

# RECORD OF ORDINANCES

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 48-13

Passed         , 20    

6/18/13-gmk  
(Finance & Property)

## Ordinance No. 48-13

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a revised Supplemental Sewer Agreement by and between the City of North Canton ("North Canton") and the City of Canton ("Canton") for Operations, Maintenance, and Replacement ("OM&R") of sanitary sewers, and to amend the March 22, 1974 Agreement and the series of supplements thereafter, and declaring the same to be an emergency.

WHEREAS, North Canton and Canton are fully authorized to enter into this agreement; and

WHEREAS, the Basic Agreements obligate North Canton and Canton to revise same as necessary and required; and

WHEREAS, the Basic Agreements provide for OM&R cost sharing between the Parties (North Canton, Canton, and Stark County); and

WHEREAS, the Supplemental Sewer Agreement dated November 30<sup>th</sup>, 2009 required that the percentage share of the flow between the Parties be determined and accepted within thirty-six (36) months of the effective date of the Agreement; and

WHEREAS, the same Agreement required that the difference in percentage between the temporary 7.5 share of the OM&R for North Canton and the share determined by the flow metering studies be determined; and

WHEREAS, North Canton and Canton agreed to structure a repayment plan acceptable to both Parties following acceptance of the study; and

WHEREAS, it has been determined that the best method for determining the percentages allocable to the several parties for OM&R costs will be the Single Family Equivalent method.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a revised Supplemental Sewer Agreement by and between North Canton and Canton for Operations, Maintenance, and Replacement of sanitary sewers, and to amend the March 22, 1974 Agreement and the series of supplements thereafter.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

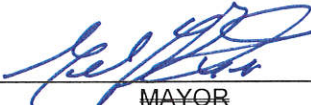
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Ordinance No. 48-13

Passed June 24, 2013

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely acceptance of the revised Supplemental Sewer Agreement and improvements to the Canton Water Reclamation Facility; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

North Canton, OH  
Passed: 6/24/13

  
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MAYOR  
DIRECTOR OF ADMINISTRATION\*  
SIGNED: 6/24/, 2013

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

\*Pursuant to Section 3.01 of the North Canton Charter