

RESOLUTION NO. 48-2008

Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF RICHFIELD AND COUNTY OF SUMMIT CONCERNING THE PROVISION OF WATER TO THE BRIARWOOD WATER SERVICE AREA 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 a Memorandum of Understanding between the Village of Richfield and the County of Summit concerning provision of water to the Briarwood Water Service Area, a copy of which Memorandum of Understanding 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 immediately necessary in order to provide potable water to customers in the Briarwood Water Service Area at the earliest possible time; 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: 9/11/08

[Signature]
President of Council

[Signature]
Mayor

Dated: 9/16/08

ATTEST:

[Signature]
Clerk of Council

MEMORANDUM OF UNDERSTANDING
BETWEEN

THE VILLAGE OF RICHFIELD
AND

COUNTY OF SUMMIT

Date _____, 2008

WHEREAS, the City of Cleveland (“Cleveland”) and County of Summit (“Summit”) have entered into a Direct Service Agreement dated May 17, 1994, know as Cleveland Contract No. 47291 (the “Contract”); and

WHEREAS, Cleveland and Summit desire to expand the service area described in Exhibit A attached to the Contract by means of a Memorandum between Cleveland and Summit (Cleveland Contract No. 47291 Re: Third Expansion of Service Area), a copy of which Memorandum is attached hereto as Exhibit “A” and incorporated herein fully as if by reference; and

WHEREAS, the Village of Richfield (“Richfield”) and Summit desire to enter into this Memorandum of Understanding whereby Richfield will undertake the rights, duties and obligations of Summit in the area attached hereto as Exhibit “B,” hereinafter referred to as the Briarwood Water Service Area.

NOW, THEREFORE, Richfield and Summit, in consideration of the execution of the Agreement do hereby mutually agree as follows:

Richfield agrees to perform all duties and obligations of Summit as required in the Contract in an area attached hereto as Exhibit “B” and further known as the Briarwood Water Service Area.

The undersigned, by signing below, agree that the foregoing represents their understanding of the provisions of the Contract and agree that this Memorandum of Understanding shall remain on file with said Contract and in the file of Richfield and Summit.

In The Presence Of:

COUNTY OF SUMMIT EXECUTIVE

Russell M. Pry

VILLAGE OF RICHFIELD

Michael K. Lyons, Mayor

Eleanor Lukovics, Finance Director

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

Charles T. Riehl, Law Director
Village of Richfield







Date: _____, 2008

Richard E. Dobbins, Law Director
County of Summit

Date: _____, 2008



Legend

-  Richfield Township - Portion Within Service Area
-  Richfield Township - Portion Not In Service Area
-  Proposed Richfield Township Expansion Area - "Briarwood Area"
-  Richfield Village
-  Annexed to Richfield Village from Richfield Township
-  Existing Richfield Village/ Richfield Township/CWD - JEDD Area