

ORDINANCE NO. 41-2013

**TITLE: 31ST STREET NW / CLEVELAND-MASSILLON ROAD
WATERLINE REPLACEMENT PROJECT
COST SHARING AGREEMENT – CITY OF NORTON**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COST SHARING AGREEMENT WITH THE CITY OF NORTON TO PROVIDE FOR THE CITY OF BARBERTON’S SHARE FOR THE CONSTRUCTION OF THE 31ST STREET NW / CLEVELAND-MASSILLON ROAD WATERLINE REPLACEMENT PROJECT (AN OPWC FUNDED PROJECT), WITH TOTAL PROJECT COSTS BEING DETERMINED AS NOT TO EXCEED \$2,072,946, AND DECLARING AN EMERGENCY.

WHEREAS, on May 5, 2011, Barberton and Norton entered into a Memorandum of Understanding outlining their intention to jointly plan the replacement of a 16” waterline in Barberton and Norton on 31st Street, between Wooster Road and Gardner Boulevard; and

WHEREAS, Barberton and Norton agreed that Barberton would act as the lead agency for the planning, design and construction of the Project and for applying to the Ohio Public Works Commission (OPWC) for an Issue I Loan to pay a portion of the costs of the Project; and

WHEREAS, Barberton and Norton further agreed that they would enter into a future agreement to govern the cost sharing for said Project.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That the Mayor is hereby authorized to enter into a Cost Sharing Agreement with the City of Norton to provide for the City of Barberton’s share for the construction of the 31st Street NW / Cleveland-Massillon Road Waterline Replacement Project.

SECTION 2. That it has been determined that the Project Costs will be an aggregate amount not to exceed \$2,072,946.00, of which the Norton Share is \$1,055,305.53 (Norton Ordinance No. 19-2013) and the Barberton Share is \$1,017,498.47.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to complete improvements necessary to enhance water service in the cities as soon as possible, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2013

Clerk of Council

President of Council

Approved _____ 2013

Mayor