

KEVIN D. MALECEK
President of Council

DAVID A. REICHEL
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
NANCY E. FELLOWS
DAVID M. FIEBIG
FRANK A. GERMANO
RAYMOND C. SOMICH

ORDINANCE NO. 2010-13

AN ORDINANCE AUTHORIZING THE MAYOR AND LAW DIRECTOR TO EXECUTE AN AGREED JUDGMENT ENTRY IN THE CASE TITLED NORTHEAST OHIO REGIONAL SEWER DISTRICT VS. BATH TOWNSHIP, OHIO, ET AL; CUYAHOGA CASE NO. CV-10-714945 AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willoughby Hills was one of sixty-two named defendants in a Complaint filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio by the plaintiff, Northeast Ohio Regional Sewer District (NEORS) on January 14, 2010; and

WHEREAS, said Complaint identified two parcels in the City of Willoughby Hills to be within the District's service area and, pursuant to Section 5.0102 of Title V of the District's Code of Regulations, are included in the Regional Storm Water Management Program and are to be subject to a Stormwater Fee; and

WHEREAS, said parcels, Permanent Parcel No. 31-A-007-C00-017-0 and Permanent Parcel No. 31-A-007-C-00-018-0 are served by sewers connected to the NEORS Easterly Wastewater Treatment Plant; and

WHEREAS, The Northeast Ohio Regional Sewer District's Regional Stormwater Management Program as set forth in Title V of the District's Code of Regulations and identified in the Complaint applies in the City of Willoughby Hills only to those two parcels which are within the District's Service area as served by sewers connected to the NEORS Easterly Wastewater Treatment Plant; and

WHEREAS, execution of the Agreed Judgment Entry will limit and terminate the City's involvement in the Case titled Northeast Ohio Regional Sewer District vs. Bath Township, Ohio, et al; Cuyahoga County Case Number CV-10-714945, consisting of two (2) pages and attached hereto as Exhibit "A" and referenced herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Mayor and Law Director are hereby authorized to execute an Agreed Judgment Entry in the Case titled Northeast Ohio Regional Sewer District vs. Bath Township, Ohio, et al; Cuyahoga County Case Number CV-10-714945, consisting of two (2) pages and attached hereto as Exhibit "A" and referenced herein.

SECTION 2. Said execution of the Agreed Judgment Entry will limit and terminate the City's involvement in the abovementioned Case.

SECTION 3. The Mayor and Law Director are hereby empowered and directed on behalf of the City to execute any and all other documents necessary in furtherance of said Agreed Judgment Entry.

SECTION 4. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 5. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of a municipal department, and further reason being that this ordinance is required to be immediately effective in order to comply with legal time restraints in filing responsive pleadings and thereby eliminate any significant legal fees; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: March 4, 2010

Submitted to the Mayor for his approval
on this 4 day of March, 2010

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Kevin D. Malecek
Kevin D. Malecek
President of Council

Approved by the Mayor

March 4, 2010

Robert M. Weger
Robert M. Weger
Mayor

ORDINANCE NO. 2010 – 13

I, Victoria Ann Savage, Clerk of Council for the City of Willoughby Hills, Lake County, Ohio do hereby certify that the foregoing **Ordinance No. 2010 – 13** was duly and regularly passed by the Council of the City of Willoughby Hills, Lake County, Ohio at a meeting held on **March 4, 2010**.

That this legislation was posted according to law and duly advertised pursuant to Ordinance No. 2003-19 in the Lake County News-Herald on **March 10, 2010**. Effective date of Legislation: **March 4, 2010**.

Victoria Ann Savage, CMC
Clerk of Council