

**ORDINANCE NO. 2017 – 13**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATION AGREEMENT WITH THE CITIES OF MIDDLEBURG HEIGHTS AND STRONGSVILLE FOR RESURFACING OF THE PORTION OF PEARL ROAD BETWEEN THE OHIO TURNPIKE BRIDGE IN STRONGSVILLE TO SOUTH OF SNOW ROAD IN PARMA HEIGHTS, AND DECLARING AN EMERGENCY.**

WHEREAS, portions of Pearl Road are located within the Cities of Middleburg Heights, Parma Heights and Strongsville; and

WHEREAS, Middleburg Heights, Parma Heights and Strongsville each desire to cooperate with the other pursuant to Section 715.02 of the Ohio Revised Code, to improve their respective communities, as well as bringing benefit to the traveling public in general by repairing and resurfacing the pavement on Pearl Road from the Ohio Turnpike bridge in Strongsville to south of Snow Road in Parma Heights (“Pearl Road Project”); and

WHEREAS, Middleburg Heights, Parma Heights and Strongsville have and will submit an application to the Northeast Ohio Areawide Coordinating Agency (“NOACA”), Ohio Department of Transportation Urban Paving Program, Ohio Public Works Commission (“OPWC”), Cuyahoga County and Ohio Department of Transportation Turnpike Mitigation Program (as well as any other viable source of public grant monies) for a grant of funds in the maximum amount available which shall be expended to satisfy the costs of the Pearl Road Project; and

WHEREAS, Middleburg Heights, Parma Heights and Strongsville wish to divide any costs incurred in all aspects of the development, construction and completion of the Pearl Road Project, after application of any grant funds obtained, including the costs of preliminary engineering plans and the preparation of bid specifications as follows: Middleburg Heights – Forty-Five Percent (45%); Parma Heights – Forty-Two Percent (42%); and Strongsville – Thirteen Percent (13%); and

WHEREAS, Middleburg Heights shall act as the Lead Agency for the Pearl Road Project, and shall be charged with the responsibility of obtaining engineering review, cost estimates, plans and specifications. Further as the Lead Agency, Middleburg Heights shall conduct the public bidding and contract awarding process as dictated by Ohio law; and

WHEREAS, therefore, Middleburg Heights, Parma Heights and Strongsville wish to enter into this Cooperation Agreement in order to provide for the designation of the lead responsibility with respect to the Project, for the sharing of all Project costs, as set forth above, including but not limited to the design engineering, construction of improvements, construction supervision, contract administration and related items.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. The Mayor be and is hereby authorized and directed to enter into a Cooperation Agreement with the Cities of Middleburg Heights and Strongsville for the resurfacing of a portion of Pearl Road, in substantially the form attached hereto as Exhibit "1" and incorporated herein as if fully rewritten, which in all respects is hereby approved.

Section 2. The funds necessary for Parma Heights' portion of the costs of this project will be financed through the issuance of Note Financing; and such funding will be deposited to and appropriated from the Capital Project Fund.

Section 3. This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 4. This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to authorize execution of said agreement to commence the process to undertake the aforesaid improvements to provide for the safe flow of vehicular traffic on Pearl Road, and to conserve public funds, wherefore, this ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: 6-26-2017

  
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PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohdan

6-26-2017  
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APPROVED

FILED WITH  
THE MAYOR: 6-26-2017

  
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MAYOR