

CITY OF BROOK PARK, OHIO

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RESOLUTION NO. 1-2019

INTRODUCED BY: MAYOR GAMMELLA

A RESOLUTION
AUTHORIZING THE MAYOR TO
ENTER INTO A COOPERATIVE AGREEMENT WITH
THE CITY OF MIDDLEBURG HEIGHTS
FOR THE RESURFACING OF SHELDON ROAD
AND DECLARING AN EMERGENCY

WHEREAS, Brook Park and Middleburg Heights 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 Sheldon Road from the approximately 780' east of the Eastland Road intersection to the Engle Road intersection; and

WHEREAS, Brook Park and Middleburg Heights 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 in the agreement, including but not limited to the design engineering, construction of improvements, construction supervision, contract administration and related items.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: That the Mayor is hereby authorized to enter into a Cooperative Agreement with the City of Middleburg Heights, a copy of which is attached hereto and marking "Exhibit A."

SECTION 2: 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 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 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of said City, and for the further reason that Council deems it necessary to proceed with cooperating with the City of Middleburg Heights on this project and that it is

necessary to execute the Agreement in a timely fashion; therefore, provided this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately from and after its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: March 5, 2019

Michael Vecchio
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
CLERK OF COUNCIL

APPROVED: [Signature]
MAYOR

3/5/19
DATE

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

[Signature]
DIRECTOR OF LAW

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution

No. 1-2019
passed on the 5th day of March
2019 by said council.

Michelle Blazak
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing March 6, 2019
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

	Yea	Nay
Stemm	<u>✓</u>	_____
Mencini	<u>✓</u>	_____
Orcutt	<u>✓</u>	_____
Scott	<u>✓</u>	_____
Burglo	<u>✓</u>	_____
Poindexter	<u>✓</u>	_____
Salvatore	<u>Spurred</u>	_____

AGREEMENT
Between
THE CITY OF MIDDLEBURG HEIGHTS
And
THE CITY OF BROOK PARK

THIS AGREEMENT is entered into as of this ____ day of _____, 2019, between the City of Middleburg Heights ("Middleburg Heights"), a municipal corporation of the State of Ohio, through its Mayor ("Mayor") and, under the authority of Resolution No. 2019-_____, passed by the Council of the City of Middleburg Heights on _____, 2019, and the City of Brook Park ("Brook Park"), a municipal corporation of the State of Ohio through its Mayor ("Mayor") and, under the authority of Resolution No. _____-2019.

RECITALS:

1. The County of Cuyahoga will provide funding assistance in the amount of 50% of the eligible construction costs up to a maximum of \$250,000.00.
2. Brook Park and Middleburg Heights desire to cooperate in the completion of the Project under the terms, conditions and provisions contained in this Agreement.

In consideration of the foregoing, the payments and the mutual promises contained in this Agreement, the parties agree as follows:

ARTICLE I. COST SHARING GENERALLY

- A. Engineering Design Costs
The Brook Park will pay fifty percent (50%) of the local share of the Engineering Design Costs and Middleburg Heights will pay the remaining fifty percent (50%) of those costs.
- B. Construction Costs
The Brook Park shall pay fifty percent (50%) of the local share of the Construction Costs and Middleburg Heights shall pay the remaining fifty percent (50%) of those costs. The final local share costs allocated to each municipality will be less payment of eligible costs from the County of Cuyahoga reimbursement.
- C. Construction Administration Costs
The Brook Park shall pay fifty percent (50%) of the local share of the Construction Administration Costs and Middleburg Heights shall pay the remaining fifty percent (50%) of those costs.

D. Discretionary Costs

If either city determines that additional work is required that is unique to either Brook Park or Middleburg Heights, that city shall be responsible for one hundred percent (100%) of the costs of that additional work.

ARTICLE II. SPECIFIC SERVICES

- A. The Brook Park Consulting City Engineer shall provide Engineering Design Services for the Project. Brook Park shall bid and award the construction contract for the Project in accordance with Brook Park's laws for competitive bidding. The Director of Public Service for the City of Middleburg Heights shall approve the construction contract specifications prior to Brook Park advertising the contract. Brook Park shall require the construction contractor to name Middleburg Heights as an additional insured on any insurance required in the construction contract specifications.
- B. The Middleburg Heights Consulting City Engineer shall provide Construction Administration Services for the Project based on approved engineering plans provided by Brook Park. Contractor's pay estimates will be processed by the Middleburg Heights Consulting City Engineer and submitted to Brook Park for payment. Project Inspector(s) will be employed by the Middleburg Heights Consulting City Engineer and Inspector Fees will be paid by the Contractor.

ARTICLE III. PROJECT COSTS

Estimated Project costs:

Engineering Design = \$54,372.60

Construction = \$865,000.00

Construction Administration = \$34,000.00.

The County of Cuyahoga (ID #1224) has agreed to contribute fifty percent (50%) of the eligible construction costs up to \$250,000.

ARTICLE IV. COVENANTS

- A. The City of Brook Park by its Mayor, having been duly authorized to enter into an Agreement of Cooperation with the County of Cuyahoga by Ordinance No. _____ adopted by Council of the City of Brook Park on the _____ day of _____, 20__.

- B. Said Agreement of Cooperation contained certain terms and conditions of which related to both Brook Park and Middleburg Heights.
- C. The City of Brook Park hereby agrees to the terms and conditions as stated in said Agreement of Cooperation as they relate to the City of Brook Park.
- D. The Middleburg Heights hereby agrees to the terms and conditions as stated in said Agreement of Cooperation as they relate to the City of Middleburg Heights.

ARTICLE V. TERM

This Agreement shall, unless extended by the parties or unless sooner canceled or terminated under the provisions of this Agreement expire upon completion of the Project.

ARTICLE VI. PAYMENTS

- A. Local Share
 Brook Park shall pay the Engineering Design Invoices, the Construction Contractor Invoices and the Construction Administration Invoices. Middleburg Heights will reimburse Brook Park for Middleburg Heights' share of the Costs. Middleburg Heights will pay Brook Park after Brook Park submits invoices and any documentation requested by Middleburg Heights to show that Brook Park has paid the Consultants and Contractors. Middleburg Heights will pay Brook Park within 60 days of the postmark date of an invoice from Brook Park. There will be a late penalty of ten percent (10%) of the outstanding amount for amounts not paid within 60 days.

ARTICLE VII. NOTICE AND PAYMENTS

All notices which may be proper or necessary to be served and payments to be made under this Agreement shall be sent by regular mail, postage prepaid, to the following addresses or to such other address as either party may later designate for such purpose. To Middleburg Heights: c/o Director of Public Service, 15700 Bagley Road, Middleburg Heights, Ohio 44130. To Brook Park: c/o Director of Public Service, 19065 Holland Road, Brook Park, Ohio 44142.

The following attached documents are incorporated with and made a part of this Agreement:

- 1. Middleburg Heights Ordinance No. _____
- 2. Brook Park Ordinance No. _____-20_____

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the date and year first above written.

Signed in the presence of:

CITY OF BROOK PARK

By: _____
Michael D. Gammella, Mayor

(witness)

Signed in the presence of:

CITY OF MIDDLEBURGH HEIGHTS

By: _____
Matthew Castelli, Mayor

(witness)

The legal form and correctness of the within instrument is approved.

The legal form and correctness of the within instrument is approved.

By: _____

Director of Law, Middleburg Heights

By: 
CAROL HORVATH
Director of Law, Brook Park