

ORDINANCE NO.: 2022-28

FIRST READING MARCH 28, 2022

INTRODUCED BY: MARK PORTER

SECOND READING WAIVED

THIRD READING WAIVED

ORDINANCE APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF SOUTH RUSSELL AND THE GEAGA COUNTY ENGINEER AND/OR BOARD OF COMMISSIONERS FOR THE RESURFACING OF WASHINGTON STREET AND DECLARING AN EMERGENCY.

WHEREAS, the Village of South Russell desires to enter into a Memorandum of Understanding with the Geauga County Engineer and/or the Geauga County Board of Commissioners (“County”) whereby it agrees to fund the portion of the County’s Washington Street improvement that extends into the Village of South Russell pursuant to Section 5557.02 of the Ohio Revised Code and the terms and conditions of the Memorandum of Understanding, a copy of which is attached hereto as **EXHIBIT A**; and

WHEREAS, the Village of South Russell acknowledges and agrees to fund its portion of the total cost of the County’s Washington Street improvement, which portion of the Village is estimated to be approximately \$120,000.00, as provided in the Memorandum of Understanding.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. The Memorandum of Understanding between the Village of South Russell and the County is hereby approved pursuant to Section 5557.02 of the Ohio Revised Code and the terms and conditions in the Memorandum of Understanding attached hereto as **EXHIBIT A**.

SECTION 2. The Mayor is hereby authorized to execute the Memorandum of Understanding on behalf of the Village of South Russell.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Village and for the further reason that the County has requested that this be effective immediately; wherefore provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor.

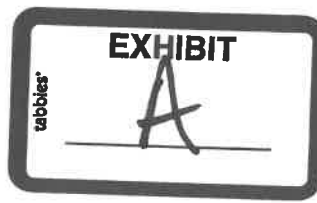
William G. Koss
Mayor - President of Council

ATTEST:

Danielle Romanowski
Fiscal Officer

I certify that Ordinance No. 2022-28 was duly enacted on the 28TH day of MARCH, 2022, by the Council of the Village of South Russell, and posted in accordance with the Codified Ordinances of the Village.

Danielle Romanowski
Fiscal Officer



MEMORANDUM OF UNDERSTANDING
BETWEEN THE VILLAGE OF SOUTH RUSSELL AND THE GEAUGA
COUNTY BOARD OF COMMISSIONERS
FOR THE IMPROVEMENT OF WASHINGTON STREET

South Russell Village and Bainbridge Township in Geauga County, Ohio

This Memorandum of Understanding (“MOU”) is made this _____ day of _____, 20___, between the South Russell Village Council (“Village”) and the Geauga County Board of Commissioners (“County”) (collectively “the Parties”), for purposes of obtaining consent and establishing responsibility for the cost of the improvement of Washington Street (CH 606) as described below.

WHEREAS, the public interest demands the improvement hereinafter described;

WHEREAS, approximately 0.38 miles of Washington Street from the Chagrin Falls Corp Line to Daisy Lane in South Russell Village, and one-half of 0.08 miles of Washington Street in Bainbridge Township, annexed into the Village, Geauga County is in need of improvement; and

WHEREAS, the County intends to improve its portion of Washington Street from Daisy Lane to Chillicothe Road; and

WHEREAS, the public interest is to best served through by the cooperation between the Geauga County Board of Commissioners and the Village of South Russell to improve Washington Street; and

WHEREAS, pursuant to O.R.C. §5557.02, a board of county commissioners may construct a proposed road improvement into, within, or through a municipal corporation, when the consent of the legislative authority of such municipal corporation has been obtained; and

WHEREAS, such consent of the legislative authority of a municipal corporation shall be evidenced by the proper action of the legislative authority, entered upon its records; and

WHEREAS, the municipal corporation may assume and pay such proportion of the cost of the part of the proposed improvement within the municipal corporation, as agreed to between a board of county commissioners and the legislative authority of the municipal corporation.

NOW THEREFORE, in consideration of the mutual promises and covenants provided herein, the sufficiency of which is hereby accepted, the Parties hereby mutually agree as follows:

SECTION I. The public interest demands the improvement and maintenance of the portion of Washington Street within South Russell Village and Bainbridge Township, as described above.

SECTION II. The Parties agree that the County will be the lead agent for a project to improve Washington Street, a municipal road located in South Russell Village and a county road in Bainbridge Township, as described above.

SECTION III. the Village wishes to participate in the Project and the funds for the reimbursement shall come from funds available to the Village to improve and repair roads and related items. The Village, by and through its legislative authority, has given consent to the County for the portion of the Washington Street project that is within the Village, as evidence by Ordinance 2022-28 , which has been or will be entered upon its records.

SECTION IV. the Village agrees to fund a portion of the total cost of the improvements performed in conjunction with the Washington Street project. The division of funds will be based upon the straight-line mileage of roadway work performed on the portion located in the Village. The County Engineer's estimate for the Village portion is \$120,000.00, but final cost will be based upon bid unit prices and actual quantities installed. The funds will be reimbursed to the County within thirty (30) days after the completion of the project, but before payment to the Contractor by the County.

SECTION V. The County is hereby empowered and directed on behalf of the Village to enter into contracts and agreements with the lowest, best and most qualified bidder to complete the construction of the improvement.

WHEREFORE, the Village's Solicitor is hereby instructed to transmit three original signed copies of this resolution to the County for acceptance.

AGREED AND APPROVED BY:

South Russell Village:

William M. Kowal
Mayor
South Russell Village

Date: 3-28-2022

Approved as to form:

Bridget Matheny
Solicitor
South Russell Village

Date: 3/28/22

Geauga County Board of Commissioners:

Date:

James W. Dvorak

Timothy C. Lennon

Ralph Spidalieri

Approved as to form:

Geauga County Prosecutor

Date: _____