

City of Oberlin, Ohio

ORDINANCE No. 11- 61 AC CMS

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO FILE A JOINT APPLICATION WITH THE LORAIN COUNTY COMMISSIONERS TO THE DISTRICT 9 PUBLIC WORKS INTEGRATING COMMITTEE FOR OHIO PUBLIC WORKS COMMISSION ISSUE II FUNDING FOR THE OBERLIN ROAD BRIDGE #0044 REPLACEMENT PROJECT AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the City Manager is hereby authorized and directed to file a joint application with the Lorain County Commissioners to the District 9 Public Works Integrating Committee for Ohio Public Works Commission (OPWC) Issue II Round 26 funding for the following project:

Oberlin Road Bridge #0044 Replacement Project

SECTION 2. That the City of Oberlin hereby agrees that the Lorain County Commissioners shall be designated "Lead Agency" for the purposes of this OPWC Issue II Round 26 project.

SECTION 3. That the City Manager is hereby authorized and directed to enter into a Co-operation Agreement with the Lorain County Commissioners for the purpose of administering this Issue II Round 26 project only.

SECTION 4. That the City of Oberlin hereby agrees that if said Issue II Round 26 project is funded, the City of Oberlin will provide local matching funds as designated in the grant application.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

"in order to allow for the filing of an Issue II grant application in a timely manner", and shall take effect immediately upon passage.

PASSED: 1st Reading — August 22, 2011 (S, E)
2nd Reading —
3rd Reading —

ATTEST:



Belinda B. Anderson

BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



Kenneth Sloane

KENNETH SLOANE
PRESIDENT OF COUNCIL

POSTED: 8/23/2011

EFFECTIVE DATE: 8/22/2011

11-11-23A05:52 RCVD

**COOPERATION AGREEMENT
BY AND BETWEEN
LORAIN COUNTY
AND
THE CITY OF OBERLIN**

This Agreement, by and between Lorain County, State of Ohio (hereinafter referred to as "County") and the City of Oberlin, County of Lorain, State of Ohio (hereinafter referred to as "City"), is hereby entered into on this 9th day of November, 2011.

WITNESSETH:

Whereas, the County and the City intend to file a joint application to the Ohio Public Works Commission (hereinafter referred to as "OPWC") for Issue II Round 26 funding for the project known as "Oberlin Road Bridge #0044 Replacement"; and

Whereas, the OPWC requires that the parties submitting a joint application for funding enter into a "Cooperation Agreement".

Now, therefore, in consideration of the foregoing the parties hereto do mutually agree as follows:

1. Lead Agency

The City does hereby authorize the County to be the lead applicant and, as such, to sign all necessary documents.

2. Project Financing

a. The County will provide funds totaling 13.00% of the cost of the project. Said funds will come from the _____ funds. Furthermore, the County agrees to pay its share of the cost as invoices are due/at the end of the project/as otherwise agreed upon.

b. The City will provide funds totaling 13.00% of the cost of the project. The City will provide 100% of the funding necessary to relocate its water main as required for the construction of the project. Said funds will come from the Capital Improvement and/or the Water Reserve Replacement fund. Furthermore, the City agrees to pay its share of the cost as invoices are due/at the end of the project/as otherwise agreed upon.

3. Project Authorization

- a. This project is authorized by Lorain County Resolution Number 11-727
- b. This project is authorized by City of Oberlin Ordinance Number 11-61 AC CMS

4. Term of Agreement

This Agreement shall commence at the latest date set forth below. This Agreement shall be commensurate with the term of the OPWC grant award.

5. Successors and Assigns

This Agreement shall be binding upon and inure to the benefit of the County and the City. This Agreement and its rights and responsibilities shall not be assigned or transferred without the prior written consent of the County and of the City.

6. Severability

If any section of this Agreement is found to be illegal, unconstitutional, improper or unenforceable, said section shall not affect the enforceability of the remainder of this Agreement.

7. Jurisdiction

This Agreement shall be construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, **Lorain County and the City of Oberlin**, by their duly authorized agents, have executed this Agreement on the dates set forth next to their signatures.

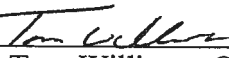
Lorain County:

BY: 
Ted Kalo, Commissioner

DATE: 11-15-11

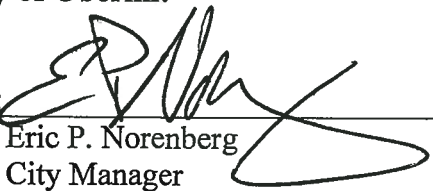
BY: 
Lori Kokoski, Commissioner

DATE: 11-15-11

BY: 
Tom Williams, Commissioner

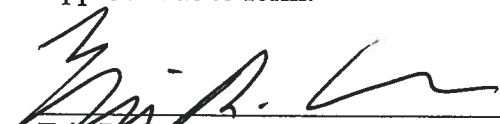
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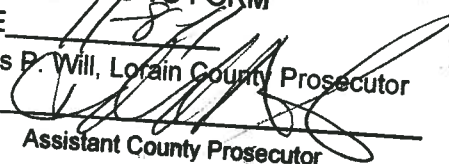
City of Oberlin:

BY: 
Eric P. Norenberg
City Manager

DATE: 11/21/11

Approved as to form:


Eric R. Severs, Law Director

APPROVED AS TO FORM
DATE: 11-18-11
Dennis P. Will, Lorain County Prosecutor
By: 
Assistant County Prosecutor