

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR INCLUSION WITHIN THE DISTRICT OF CERTAIN TERRITORY OF THE VILLAGE OF RICHFIELD, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE REGIONAL STORMWATER MANAGEMENT PROGRAM SERVICE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 56-1988 adopted by Council on February 21, 1989, the Village applied for the inclusion of all of its then-incorporated territory within the Northeast Ohio Regional Sewer District (the "District") and pursuant to Resolution No. 94-89, adopted by the Board of Trustees of said District on March 9, 1989, the application of the Village was accepted; and

WHEREAS, on February 27, 1989, the Village entered into a sanitary service agreement with the District to memorialize the terms under which the Village would become a part of the Northeast Ohio Regional Sewer District and thereafter receive wastewater treatment and disposal services from the District (the "Sanitary Sewage Service Agreement"), with Exhibit "D," attached thereto, establishing the sanitary service area to include the then-incorporated territory of the Village and certain unincorporated township territory outside of the Village; and

WHEREAS, on September 20, 2016, the Village entered into an agreement with the District entitled "Regional Stormwater Management Program Service Agreement by and between the Northeast Ohio Regional Sewer District and Village of Richfield" (the "RSMP Service Agreement"), which set forth the portion of Village territory to be included in the Service Area of the District's Regional Stormwater Management Program, as described in the Exhibit "C" attached thereto; and

WHEREAS, two distinct areas of Richfield Township territory have been recently annexed by the Village (the "Annexed Territory"); and

WHEREAS, the Village, pursuant to Ohio Revised Code Section 6119.05, now desires to make application to the District for inclusion within the District of the Annexed Territory depicted as "*Annexed Territory to be Added to the District Territory and Stormwater Service Area*" in Exhibit "1"; and

WHEREAS, it is the intention of the Village that all of the incorporated territory of the Village be included within the District territory and within both the stormwater service area and sanitary sewage service area of the District, subject to all applicable District fees; and

WHEREAS, it is understood by the Village that the Annexed Territory shall not become part of the District unless and until the Board of Trustees of the District accept this application; and

WHEREAS, Article 2 of the RSMP Service Agreement automatically adds annexed territories within the Stormwater Service Area of the District, and requires the depiction of an amended map as Exhibit "C" to the RSMP Service Agreement; and

WHEREAS, the Sanitary Sewage Service Agreement included the Village and surrounding unincorporated area and this Sanitary Service Area already includes the Annexed Territory; therefore, it is not necessary to amend the Sanitary Sewage Service Agreement;

NOW, THEREFORE, BE IT RESOLVD by the Council of the Village of Richfield, County of Summit, State of Ohio, that:

- SECTION 1. Council hereby authorizes and directs the Mayor to make an application to the Northeast Ohio Regional Sewer District (“District) to include within the territory of the District the Annexed Territory of the Village depicted as “*Annexed Territory to be added to District Territory and Stormwater Service Area*” attached hereto and expressly incorporated herein as Exhibit “1.”
- SECTION 2. Council hereby authorizes Michael Wheeler, Mayor, to submit to the District this Resolution, with Exhibit “1,” as a complete application for inclusion of the Annexed Territory within the District, and to take any additional action or to execute any additional documents subsequently deemed necessary to complete such application to the District for inclusion of the Annexed Territory within the District and to effectuate its inclusion in the District.
- SECTION 4. In furtherance of this application, the Council hereby approves a First Amendment to the Regional Stormwater Management Program Service Agreement by and between the Northeast Ohio Regional Sewer District and Village of Richfield, adding the said Exhibit 1 “Annexed Territory to be added to District Territory and Stormwater Service Area” and hereby authorizes the Michael Wheeler, Mayor, to execute the First Amendment substantially in accordance with the agreement attached hereto and expressly incorporated herein as Exhibit 2.
- SECTION 5. It is the intent of the Council that the Village territory included within the District is included within both the stormwater service area and sanitary sewage service area of the District, subject to all applicable District fees.
- SECTION 6. 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 enter into amendments to the Sanitary Sewage Service Agreement and RSMP Service Agreement with the Northeast Ohio Regional Sewer District in order to include the annexed territory within the District as soon as possible; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 10-18-22

Robber Basho
President of Council

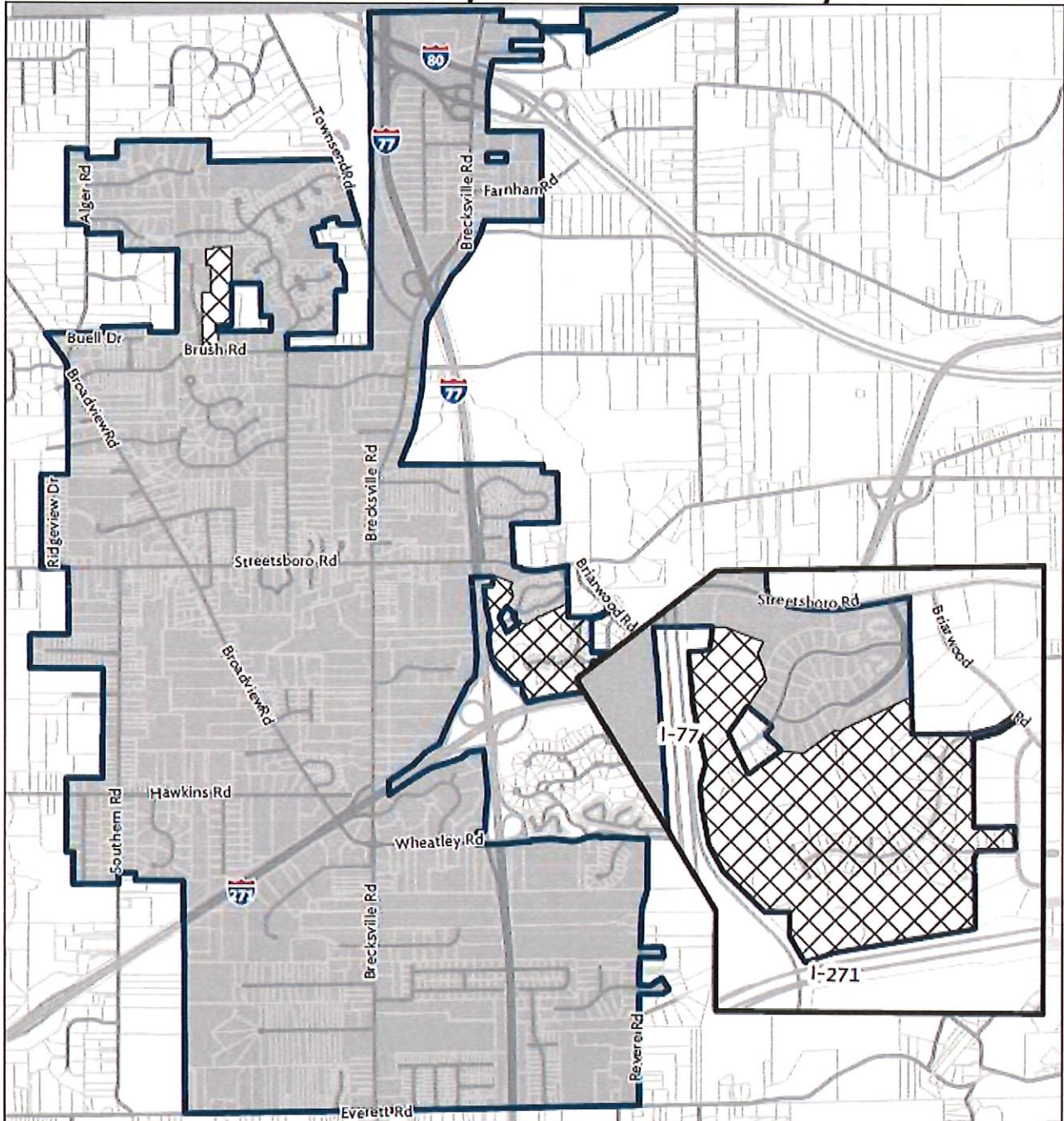
ATTEST:
Jeffery
Clerk of Council

Michael Wheeler
Mayor

Dated: 10/18/2022

Exhibit 1

Annexed Territory added to District Territory



Coordinate System: Ohio State Plane North
 Datum: NAD 1983
 Projection: Lambert Conformal Conic
 Sources: NEORS GIS; Summit County
 1:40,000
 Created: August 2022

This map was compiled by the Northeast Ohio Regional Sewer District ("District") which makes every effort to produce and publish the most current and accurate information possible. This data was created and compiled to serve the District for planning and analysis purposes. The District makes no warranties, expressed or implied, with respect to the accuracy of this map and its use for any specific purpose. The District and its employees expressly disclaim any liability that may result from the use of this map. For more information, please contact GIS Services, 2900 Euclid Avenue, Cleveland, Ohio 44115 (216-881-6600).

Legend

-  Annexed Territory to be added to District Territory and Stormwater Service Area
-  Village of Richfield
-  Parcel
-  Existing District Territory

Exhibit 2



REGIONAL
STORMWATER
MANAGEMENT

FIRST AMENDMENT

TO

REGIONAL STORMWATER MANAGEMENT PROGRAM
SERVICE AGREEMENT NO. 3760

BY AND BETWEEN

THE NORTHEAST OHIO REGIONAL SEWER DISTRICT

AND

VILLAGE OF RICHFIELD

THIS AMENDMENT TO AGREEMENT NO. 3760 (the “First Amendment”) is made this ____ day of _____, 2022, by and between the Northeast Ohio Regional Sewer District (the “District”), a regional sewer district organized and existing as a political subdivision under Chapter 6119 of the Ohio Revised Code, acting pursuant to Resolution No. _____, adopted by the Board of Trustees of the District on _____ (Exhibit “A”), and the Village of Richfield (the “Village”) acting pursuant to Ordinance No. _____, adopted by the Village on _____ (Exhibit “B”).

WHEREAS, the District and the Village entered into a Regional Stormwater Management Program Service Agreement dated September 20, 2016 (hereinafter referred to as the “Agreement”) for the purpose of ensuring the consistent and coordinated delivery of District Regional Stormwater Management Program services within the Village; and

WHEREAS, the Village annexed certain territory of Richfield Township into the territory of the Village (the “Annexed Territory”); and

WHEREAS, Article 2 of the Agreement requires that all territories annexed by the Village during the term of this Agreement be automatically and immediately included within the District Stormwater Service Area and depicted on an amended map as Exhibit “C”; and

WHEREAS, the Village has requested that the Annexed Territory be added to the District’s Stormwater Service Area and the District has agreed;

NOW THEREFORE, in consideration of the mutual covenants set forth in this Amendment, and for other good, sufficient, and valuable consideration, the District and the Village do hereby mutually covenant and agree to the following:

SECTION 1. The maps depicting the Stormwater Service Area and attached to the Agreement as Exhibit “C” are hereby superseded and replaced with the map attached hereto as Exhibit “C-1,” thereby including the Annexed Territory within the Stormwater Service Area of the District.

SECTION 2. A determination that any part of this First Amendment is invalid shall not invalidate or impair the force or effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation upon the part so declared invalid.

SECTION 3. The provisions of this First Amendment are hereby incorporated into the Agreement as if fully rewritten therein. All terms used above shall be defined and construed in the manner set forth in the Agreement. Except as otherwise provided in, or as otherwise necessary or appropriate to give effect to the terms of the First Amendment, all the provisions, terms and conditions contained in the Agreement and the First Amendment and not inconsistent with this First Amendment shall remain unchanged and in full force and effect.

SECTION 4. This First Amendment includes the exhibits attached hereto, all of which are made fully a part of this Amendment as if fully written herein:

1. Exhibit "A" - Northeast Ohio Regional Sewer District Resolution Approving First Amendment
2. Exhibit "B" - Village of Richfield Resolution Approving First Amendment
3. Exhibit "C-1" - Amended Village of Richfield Service Area Map

The Village and the District, through their authorized officers, have executed this First Amendment to Agreement No. 3760 as of the day and year first stated above.

VILLAGE OF RICHFIELD

BY: _____
Michael Wheeler
Mayor

DATE: _____

BY: _____
Sandy Turk
Director of Finance

DATE: _____

**The legal form and correctness
of this Amendment are approved:**

Alejandro V. Cortes
Law Director

Date

NORTHEAST OHIO REGIONAL SEWER DISTRICT

BY: _____
Kyle Dreyfuss-Wells
Chief Executive Officer

DATE: _____

BY: _____
Darnell Brown, President
Board of Trustees

DATE: _____

This Instrument Prepared By:

Katarina K. Waag
Assistant General Counsel
Northeast Ohio Regional Sewer District

Each party agrees that this Agreement may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Agreement shall have the same legal effect as if such signatures were in their originally written format.

AMENDMENT TO
AGREEMENT NO.
3760

NORTHEAST OHIO REGIONAL SEWER
DISTRICT

WITH

VILLAGE OF RICHFIELD

FOR

REGIONAL STORMWATER MANAGEMENT
PROGRAM – FIRST AMENDMENT FOR
SERVICE AREA EXPANSION

Total Additional Cost: N/A

The legal form and correctness of the within
instrument are hereby approved.

ERIC J. LUCKAGE
CHIEF LEGAL OFFICER

Date

CERTIFICATION

It is hereby certified that the amount required to
meet the contract, agreement, obligation, payment
or expenditure, for the above, has been lawfully
appropriated or authorized or directed for such
purpose and is in the Treasury or in process of
collection to the credit of the fund free from any
obligation or certification now outstanding.

KENNETH J. DUPLAY
CHIEF FINANCIAL OFFICER

Date
