

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2022- **84**

Introduced By: Mr. Bortolotto Co-Sponsors: Mr. Meany, Mr. Grech

**A RESOLUTION
AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF
UNDERSTANDING AND AGREEMENT WITH THE BEREA CITY SCHOOL
DISTRICT FOR THE CONSTRUCTION, IMPROVEMENT, AND
RENOVATION OF THE TENNIS COURTS LOCATED AT
THE BEREA-MIDPARK MIDDLE SCHOOL**

WHEREAS, the governing bodies of the City of Middleburg Heights and the Berea City School District are mutually willing to cooperate in supporting programs for the community in the areas of athletics, recreation, and education; and

WHEREAS, the Berea City School District is undertaking construction, improvement, and renovation to the District's Berea-Midpark Middle School tennis courts; and

WHEREAS, the governing bodies of the City and the District mutually agree to a cost share split for the construction, improvement, and renovation of the District's Berea-Midpark Middle School Tennis Court Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That the Mayor is hereby authorized to enter into a Memorandum of Understanding and Agreement with the Berea City School District for the Berea-Midpark Middle School Tennis Court Project at the mutually agreed cost share split of twenty-five percent City share, not to exceed \$11,129.25, a copy of which is attached hereto and marked "Exhibit A".

Section 2: That there is hereby appropriated \$11,129.25 from the General Fund to implement this Resolution.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: 10/25/22

David Bortolotto
President of Council

Attest: M. Meala
Clerk of Council

Approved On: 10-27-22

Presented to Mayor: 10/26/22

Matthew J. Cusick
Mayor

	Yea	Nay
Bortolotto	<u>h</u>	_____
Ali	<u>h</u>	_____
Sage	<u>h</u>	_____
Meany	<u>h</u>	_____
McGregor	<u>ABSTAIN</u>	_____
Ference	<u>h</u>	_____
Grech	<u>x</u>	_____

I, MaryAnn Meala Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Res. 2022-84 adopted by the Council of the City of Middleburg Hts., on 10/25/22 was posted for a period of fifteen days, beginning 10/27/22 and remained so posted for fifteen days at the two posting places as designated by Charter.
MaryAnn Meala
Clerk

CERTIFICATE
I, MaryAnn Meala Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Res 2022-84 passed on the 25th day of October 2022 by said Council.
MaryAnn Meala
Clerk of Council

**MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN THE
BEREA CITY SCHOOL DISTRICT AND THE CITY OF MIDDLEBURG HEIGHTS**

THIS MEMORANDUM OF UNDERSTANDING AND AGREEMENT, made and entered into this ____ day of _____, 2022 by and between the City of Middleburg Heights, Ohio, a municipal corporation (hereinafter referred to as "City") and the Berea City School District, of Cuyahoga County, Ohio (hereinafter referred to as "District"), and

WITNESSETH:

WHEREAS, the governing bodies of the City and District are mutually willing to cooperate in supporting programs for the community in the areas of athletics, recreation, and education, and

WHEREAS, the City has established the Department of Parks and Recreation to be responsible for carrying out the purpose of community parks development and recreation programs, and

WHEREAS, the District is responsible for the public education of the students in the community, including physical education and athletic activities related to the educational program, and

WHEREAS, the District is undertaking construction, improvement, and renovation to the District's Berea-Midpark Middle School tennis courts, and

WHEREAS, the governing bodies of the City and District mutually agree to a cost share split of twenty five percent City share (\$11,129.25) and seventy five percent District share (\$33,387.75) for the construction, improvement, and renovation of the District's Berea-Midpark Middle School Tennis Court Project (hereinafter "Project"). Total cost of the Project is \$44,517.

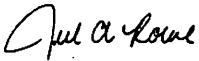
NOW, THEREFORE, in consideration of the terms and conditions hereinafter set forth in this Agreement, and for other good, valuable, and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, the City and District agree that:

- 1. The District's Berea-Midpark Middle School, located at 7000 Paula Drive, in the City of Middleburg Heights, Ohio consists of a building or buildings and other improvements including tennis courts.**
- 2. The District is undertaking the Project for the construction, improvement, and renovation of these tennis courts at a cost of \$44,517.**
- 3. The City's Parks and Recreation Department has previously used and the District has allowed scheduling of the City's recreational programs at the Project site.**
- 4. The City agrees to share in the cost of the District's Project in the amount \$11,129.25 (25% of the Project cost).**
- 5. The City and District mutually agree to the improvements and installation of equipment designating both tennis and pickleball courts per the attachment (see Attachment A).**
- 6. Upon completion of the Project, the City and District mutually agree that the District will continue to use the Project area for School use and the City will continue to use the Project area for the City's recreational programming.**
- 7. The City and District representatives shall mutually schedule school events and recreation activities to avoid any conflict in scheduling of the use of the Project area. The District's school events shall have priority.**
- 8. The City and District agree to maintain such areas in good condition during the periods of their respective usage and responsibility.**
- 9. The City and District shall jointly promulgate site operating rules consistent with adopted City ordinances, policies, and resolutions, and consistent with District policies, regulations, and procedures, to ensure the safety and welfare of all site users.**

10. The City and District agree that in the event of unforeseen questions or circumstances arising out of the use of the facilities, the District's Superintendent and the City's Mayor, or their respective designees, shall mutually resolve such issues.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

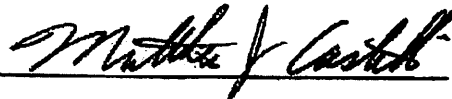
BEREA CITY SCHOOL DISTRICT



By: Jill Rowe

Title: Treasurer/CFO BCSD

CITY OF MIDDLEBURG HEIGHTS



By: MATTHEW J. CASTELLI

Title: Mayor