

**A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE REVERE BOARD OF EDUCATION TO PROVIDE WATER SERVICES TO THE REVERE SCHOOL CAMPUS AT THE INTERSECTION OF NORTH REVERE ROAD AND EVERETT ROAD AND DECLARING AN EMERGENCY**

BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That the Mayor and the Finance Director be, and they hereby are, authorized and directed to enter into an Agreement with the Revere Board of Education to provide water service to the Revere school campus located at the intersection of North Revere Road and Everett Road, a copy of which Agreement is attached hereto as Exhibit "A" and incorporated herein fully as if by reference.

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is necessary to provide potable water to the schools at the earliest possible time.

WHEREFORE, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed and shall take effect immediately upon its passage. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED

September 3, 2002

ATTEST:

Carole Gibson

Clerk of Council

May H. Maloee

President of Council

Ronald H. Larsen

Mayor

Date:

9/6/2002

AGREEMENT

THIS AGREEMENT made this 4th day of September, 2002 by and between the VILLAGE OF RICHFIELD, 4410 West Streetsboro Road, P. O. Box 387, Richfield, Ohio 44286-0387 ("Richfield") and the REVERE BOARD OF EDUCATION, 3496 Everett Rd., P. O. Box 340, Bath, Ohio 44 210 ("Board").

WHEREAS, the Board is desirous of obtaining water service to its Administration and associated facilities on the south side of Everett Road; and

WHEREAS, these facilities are located in Bath Township; and

WHEREAS, Richfield, by agreement dated September 23, 1968 has a water service agreement with the City of Cleveland, a copy of which is attached hereto as Exhibit "A" and incorporated herein fully as if by reference; and

WHEREAS, pursuant to Revised Code 504.04, Bath Township has created a Water and Sewer Board which is authorized to supply water and sewer services to users within the unincorporated area of the Township in accordance with Revised Code Sections 504.18 to 504.20; and

WHEREAS, on April 17, 2001, the Bath Township Water and Sewer Board met and held a public hearing on the extension of water service to the Board's school campus at the intersection of North Revere Road and Everett Road; and

WHEREAS, after hearing, the Bath Township Water and Sewer Board approved the application of the Board to extend the water line easterly from the intersection of North Cleveland-Massillon Road and Everett Road to the Revere school campus located at the intersection of North Revere and Everett Roads, minutes of which meeting of April 17, 2001 are attached hereto as Exhibit "B"; and

WHEREAS, the Village and Bath Township have entered into an agreement for the extension of the water line on Everett Road to serve the Board's school campus at the intersection of North Revere and Everett Roads, a copy of which agreement is attached hereto as Exhibit "C"; and

WHEREAS, the Village and the Board wish to enter into this Agreement providing for the construction and maintenance of the water line to service the Board's school campus.

NOW, THEREFORE, IT IS hereby agreed as follows:

1. The Village will construct a water distribution line from the intersection of North Cleveland-Massillon Road and Everett Road easterly on Everett Road to service, among other entities, the Revere School District campus located at the intersection of North Revere Road and Everett Road. The construction shall be generally in accordance with the plans prepared by the Village's Consulting Engineer Finkbeiner, Pettis & Strout, Inc. and approved by the Cleveland Water Department, a copy of which plans are attached hereto as Exhibit "D" and incorporated herein fully as if by reference.

2. The Board shall contribute, as its share of the construction costs, the sum of \$ 350,000.00 toward the construction of this water line. After the approval of this agreement, the Board shall issue a Purchase Order to the Finance Director of the Village of Richfield evidencing its commitment to the water line project.

3. It is agreed that the Board shall be responsible for connections to the school campus from the water line located in the right-of-way of Everett Road.

4. The Board agrees to utilize water service from the line for the school campus only and shall not authorize tie in to the line by any non-school entity nor shall it allow extension of the line or service from the line beyond the school campus located at the intersection of North Revere Road and Everett Road.

5. It is further agreed by the parties hereto that should the Ohio Department of Transportation ("ODOT") desire to tap into said water line at any time for the purposes of extending water to the two existing rest areas located in Bath Township on Interstate 77, then any payment made by ODOT towards the construction of the water line, excluding tap-in fees, to Richfield, Bath or the Revere School District shall be allocated by the Revere School District, Richfield and Bath in proportion to each of the respective entities' contribution toward the water line.

6. The Board shall be responsible for all tap-in fees, user fees and regulations concerning utilization of the water line in the same manner as other users of the line.

7. This Agreement is subject to the approval of the Council of the Village of Richfield, which approval shall be granted by Resolution No. 81 -2002, adopted September 3, 2002.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the 4<sup>th</sup> day of September, 2002.

Signed in the presence of:

Julianne Butcher

Tommy Tang

VILLAGE OF RICHFIELD

By: Donald H. Larsen  
Donald H. Larsen, Mayor

And: Eleanor Lukovics  
Eleanor Lukovics, Finance Director

REVERE BOARD OF EDUCATION

By: Marjorie J. Jirka  
Its Superintendent of Schools

And: Thomas J. Jirka  
Its TREASURER