

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5147

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
INTO A FIRST AMENDMENT TO JOINT COOPERATIVE
AGREEMENT WITH THE CITY OF BROADVIEW HEIGHTS;
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to the provisions of paragraph 8., the Joint Cooperative Agreement may be amended in writing approved by the legislative authorities of both Cooperative Parties by appropriate legislation authorizing that amendment within ninety (90) days of each other

WHEREAS, the parties now desire to amend the Joint Cooperative Agreement.

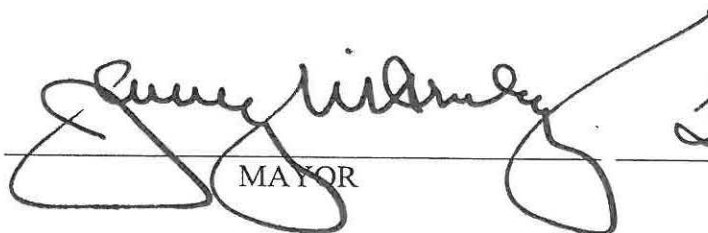
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

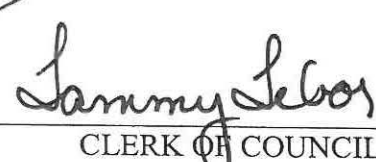
SECTION 1. The Mayor be, and he hereby is, authorized to enter into a First Amendment to Joint Cooperative Agreement with the City of Broadview Heights, a copy of which First Amendment is attached hereto as Exhibit "A."

SECTION 2. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the necessity to increase the not to exceed amount in the Agreement, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

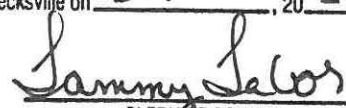
PASSED: May 4, 2021

APPROVED: May 4, 2021


MAYOR


CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5147 duly passed by the Council of the City of Brecksville, Ohio, on 5.4, 20 21 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 5.7, 20 21.


CLERK OF COUNCIL

FIRST AMENDMENT TO JOINT COOPERATIVE AGREEMENT

THIS FIRST AMENDMENT TO JOINT COOPERATIVE AGREEMENT (this “Amendment”) is made effective this ____ day of _____, 2021 (the “Amendment Effective Date”) by and between CITY OF BRECKSVILLE, OHIO, (“Brecksville”), and CITY OF BROADVIEW HEIGHTS, OHIO (“Broadview Heights”).

RECITALS

- A. Brecksville and Broadview Heights have entered into a certain Joint Cooperative Agreement dated as of November 7, 2017 (“Agreement”), whereby Brecksville and Broadview Heights provided for the designation of the lead responsibility with respect to the widening and resurfacing of S.R. 82 (Royalton Road), for the sharing of costs of said project.
- B. The parties have agreed to enter into this First Amendment to amend the Joint Cooperative Agreement with respect to such matters as are specifically set forth herein.

NOW, THEREFORE, Brecksville and Broadview Heights, intending to be legally bound, and for valid consideration, hereby agree as follows:

- 1. **REPLACE THE FIRST SENTENCE OF PARAGRAPH 3. COSTS AND PAYMENT PROCESS WITH THE FOLLOWING:**

The total construction cost of the Project shall not exceed twelve million, seven hundred and fifty thousand dollars (\$12,750,000.00) without prior approval of both Broadview Heights and Brecksville City Councils.
- 2. Except as expressly amended by this First Amendment, the Joint Cooperative Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the parties agree that this First Amendment shall be dated and effective as of the date first set forth above.

APPROVED AS TO FORM ONLY:

CITY OF BRECKSVILLE

By: _____
David J. Matty, Director of Law
City of Brecksville

By: _____
Jerry N. Hruby, Mayor
City of Brecksville

APPROVED AS TO FORM ONLY:

CITY OF BROADVIEW HEIGHTS

By: _____
Vince Ruffa, Esq., Director of Law
City of Broadview Heights

By: _____
Samuel J. Alai, Mayor
City of Broadview Heights

CERTIFICATION OF FUNDS

I, David Pfaff, Finance Director of the City of Broadview Heights, Ohio hereby certify that the money to meet this First Amendment has been lawfully appropriated for the purpose of the First Amendment and is in the treasury of the City, or is in the process of collection to the credit of the appropriate fund free from prior encumbrance.

Date: _____

David Pfaff
Finance Director

CERTIFICATION OF FUNDS

I, Laura Starosta, Director of Finance of the City of Brecksville, Ohio hereby certify that the money to meet this First Amendment has been lawfully appropriated for the purpose of the First Amendment and is in the treasury of the City, or is in the process of collection to the credit of the appropriate fund free from prior encumbrance.

Date: _____

Laura Starosta
Director of Finance