

**ORDINANCE NO. 202-22**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE MEDINA COUNTY BOARD OF COMMISSIONERS PERTAINING TO THE SANITARY SEWER REPLACEMENT FOR WEST SMITH ROAD RECONSTRUCTION, PHASE 4.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

- SEC. 1:** That the Mayor is hereby authorized and directed to execute a Memorandum of Understanding with the Medina County Board of Commissioners pertaining to the Sanitary Sewer Replacement for West Smith Road Reconstruction, Phase 4.
- SEC. 2:** That a copy of the Memorandum of Understanding is marked Exhibit A, attached hereto and incorporated herein.
- SEC. 3:** That it is 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 4:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

**PASSED:** November 14, 2022

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** November 15, 2022

**SIGNED:** Dennis Hanwell  
Mayor

THE UNDERSIGNED, CLERK OF THE COUNCIL OF THE CITY OF MEDINA, OHIO, HEREBY CERTIFIES THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE-RESOLUTION NO. 202-22 ADOPTED BY SAID COUNCIL ON Nov. 14, 2022

Kathy Patton  
CLERK OF COUNCIL

## MEMORANDUM OF UNDERSTANDING

### SANITARY SEWER CONSTRUCTION on WEST SMITH ROAD in the CITY OF MEDINA

Terms to be contained in a Memorandum of Understanding ("MOU") between the MEDINA COUNTY COMMISSIONERS (County), and the CITY OF MEDINA (CITY).

#### Section 1: Project Description

The CITY will be completing a reconstruction and replacement of West Smith Road between State Road and South Court Street in the City of Medina.

The Medina County Sanitary Engineers (MCSE), under an agreement with the City entered into in 1972, operates and maintains a City owned sanitary sewer that extends through the project limits of this project.

MCSE has requested that the CITY replace the existing sanitary sewer laterals with new sewer laterals, remove and replace the existing sanitary manholes located within the pavement limits, and remove and replace certain portions of the existing sanitary sewer as part of the CITY's West Smith Road Reconstruction project.

Construction is tentatively scheduled to begin in the spring of 2023.

#### Section II – Consent Statement

Being in the public interest, the COUNTY gives consent to the CITY to complete the replacement of the sanitary sewer appurtenances in conjunction with the West Smith Road improvement project.

#### Section III - Cooperation Statement

The CITY and the COUNTY shall cooperate as follows:

1. The CITY agrees to assume and bear one hundred percent (100%) of the engineering, inspection and project administration costs for this project.
2. The CITY shall submit the completed construction plans to the COUNTY for review and approval prior to commencing this project.
3. The CITY shall modify the plans as requested by the COUNTY with regards to the final sanitary sewer design.
4. The COUNTY agrees to assume and bear one hundred percent (100%) of the construction costs for the removal and replacement of certain existing sanitary manholes; removal and replacement of the existing sanitary sewer laterals; removal and replacement of portions of the existing sanitary sewer; and adjustments to certain existing sanitary manhole castings.

5. The preliminary construction cost estimate for the COUNTY's share of this project is \$375,658.00.
6. The actual final total share shall be calculated by the CITY upon completion of the project.
7. The CITY shall use the contract unit prices and the final approved contract unit price quantities to calculate the final total share due by the COUNTY.
8. The COUNTY shall submit payment for the final total share due to the CITY within sixty (60) days after receiving the invoice from the CITY.


Section IV – Maintenance

The City shall require the contractor to post a two-year maintenance bond to become effective upon completion and acceptance of the project. The County shall, in accordance with the 1972 agreement between the County and the City, assume responsibility for the maintenance of the sanitary sewer and appurtenances installed as part of this project upon the expiration of the contractor's maintenance bond.

MEDINA COUNTY COMMISSIONERS

CITY OF MEDINA, OHIO

By (signature): 

By (signature): 

Printed Name: Stephen D. Hambley

Printed Name: Dennis Hanwell

Title: Board President

Title: Mayor

Date: 10/11/22

Date: 11/15/2022