

ORDINANCE NO. 129-23

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT
TO THE LETTER AGREEMENT DATED JUNE 27, 1990, WITH THE CITY
OF NORTH RIDGEVILLE REGARDING THE SANITARY SEWER
USAGE FEES FROM COUNTRYSIDE ESTATES #1**

WHEREAS, on or about June 27, 1990, the cities of North Ridgeville and Avon entered into an agreement to address sanitary sewer usage and tap-in fees for the future Countryside Estates #1; and

WHEREAS, the Agreement entered into specifically allowed the subdivider of Countryside Estates #1 to access the North Ridgeville 12 inch sanitary sewer on the south side of Mills Road without any user fees.

WHEREAS, when permits for new homes were issued by the City of Avon, sewer tap fees were paid to the City of North Ridgeville; and

WHEREAS, the City of Avon has remitted to North Ridgeville all the applicable tap fees pertinent to Countryside Estates #1; and

WHEREAS, the City of North Ridgeville and the City of Avon have now agreed that the City of Avon will pay One Dollar (\$1.00) per One Thousand (1,000) gallons of water consumption as a sanitary sewer usage fee; and

WHEREAS, this usage fee will assist the City of North Ridgeville to maintain and/or replace the 12 inch sanitary sewer, when needed, at some point in the future; and

WHEREAS, City Council finds that the amendment to the letter agreement dated June 27, 1990, is fair and equitable to the residents of both the Cities of Avon and North Ridgeville and that adopting same will be in the best interest of the health, safety and welfare of both communities.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - The Mayor of the City of Avon is hereby authorized to enter into an amendment to the letter agreement dated June 27, 1990 with the City of North Ridgeville, a copy of which is attached hereto, and marked "Exhibit A" and incorporated herein by reference. Said agreement will require Avon to pay to North Ridgeville One Dollar (\$1.00) per One Thousand (1,000) gallons of water consumed by customers living within the Countryside Estates #1 subdivision.

Section 2 - It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such

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formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading 12-04-23
Second Reading 12-11-23
Third Reading 12-18-23

PASSED: December 18, 2023 DATE SIGNED: December 18, 2023

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: December 19, 2023

BKJ
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Posted: December 20, 2023
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 129-23, passed by the Council of said City on December 18, 2023.

IN WITNESS WHEREOF, I have on this 19th day of December, 2023, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio



CITY OF AVON

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November 7, 2023

Kevin Corcoran, Mayor
City of North Ridgeville
7307 Avon Belden Road
North Ridgeville, Ohio 44039

RE: Countryside Estates #1
(formerly known as Wyandott Subdivision #2)
J & R Land Co.

Dear Mayor Corcoran:

On or about June 27, 1990, the cities of North Ridgeville and Avon entered into an agreement to address sanitary sewer user and tap-in fees for the above-referenced subdivision. As a result of that agreement, Countryside Estates #1, located within Avon on the northside of Mills Road in the City of Avon, was developed with connection to the North Ridgeville Interceptor sewer on the southside of Mills Road. Countryside Estates #1 is fully built-out and that connection remains in place to this day.

It is now the desire of the two cities to amend that June 27, 1990 agreement as set forth herein. To that end, it is now the understanding of the parties that:

Paragraph 2, which currently reads as follows:

2. The City of Avon will remit to North Ridgeville its applicable tap fee as soon as practicable after collection;

Shall be amended to read as follow:

2. The City of Avon **has remitted** to North Ridgeville **all the** applicable tap fees **pertinent to the above-referenced subdivision.**

Add new Paragraph 6, which will read as follows:

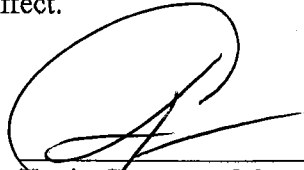
6. **Effective January 1, 2024, the City of Avon will pay One Dollar (\$1.00) per One Thousand (1,000) gallons of water consumption for all service connections discharging from a City of Avon owned sewer from Countryside Estates #1 into the Mills Road twelve inch (12") sanitary sewer line located in, owned and operated by the City of North Ridgeville, unless specified otherwise in a separate agreement between both cities. Sanitary sewer services connected directly to the North Ridgeville sanitary sewer will continue to be billed directly by North Ridgeville.**

Kevin Corcoran, Mayor
City of North Ridgeville
November 7, 2023
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By executing this letter agreement on the signature lines set forth below, each Mayor, on behalf of their respective political subdivision, acknowledges that this agreement will supersede the agreement of June 27, 1990 but only to the extent set forth herein. All other paragraphs of that June 27, 1990 agreement remain in full force and effect.



Bryan K. Jensen, Mayor
City of Avon, Ohio



Kevin Corcoran, Mayor
City of North Ridgeville, Ohio

JAG/ch