

FIRST READING: 3-28-22
SECOND READING: 4-11-22
THIRD READING: 4-25-22

RESOLUTION NO.16-22

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITIES OF FAIRVIEW PARK AND ROCKY RIVER REGARDING THE SPENCER ROAD RESURFACING AND SANITARY SEWER IMPROVEMENTS PROJECT, AS FURTHER DESCRIBED IN EXHIBIT "A"

WHEREAS: Rocky River and Fairview Park desire to cooperate in the completion of the Spencer Road Resurfacing and Sanitary Sewer Improvement Project funded through the Ohio Public Works Commission (OPWC) under the terms, conditions and provisions in the agreement; and

WHEREAS: The OPWC will provide a no interest loan for the Spencer Road Project and requests that the City of Rocky River awards the contract for the project, make payments for all of the Fairview Park and Rocky River improvements and then invoice Fairview Park for their portion of the expenditures, as further described in Exhibit "A"; and

WHEREAS: Rocky River City Council deems it to be in the best interest of its City to authorize the Mayor to enter this agreement.

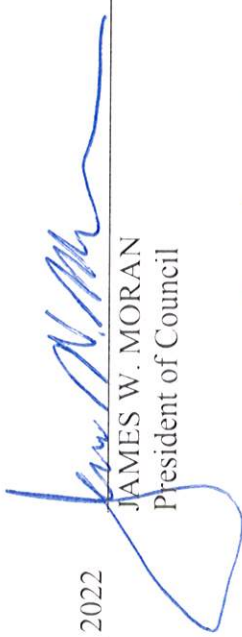
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That the Mayor is hereby authorized to enter into an agreement between the Cities of Fairview Park and Rocky River regarding the Spencer Road Resurfacing and Sanitary Sewer Improvement Project according to the terms and conditions, as further described in Exhibit "A".

SECTION 2. That Fairview Park and Rocky River will each pay their share of the engineering design costs, construction costs and construction administration costs as detailed of the agreement, as further described in Exhibit "A".

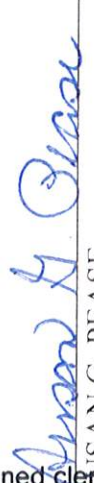
SECTION 3. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety and for the further reason that it is necessary to proceed immediately because maintaining the schedule of this project is essential for funding purposes and, provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED April 25th, 2022


JAMES W. MORAN
President of Council

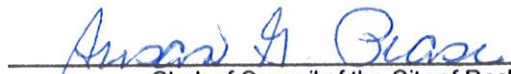
PRESENTED AND MAYOR: April 25th, 2022 APPROVED: April 25th, 2022

WITNESSETH:


SAN G. PEASE
Clerk of Council


PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 25th day of April, 20 22.


Clerk of Council of the City of Rocky River, Ohio

**AGREEMENT OF COOPERATION
BETWEEN THE CITY OF FAIRVIEW PARK AND
THE CITY OF ROCKY RIVER**

THIS AGREEMENT ("Agreement") is entered into as of this ____ day of _____, 2022, between the City of Fairview Park ("Fairview Park"), a municipal corporation of the State of Ohio, through its Mayor, and the City of Rocky River ("Rocky River"), a municipal corporation of the State of Ohio, through its Mayor and under the authority of Resolution No. _____-2022, attached hereto and incorporated herein, for resurfacing and sanitary sewer improvements on Spencer Road.

RECITALS:

1. Ohio Public Works Commission (OPWC) is providing funding to the City of Rocky River to resurface Spencer Road and to install a sanitary sewer on the West side of Spencer Road.
2. OPWC will provide a no interest loan for the Spencer Road project ("Project") in the amount of \$524,100.00 to the City of Rocky River.
3. OPWC prefers one community to award the contract for this project and to make payments for all of the Rocky River and Fairview Park improvements; then invoice the cooperating municipality for the expenditures, and Rocky River and Fairview Park desire to cooperate in that request and in the completion of the Project under the terms, conditions and provisions contained in this Agreement.

In consideration of the foregoing, the payments and the mutual promises contained in this Agreement, the parties agree as follows:

ARTICLE I. COST SHARING GENERALLY

A. Engineering Design Costs

Each City will pay Mackay Engineering & Surveying directly for the engineering design costs incurred within their City.

B.

Construction, Construction Administration and Inspection Costs

Fairview Park shall pay its local share of the Construction, Construction Administration and Inspection costs for items constructed on Fairview Park's portion of Spencer Road in an amount not to exceed \$56,500.00.

Rocky River shall pay its local share of the Construction, Construction Administration and Inspection costs for items constructed on Rocky River's portion of Spencer Road.

C. Discretionary Costs

If either city determines that additional work is required that is unique to either Rocky River, or Fairview Park, that city shall be responsible for one hundred percent (100%) of the costs of that additional work.

ARTICLE II. SPECIFIC SERVICES

- A. Mackay Engineering & Surveying shall provide Engineering Design Services for the Project in accordance with their contract for Consulting Services with each City.
- B. Rocky River shall bid and award the construction contract for the Project in accordance with Rocky River's laws and State of Ohio Statute for competitive bidding. The Director of Public Service for Rocky River and the Director of Public Service for Fairview Park shall approve the construction contract specifications prior to Rocky River advertising the contract.
- C. Rocky River shall require the construction contractor to name Fairview Park as an additional insured on any insurance required in the construction contract specifications.

ARTICLE III. PROJECT COSTS

City of Rocky River Engineering / Design: \$178,000.00
City of Fairview Park Engineering / Design: \$4,800.00

Estimated Project costs:

City of Rocky River Construction = \$1,600,000.00
City of Fairview Park Construction = \$54,000.00
City of Rocky River Construction Administration = \$90,000.00
City of Fairview Park Construction Administration = \$2,500.00

ARTICLE IV. COVENANTS

- A. Rocky River, by its Mayor, having been duly authorized to enter into an Agreement with the OPWC in _____ adopted by Council of Rocky River on the __ day of _____, 20__.
- B. Rocky River hereby agrees to the terms and conditions as stated in this Agreement of Cooperation as they relate to Rocky River.
- D. Fairview Park hereby agrees to the terms and conditions as stated in this Agreement of Cooperation as they relate to Fairview Park.

ARTICLE V. TERM

This Agreement shall, unless extended by the parties or unless sooner canceled or terminated under the provisions of this Agreement expire upon completion of the Project.

ARTICLE VI. PAYMENTS

- A. Local Share
Fairview Park shall be invoiced for construction and Construction Administration and Fairview Park will pay Rocky River within sixty (60) days of the postmark date of an invoice from Rocky River. There will be a late penalty of ten percent (10%) of the outstanding amount for amounts not paid within sixty (60) days.

ARTICLE VII. NOTICE AND PAYMENTS

All notices which may be proper or necessary to be served and payments to be made under this Agreement shall be sent by regular mail, postage prepaid, to the following addresses or to such other address as either party may later designate for such purpose.

Mayor, City of Rocky River
21012 Hilliard Boulevard
Rocky River, Ohio 44116

Mayor, City of Fairview Park
20777 Lorain Road
Fairview Park, Ohio 44126

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the date and year first above written.

Signed in the presence of:

CITY OF FAIRVIEW PARK

(Witness)

By: _____
Patrick J. Cooney, Mayor

Signed in the presence of:

CITY OF ROCKY RIVER

(Witness)

By: _____
Pamela E. Bobst, Mayor

The legal form and correctness of
the within instrument is approved.

The legal form and correctness of
the within instrument is approved.

By: _____
Director of Law, Fairview Park

By: _____
Director of Law, Rocky River