

**A RESOLUTION WAIVING SANITARY SEWER ASSESSMENT FEES AND OTHER CONNECTION CHARGES FOR CERTAIN PROPERTIES; WAIVING THE RESTRICTION ON THE CONNECTION OF NON-VILLAGE PROPERTIES TO THE PUBLIC SANITARY SEWER SYSTEM FOR CERTAIN PROPERTIES LOCATED IN RICHFIELD TOWNSHIP; AND DECLARING AN EMERGENCY**

WHEREAS, Richfield Furnace Run Associates, LLC (“Richfield Furnace Run”), Water and Sewer, LLC (“Water and Sewer”), and the Village entered into a Development and Construction Agreement (the “Agreement”) dated December 18, 2020, wherein the Richfield Furnace Run, Water and Sewer, and the Village agreed to complete certain public infrastructure improvements to benefit the existing Briarwood development and the new Briarwood Estates Subdivision; and

WHEREAS, pursuant to the terms of the Agreement, the Village is currently constructing a new sanitary sewer system consisting of an approximate 7,000-foot force main and two pumping stations (the “New Sanitary Sewer”) at sufficient depth and capacity to serve both the existing Briarwood development and the New Briarwood Estates Subdivision; and

WHEREAS, the New Sanitary Sewer will connect to the Village’s public sanitary sewer main located on Brecksville Road.

WHEREAS, the existing Briarwood development and the recently annexed New Briarwood Estates Subdivision will connect to the New Sanitary Sewer; and

WHEREAS, Water and Sewer is a private sewer purveyor that provides the existing Briarwood development, as well as other residential properties located in Richfield Township, with private sanitary sewer service; and

WHEREAS, the Agreement obligates Water and Sewer to discontinue its provision of sanitary sewer services and donate its “Existing Sewer Facilities,” as that term is defined in the Agreement, to the Village upon the New Sanitary Sewer being complete, operational, and connected to the New Briarwood Estates Subdivision; and

WHEREAS, upon discontinuance of the private sanitary sewer system, properties located within the existing Briarwood development within the boundaries of the Village will be required to connect to the Village’s public sanitary sewer system through the New Sanitary Sewer pursuant to Chapter 926 of the Village’s Codified Ordinances; and

WHEREAS, the Village assesses a monetary charge to benefited properties to connect to the Village’s public sanitary sewer system in accordance with Chapter 926 of the Village’s Codified Ordinances; and

WHEREAS, the Village has been awarded a grant from the Northeast Ohio Regional Sewer District (“NEORS”) that is required to be applied to the cost of the New Sanitary Sewer, which NEORS terms the “Briarwood Area Wastewater Pump Station & Force Main Improvement Project”; and

WHEREAS, use of the NEORS grant to off-set the cost of the New Sanitary Sewer will allow the Village to forego charging the properties located in the existing Briarwood development an assessment to connect to the Village’s public sanitary sewer system; and

WHEREAS, the Mayor has recommended that the Council waive the assessment charge for the benefited properties located in the existing Briarwood development that are required to connect to the Village’s public sanitary sewer system; and

WHEREAS, Council has the inherent authority to waive assessment fees when connections to the public sanitary sewer system serves the public health, safety, and welfare and when it is the best interests of the Village to do so; and

WHEREAS, Council determines that it is the best of the interest of the Village to waive the assessment charge for the those properties located in the existing Briarwood development connecting to the Village’s public sanitary sewer system as identified on the Water and Sewer Customer List currently on file with the Director of Public Service; and

WHEREAS, the residential properties located in Richfield Township and connected to the private sewer operated by Water and Sewer will cease to have sanitary sewer service upon discontinuance of the private sanitary sewer; and

WHEREAS, Sections 921.07 and 926.01(b) of the Village’s Codified Ordinances limits public sanitary sewer service to properties located within the municipal boundaries of the Village; and

WHEREAS, Council determines that allowing the residential properties located in Richfield Township previously served by Water and Sewer to connect to the Village’s public sanitary sewer system serves the public health, safety, and welfare by alleviating a potential public health emergency that might have resulted from the loss of sanitary sewer service to those properties located in Richfield Township; and

WHEREAS, the Village has the authority to charge an assessment fee to the Richfield Township residential property to connect to the Village’s public sanitary sewer service; and

WHEREAS, the Village anticipates recouping the cost of the New Sanitary Sewer through applicable proceeds from tax increment financing PILOTS; and

WHEREAS, Council determines that it serves the public health, safety, and welfare by fostering good relations and harmonious cooperation among neighboring communities to waive the Richfield Township property owners assessment fee to connect their primary home to the Village’s public sanitary sewer; and

WHEREAS, all other applicable Sections of Chapter 926 of the Village's Codified Ordinances remain in full effect; and

WHEREAS, if the PILOTs identified above are not of sufficient value to recoup the costs recited in the Agreement, the Mayor and Council reserve the right to levy an assessment/user charge to all benefited properties (including those located in Richfield Township) of the New Sanitary Service.

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

SECTION 1. Council hereby waives the assessment charge for those properties located in the existing Briarwood the Village's public sanitary sewer system as identified on the Water and Sewer Customer List currently on file with the Director of Public Service.

SECTION 2. Council hereby waives the restriction on allowing properties located outside of the boundaries of the Village from connecting to the Village's public sanitary sewer and authorizes the Mayor and Director of Public Service to allow the following properties to connect to the Village's public sanitary sewer system:

3563 Burrwood (PPN 48-01437)  
3566 Burrwood (PPN 48-01438)  
3571 Burrwood (PPN 48-01436)  
3578 Burrwood (PPN 48-01439)  
3585 Burrwood (PPN 48-01435)  
3588 Burrwood (PPN 48-01440)  
3827 Briarwood (PPN 48-01223)  
3860 Briarwood (PPN 48-01226)  
3918 Briarwood (PPN 48-01228)  
3672 Streetsboro (PPN 48-01229)

SECTION 3. Council hereby waives charging the properties identified above in Section 2 an assessment fee for connecting their primary home to the Village's public sanitary sewer.

SECTION 4. All other applicable sections of Chapter 926 of the Village's Codified Ordinances remain in full effect for all benefited properties located in the existing Briarwood development and Richfield Township connecting to the Village's public sanitary sewer system.

SECTION 5. The Council and Mayor hereby reserve the right to levy an assessment/connection charge to all benefited properties located in the existing Briarwood development and Richfield Township connecting to the Village's public sanitary sewer system if the tax increment financing PILOTs identified in the Agreement are not of sufficient value to recoup the costs recited in the Agreement.

SECTION 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the residents of the Village of Richfield and for the purpose ensuring prompt delivery of public sanitary sewer service; 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: 5-3-2022

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President of Council

\_\_\_\_\_  
Mayor

Dated: \_\_\_\_\_

ATTEST

  
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Clerk of Council