

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2024 – 137

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING AND CONSENTING TO COLUMBIA TOWNSHIP PREPARING AND SUBMITTING AN APPLICATION FOR STATE OF OHIO ISSUE 1 FUNDING FOR THE ASPHALT RESURFACING OF NORTH MARKS ROAD FROM SNELL (ALBION) ROAD TO SPRAGUE ROAD, IN THE CITY OF STRONGSVILLE AND COLUMBIA TOWNSHIP; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A COOPERATION AGREEMENT REGARDING THE PROJECT; AND DECLARING AN EMERGENCY.

WHEREAS, North Marks Road is a county road located partly within the boundaries of the City of Strongsville (Cuyahoga County) and partly within Columbia Township (Lorain County); and

WHEREAS, the City of Strongsville and Columbia Township are desirous of making application to the State of Ohio for Issue 1 funding in connection with the asphalt resurfacing of North Marks Road from Snell (Albion) Road to Sprague Road (hereinafter referred to as the "North Marks Road Resurfacing Project"); and

WHEREAS, Columbia Township has agreed with the City of Strongsville to make a joint application to the State of Ohio for Issue 1 funding, on behalf of both entities, in connection with the North Marks Road Resurfacing Project, and also to mutually cooperate in seeking additional funding from Cuyahoga County; and

WHEREAS, it has been agreed that Columbia Township will be the lead agency in connection with the Project, and the parties, therefore, shall execute a Cooperation Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That the City of Strongsville consents to and authorizes Columbia Township to prepare and submit an application to the Ohio Public Works Commission for Issue 1 funding for the North Marks Road Resurfacing Project; and for the Township as lead agency to execute all documents and do all things necessary in furtherance thereof.

Section 2. That the parties will execute a Cooperation Agreement substantially in the form attached as Exhibit 1, which is incorporated herein and approved, but subject to final adjustments, if any, by the Law Director.

Section 3. That, if such application is approved, it is the intent of this Council to pay for the City of Strongsville's portion of the costs in connection with such Project from the General Capital Improvement Fund.

Section 4. That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Ordinance to the Service Director and/or other designated official representative of Columbia Township.

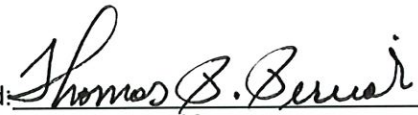
Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that the preparation and submission of the application for funding is immediately necessary in order to meet the State of Ohio application filing deadline, provide for improved highways and more efficient traffic flow, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.



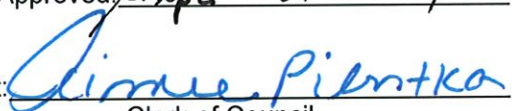
 President of Council

Date Passed: 09 16 2024

Approved: 

 Mayor

Date Approved: Sept. 16, 2024

Attest: 

 Clerk of Council

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	_____
Clark	<input checked="" type="checkbox"/>	_____
Kaminski	<input checked="" type="checkbox"/>	_____
Kosek	<input checked="" type="checkbox"/>	_____
Roff	<u>Absent</u>	_____
Short	<input checked="" type="checkbox"/>	_____
Spring	<input checked="" type="checkbox"/>	_____

Ord. No. 2024-137 Amended: _____
 1st Rdg. 09-16-24 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

Public Hrg. _____ Ref: _____
 Adopted 09-16-24 Defeated: _____

**COOPERATION AGREEMENT
BY AND BETWEEN
THE CITY OF STRONGSVILLE
AND
COLUMBIA TOWNSHIP**

This Agreement, by and between the City of Strongsville, State of Ohio (hereinafter referred to as "City") and Columbia Township, County of Lorain, State of Ohio (hereinafter referred to as "Township"), is hereby entered into on this 16 day of September, 2024.

WITNESSETH:

Whereas, North Marks Road from Snell/Albion Road to Sprague Road in Columbia Township and the City of Strongsville is in need of repair and resurfacing; and

Whereas, the City and the Township are desirous of entering into a "Cooperation Agreement" for the repair and resurfacing of North Marks Road from Snell/Albion Road to Sprague Road (hereinafter referred to as the "Project").

Now, therefore, in consideration of the foregoing the parties hereto do mutually agree as follows:

1. Lead Agency

The City does hereby authorize the Township to be the Project sponsor and as such prepare, execute and submit a funding application to the Ohio Public Works Commission (OPWC) District 9 to assist with the project funding, bid and award the project. Additionally, the City authorizes the Township under the direction of the Lorain County Engineer to prepare the design specifications, bid documents and administer the construction contract for the project. The construction cost is estimated to be \$523,659.

2. Project Financing

- a. The Township, on behalf of itself and the City, has requested \$308,959 or 59% of the estimated project cost from the Ohio Public Works Commission, District 9.
- b. The City will provide \$68,076 or 13% of the total project cost, whichever is the lesser amount. Furthermore, the City agrees to pay its share of the cost upon Project completion.
- c. The Township will provide \$68,076 or 13% percent of the total project cost, whichever is the lesser amount.

- d. Cuyahoga County has made available, \$78,549 from their Annual Community Maintenance Program. A formal application will be submitted by the City in the fall of 2024.
- e. Any costs above and beyond the construction cost estimate or above the available grant funding will be split equally between the City and the Township.

3. Project Authorization

- a. This Project is authorized by Strongsville City Ordinance Number 2024-137.
- b. This Project is authorized by Columbia Township Resolution Number _____.

4. Term of Agreement

This Agreement shall commence at the latest date set forth below.

5. Successors and Assigns

This Agreement shall be binding upon and inure to the benefit of the City and the Township. This agreement and its rights and responsibilities shall not be assigned or transferred without the prior written consent of the City and the Township.

6. Severability

If any section of this Agreement is found to be illegal, unconstitutional, improper or unenforceable, said section shall not affect the enforceability of the remainder of this Agreement.

7. Jurisdiction

This Agreement shall be construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, Lorain County and Columbia Township, by their duly authorized agents, have executed this Agreement on the dates set forth next to their signatures.

City of Strongsville

BY: Thomas Perciak
Thomas Perciak, Mayor

DATE: Sept. 16, 2024

Approved as to form:

BY: Neil M. Jamison
Neil M. Jamison, Law Director

DATE: 9/16/2024

Columbia Township:

BY: _____ DATE: _____
Dave Montante
Trustee

BY: _____ DATE: _____
Tony Manning
Trustee

BY: _____ DATE: _____
Mark Cunningham
Trustee

Approved as to form:

BY: _____ DATE: _____
Dan Petticord
Assistant County Prosecutor