

ORDINANCE NO. 109-22

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE MEDINA COUNTY BOARD OF COMMISSIONERS PERTAINING TO THE REPLACEMENT OF THE SANITARY SEWER LINE ON SOUTH PROSPECT STREET.

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 replacement of the sanitary sewer line on South Prospect Street.
- SEC. 2:** That a copy of the Memorandum of Understanding is marked Exhibit A, attached hereto and incorporated herein, and is subject to the final approval of the Law Director.
- 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: May 23, 2022

SIGNED: John M. Coyne, III
President of Council

ATTEST: Teresa Knox
Acting Clerk of Council

APPROVED: May 24, 2022

SIGNED: Dennis Hanwell
Mayor

"Exhibit A"
MEMORANDUM OF UNDERSTANDING

ORD. 109-22
Exh. A

SANITARY SEWER CONSTRUCTION on SOUTH PROSPECT STREET 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 South Prospect Street between Lafayette Road and West Smith Road 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 and appurtenances with a new sewer and appurtenances as part of the CITY's South Prospect Street Reconstruction project.

Construction is tentatively scheduled to begin in the summer of 2022.

Section II - Consent Statement

Being in the public interest, the COUNTY gives consent to the CITY to complete the replacement of the sanitary sewer in conjunction with the South Broadway Street 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 sanitary sewer line replacement.
5. The preliminary construction cost estimate for the COUNTY's share of this project is \$350,000.
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): Dennis Hanwell

Printed Name: _____

Printed Name: Dennis Hanwell

Title: _____

Title: Mayor

Date: _____

Date: May 24, 2022

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: _____

Title:

Board President

Title: _____

Date:

4/26/22

Date: _____

REGULAR MEETING - TUESDAY, APRIL 26, 2022

The Board of County Commissioners of Medina County, Ohio met in regular session on this date with the following members present:

Colleen M. Swedyk William F. Hutson Stephen D. Hambley

Mrs. Swedyk offered the following resolution and moved the adoption of same which was duly seconded by Mr. Hutson.

RESOLUTION NO. 22-0307

AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF MEDINA TO REPLACE THE EXISTING SANITARY SEWER LOCATED IN S. PROSPECT STREET AS PART OF THE CITY'S S. PROSPECT STREET RECONSTRUCTION PROJECT

WHEREAS, the Board of County Commissioners of Medina County, Ohio, (Board) has been requested by the City of Medina (City) to cooperate and share in the cost of a project in accordance with the terms of the attached Memorandum of Understanding "Exhibit A" as it relates to the replacement of sanitary sewers described as follows:

Replacement of an existing sanitary sewer main along S. Prospect Street, between Lafayette Road to West Smith Road, as part of the City's South Prospect Street road reconstruction project. The existing sanitary sewer, which is located in the middle of pavement, and all active sanitary sewer service connections from the sanitary sewer main to the right-of-way line will be replaced. The replacement of the sanitary sewer main, appurtenances and service connections will be the financial responsibility of the Medina County Sanitary Engineer. Construction is tentatively scheduled to begin in the summer of 2022; and

WHEREAS, the Board shall cooperate with the City in the above described project 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 Board agrees to assume and bear one-hundred percent (100%) of the construction costs for the sanitary line replacement.
- 3) The City shall submit the completed construction plans to the County for review and approval prior to commencing this project.
- 4) The City shall modify the plans as requested by the Board with regards to the final sanitary sewer design.
- 5) 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 Board.
- 6) The Board shall submit payment for the final share due to the City within sixty (60) days after receiving the invoice from the City.

WHEREAS, the share of the project cost for the replacement sanitary sewer work is estimated in the amount of \$350,000, and said estimated amount is to be adjusted in order that the Board's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined by the City upon completion of the project; and

WHEREAS, the City has made plans and specifications and an estimate of cost and expense for the road replacement project, including the sanitary sewer replacement, and has transmitted copies of the same to the Medina County Sanitary Engineer; and

WHEREAS, the Board desires the City to proceed with the aforesaid road reconstruction project.

REGULAR MEETING - TUESDAY, APRIL 26, 2022
RESOLUTION NO. 22-0307 (CONT'D)

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Medina County, Ohio that:

- Section 1. The estimated sum of \$350,000 for construction costs is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the City of Medina to pay the cost and expense of said improvement.
- Section 2. The Board hereby requests the City to proceed with the aforesaid road reconstruction project.
- Section 3. The Board enter into a Memorandum of Understanding with the City, and that President be, and is hereby authorized to execute said Memorandum of Understanding, providing for the payment of the Board the sum of money set forth herein above for improving the described project.
- Section 4. That the Board transmit to the City an executed copy of this Resolution and Memorandum of Understanding.
- Section 5. The Board authorizes the Sanitary Engineer to act on behalf of the Board for all matters related to the City's construction project, and to approve the actual costs for the sanitary sewer replacement work performed as set forth in the Memorandum of Understanding.

Voting AYE thereon: Mrs. Swedyk, Mr. Hutson and Mr. Hambley

Adopted: April 26, 2022

Prepared by: Sanitary Engineering Department