

RESOLUTION NO. 2021-41
INTRODUCED BY: Mayor Bodnar

**AN EMERGENCY RESOLUTION
AUTHORIZING AND DIRECTING THE MAYOR AND PRESIDENT OF COUNCIL
TO ENTER INTO A RIGHT OF ENTRY AGREEMENT
WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT
FOR THE PURPOSE OF SITE RESTORATION**

WHEREAS, the Northeast Ohio Regional Sewer District has determined it is necessary to perform certain site restoration work related to the abandonment of a sewer line located on the property located at 943 Wilson Mills Rd., Mayfield, Ohio (PPN: 831-40-001); and

WHEREAS, the Village desires to grant to the Northeast Ohio Regional Sewer District a Right of Entry to perform such necessary site restoration work; and

WHEREAS, the Council deems it necessary and in the best interest of the health, safety and welfare of all Mayfield Village residents to enter into a Right of Entry Agreement with the Northeast Ohio Regional Sewer District.

BE IT RESOLVED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

SECTION 1. The Council of Mayfield Village, Ohio hereby authorizes and directs the Mayor and President of Council to enter into the Right of Entry Agreement with the Northeast Ohio Regional Sewer District attached hereto as Exhibit "A."

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution pursuant to the Village's Charter and Ordinances have been taken at open meeting of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This resolution is hereby declared to be an emergency measure immediately necessary for the preservation of health, safety and welfare of the residents of Mayfield Village,

Ohio, for the reason that it provides for necessary site restoration work for the safety of Village residents. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than five (5) members elected to Council and approved by the Mayor or otherwise at the earliest time allowed by law.



STEPHEN SCHUTT
Council President

First Reading: November 15, 2021

Second Reading: Suspended, 2021

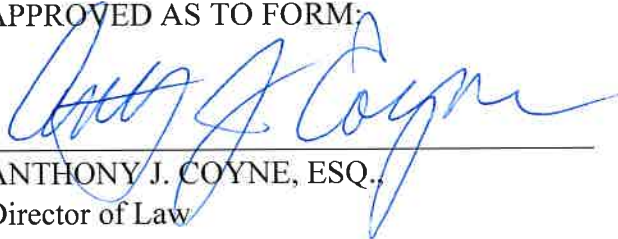
Third Reading: Suspended, 2021

PASSED: November 15, 2021



BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:



ANTHONY J. COYNE, ESQ.,
Director of Law

ATTEST: Mary E. Betsa
MARY E. BETSA, MMC
Clerk of Council

RIGHT OF ENTRY AGREEMENT

This Agreement is made this ____ day of _____, 20___, between the Northeast Ohio Regional Sewer District (“District”), a regional sewer district organized and existing as a political subdivision of the State of Ohio under Chapter 6119 of the Ohio Revised Code, acting pursuant to Resolution No._____, adopted by its Board of Trustees on _____, and the Village of Mayfield (“Owner”) (collectively the “Parties”).

WHEREAS, the Owner owns the real property located at 943 Wilson Mills Rd., Mayfield, Ohio, and known as Cuyahoga County Permanent Parcel Number 831-40-001 (“Property”); and

WHEREAS, District, including its employees, consultants, and contractor, desires to enter the Property for the purposes of site restoration related to the abandonment of a sewer line, and Owner desires to permit entry upon the Property.

NOW, THEREFORE, in consideration of the terms and conditions herein stated, District and Owner agrees as follows:

1. Owner hereby grants District, its employees, consultants, and contractor, the right of entry and the right to use the Property for the purposes of site restoration related to the abandonment of a sewer line (“Project”).
2. All work associated with the Project is restricted to the area outlined in red as shown on Exhibit “A”. District is responsible for restoration of any area disturbed by its work.
3. Owner will not be assessed any costs associated with the Project.
4. This Right of Entry shall be valid for a period of one week from the date of entry by the District’s contractor.
5. To the extent allowed by law, the District shall indemnify and hold harmless Owner from any and all claims and damages arising from the District’s activities under this Agreement.
6. This Right of Entry Agreement becomes effective upon owner signing document.

IN WITNESS WHEREOF, the Parties hereunto have caused this Agreement to be executed on the day and year first above written.

**NORTHEAST OHIO REGIONAL SEWER
DISTRICT**

By: _____
Kyle Dreyfuss- Wells, Chief Executive Officer

VILLAGE OF MAYFIELD

By: Brenda Bodnar

Print: Brenda T. Bodnar

Title: Mayor

By: [Signature]

Print: Stephen Schutt

Title: President of Council

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

Eric Luckage
Chief Legal Officer

By: _____

Julie A. Blair
Assistant General Counsel

Date: _____

Approved as to Form:

[Signature]
Anthony J. Coyne
Law Director

Bonnieview Rd Abandoned Sewer Removal



