

**CITY OF TWINSBURG, OHIO
ORDINANCE 28-2008**

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF TWINSBURG AND THE CITY OF MACEDONIA FOR THE IMPROVEMENT OF SHEPARD ROAD AND FLORENCE DRIVE BY CONSTRUCTING A SANITARY SEWER, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Twinsburg, County of Summit, and State of Ohio:

Section I. Findings and Determinations. This Council makes the following findings and determinations:

- (a) The City of Twinsburg and the City of Macedonia desire to improve Shepard Road and Florence Drive by constructing a sanitary sewer, together with the necessary appurtenances (the "Improvement").
- (b) A boundary line between the cities is located within Shepard Road.
- (c) In accordance with Section 727.41, Ohio Revised Code, the cities desire to apportion the cost of the Improvement between them and to enter into an agreement to provide for the construction of the Improvement and the payment of the costs of the Improvement by the two cities.

Section II. Authorization of Agreement. This Council authorizes and directs the Mayor, together with any other officials of the City, as necessary and appropriate, to sign and deliver an agreement with the City of Macedonia for the construction of the Improvement and payment of its costs. The agreement will provide that each city will pay a portion of the cost of the Improvement and that Macedonia will take exclusive charge of the details of the construction of the Improvement, including advertising for bids and awarding the contract. The agreement must be in substantially the form provided to this Council and now on file with the Clerk of Council, with such changes as the Mayor may approve and are not inconsistent with this ordinance.

Section III. Open Meetings. It is found and determined that all formal actions of this Council concerning and relating to the enactment of this ordinance were taken in an open meeting or meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public and in full

compliance with all legal requirements, including without limitations, those set forth in Section 121.22, Revised Code.

Section IV. Publication. This ordinance will be published in accordance with Section 113.01, Twinsburg Codified Ordinances, by posting one copy at each of the public locations designated by Section 113.02, Twinsburg Codified Ordinances, for at least 15 days.

Section V. Emergency and Effective Date. This Council declares this ordinance to be an emergency measure, necessary for the preservation of the public peace, health, safety, convenience, and welfare of the City of Twinsburg and its inhabitants, and for the further reason that this ordinance is necessary to proceed with the construction of the Improvement, which is urgently required to dispose of wastewater and thereby protect the health of the inhabitants of the City. If this ordinance receives the affirmative vote of five or more members of Council, it will take effect and be in force immediately upon its enactment and approval of the Mayor; otherwise, it will take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____

Robert McDermott, President of Council

Submitted to the Mayor for approval this
_____ day of _____, 2008

Approved by the Mayor _____, 2008

Katherine A. Procop, Mayor

ATTEST:

Marie K. Weaver
Deputy Clerk of Council

1st Rdg. _____

2nd Rdg. _____

3rd Rdg. _____

Passed: _____

Yes _____ No _____

CERTIFICATE OF POSTING

I, Marie K. Weaver, Deputy Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the _____ day of _____, 2008

Marie K. Weaver
Deputy Clerk of Council
City of Twinsburg

Approved as to legal form by:

David Maistros, Law Director