

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2023- 71

Introduced By: Mr. Meany
Co-Sponsors: Mr. Ali, Mr. McGregor

Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Res. 2023-71 adopted by the Council of the City of Middleburg Hts., on 9/26/23 was posted for a period of fifteen days, beginning 9/27/23 and remained so posted for fifteen days at the two posting places as designated by Charter.

A RESOLUTION REQUESTING CUYAHOGA COUNTY TO PROCEED WITH THE REHABILITATION OF SMITH ROAD FROM SHELDON ROAD TO PEARL ROAD IN THE CITY OF MIDDLEBURG HEIGHTS RESOLVING TO PAY ONE HUNDRED PERCENT (100%) OF THE CONSTRUCTION AND CONSTRUCTION SUPERVISION FOR THE REPLACEMENT OF SIDEWALK, STORM SEWER, AND WATERLINE INCLUDING ALL ASSOCIATED WORK WITHIN THE CITY OF MIDDLEBURG HEIGHTS, AND DECLARING AN EMERGENCY

WHEREAS, rehabilitation of Smith Road from Sheldon Road to Pearl Road in the City of Middleburg Heights is being financed by Cuyahoga County, City of Middleburg Heights and OPWC funds; and

WHEREAS, the Agreement between Cuyahoga County and the City of Middleburg Heights states that if the COUNTY is formally requested by a MUNICIPAL RESOLUTION to include the construction of sidewalks, alternate bid items, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in this Agreement, the COUNTY will do so, provided that this construction meets with the approval of the COUNTY and the MUNICIPALITY involved in this improvement; and that the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction and the cost of preliminary and design engineering, and construction supervision.

WHEREAS, by this resolution, Cuyahoga County is formally requested to include the sidewalk, storm sewer, and waterline including all associated work within the City of Middleburg Heights, which are not provided for elsewhere and are a replacement of and/or an addition and/or repair to that which now exists.

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

Section 1: That Cuyahoga County is hereby requested to include the construction and construction supervision of the replacement of sidewalk, storm sewer, and waterline including all associated work within the City of Middleburg Heights, which

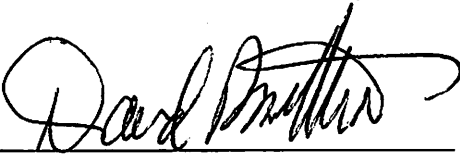
are not provided for elsewhere and are a replacement of and/or an addition and/or a repair to that which now exists, in the plans and specifications for the rehabilitation of Smith Road from Sheldon Road to Pearl Road in the City of Middleburg Heights.

Section 2: The City of Middleburg Heights agrees to assume one hundred percent (100%) of the Non-OPWC share of the construction and construction supervision costs of any expenses incurred by Cuyahoga County for the items specified, in the subject improvement.

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.

Section 4: That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare of said City. Such necessity exists by reason of the fact that in order for plans for the rehabilitation of Smith Road from Sheldon Road to Pearl Road in the City of Middleburg Heights to be approved by Cuyahoga County and said project bid, request to include the waterline replacement and associated work. Wherefore, provided this Ordinance receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

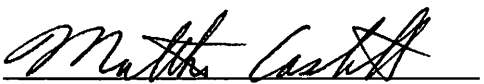
Passed: 9-26-23

  
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President of Council

Attest: M Meala  
Clerk of Council

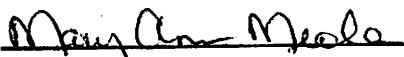
Approved On: 9-27-23

Presented to Mayor: 9-27-23

  
\_\_\_\_\_  
Mayor

	Yea	Nay
Bortolotto	X	_____
Ali	X	_____
Sage	X	_____
Meany	X	_____
McGregor	X	_____
Ference	X	_____
Grech	<u>ABSENT</u>	

**CERTIFICATE**  
I, Mary Ann 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. 2023-11 passed on the 26<sup>th</sup> day of September 2023 by said Council.

  
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Clerk of Council