

ORDINANCE NO. 46-22

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO
A SETTLEMENT AGREEMENT AND RELEASE WITH THE CITY OF NORTH
RIDGEVILLE FOR PAYMENT OF UNPAID INFILTRATION COSTS
AND DECLARING AN EMERGENCY**

WHEREAS, the City of North Ridgeville recently conducted an audit of its outstanding receivables and found monies due and owing from the City of Avon for, among other things, unpaid sanitary sewer infiltration charges; and

WHEREAS, once those charges were presented to the City of Avon, the Finance Department conducted an extensive review of past check registers to determine the accuracy of the amounts being charged by North Ridgeville; and

WHEREAS, the actual amounts due and owing remain in dispute; and

WHEREAS, in an effort to avoid costly and protracted litigation of these issues, the parties have negotiated a “Settlement Agreement and Release” to bring the matter to a close; and

WHEREAS, Council finds that this settlement agreement reached between the two cities is fair and equitable and execution and adoption of same would be in the best interests of the health, safety and welfare of the citizens of Avon.

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

Section 1 - That Council, in an effort to bring about a reasonable resolution to the dispute between the City of North Ridgeville and the City of Avon for, among other things, unpaid sanitary sewer infiltration charges, hereby authorizes the Mayor to execute the “Settlement Agreement and Release” on behalf of the City of Avon in substantially the form as set forth in [Exhibit A](#), which is attached hereto and incorporated herein by this reference.

Section 2 – Pursuant to the language of said “Settlement Agreement and Release”, Council hereby authorizes the Finance Director to pay to the City of North Ridgeville the sum of Forty-three Thousand, Three Hundred and Twenty-Nine Dollars (\$43,329.00) as a full and final settlement of any and all outstanding claims of the City of North Ridgeville over past infiltration and other charges set forth in that agreement. Said funds shall be paid from Fund No. 631, the Sanitary Sewer Fund No. 2.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to bring about a fair and equitable settlement of the dispute over, among other things, unpaid infiltration costs between the City of North Ridgeville and the City of Avon; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

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