUBTOTAL FOX HILL DRIVE CONTINGENCIES:					\$7,378.70
SUBTOTAL ESTIMATED CONSTRUCTION COST:					\$65,628.45
TOTAL ESTIMATED CONSTRUCTION COST:					\$65,628.45
ENGINEERING:					\$10,500.00
SURVEYING:					\$6,500.00
CONSTRUCTION LAYOUT:					\$3,000.00
LEGAL/ADVERTISING:					\$1,000.00
TOTAL ESTIMATED PROJECT COST:					\$86,628.45