

fully executed

ORDINANCE NO. 105-24

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
INTO A MAINTENANCE AGREEMENT WITH THE
COUNTY OF MEDINA FOR THE MAINTENANCE OF
BOUNDARY ROADS.**

WHEREAS: The City of Medina entered into a Maintenance Agreement with the County of Medina pertaining to the maintenance of boundary roads with the passage of Ord. 61-96, passed March 25, 1996; and

WHEREAS: Updates were necessary to reflect the maintenance currently being performed.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY
OF MEDINA, OHIO:**

SEC. 1: That the Mayor is hereby authorized and directed to enter into a Maintenance Agreement with the County of Medina for the maintenance of boundary roads.

SEC. 2: That a copy of the Maintenance Agreement is marked Exhibit A, attached hereto and incorporated herein.

SEC. 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: May 28, 2024

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: May 29, 2024

SIGNED: Dennis Hanwell
Mayor

MAINTENANCE AGREEMENT
BETWEEN
MEDINA COUNTY AND THE CITY OF MEDINA
FOR BOUNDARY ROADS

WHEREAS, Section 307.15 of the Ohio Revised Code provides that the Board of County Commissioners may enter into an agreement with the legislative authority of any municipal corporation and such legislative authority of the Municipal Corporation may enter into agreements with the Board of County Commissioners whereby the Board undertakes and is authorized by the contracting subdivision, to exercise any power, perform any function or render any service, on behalf of the contracting subdivision or its legislative authority which it could exercise on its own behalf; and

WHEREAS, the County of Medina ("County") and the City of Medina ("City") agree that the efficient maintenance of boundary roads requires a formal maintenance agreement ("Agreement"); and

WHEREAS, it is agreed that the general maintenance responsibility should be defined for the full width of the road rights-of-way for each section of roadway maintained; and

WHEREAS, it is agreed that winter maintenance responsibility of said boundary roads by the removal of ice and snow and/or the application of salt or abrasives should be defined; and

WHEREAS, it is agreed that a policy and system for the issuance of highway-related permits is in the best interest of public health and welfare; and

WHEREAS, the County of Medina and the City of Medina mutually agree that a formal agreement regarding the maintenance of portions of said roads by the other, constitutes

adequate consideration for entering into this Agreement; and

WHEREAS, this Agreement replaces the Maintenance Agreement entered into by and between the Parties hereto dated as of April 8, 1996.

NOW, THEREFORE, the parties in consideration of the following terms and agreement, each to the other, enter into this formal Agreement:

SECTION I. - DEFINITION - GENERAL MAINTENANCE RESPONSIBILITY:

- a. Pavement maintenance, including minor surface treatment, and/or resurfacing not exceeding two-inch (2") thickness.
- b. Vegetation control, including weeds, brush and trees.
- c. Application of pavement markings, except there shall be no changes in existing Street Marking Patterns on the above roads without prior written agreement of both parties.
- d. Guardrail repair and installation.
- e. Erection and repair of all uniform traffic control devices, except that the maintaining agency shall not be responsible for erection of additional regulatory signing or additional regulatory devices required as a result of the other party's legislative actions.
- f. Public health and welfare (dirt, obstacles, liquid spills, etc.).
- g. Minor pavement base repair.
- h. Repair of berms and roadside ditches.
- i. Cleaning, repairing and replacing of culverts and drainage systems.

SECTION II. - DEFINITION - WINTER MAINTENANCE OPERATIONS:

- a. Snow and ice removal.
- b. Application of abrasives.

SECTION III. - ROADWAY MAINTENANCE SECTIONS:

Upon the completion of the signing of this Agreement, the jurisdiction having responsibility for General Maintenance Operations and/or Winter Maintenance Operations on boundary line roads as defined in SECTION I. and SECTION II., shall be as follows:

A. **Medina County General Maintenance Sections:**

- (1) West Smith Road – beginning at a point in line with the Medina City West Corporation Line (North) and 2,621 feet west of the centerline of Lake Road and continuing west.
- (2) Lake Road – beginning at a point in line with the Medina City South Corporation Line (East) and 4,545 feet south of the centerline of Lafayette Road and continuing south.
- (3) Branch Road – beginning at a point in line with the Medina City West Corporation Line (North) and 4,157 feet west of the centerline of West Liberty Street and continuing west.
- (4) Abbeyville Road – beginning at a point in line with the Medina City South Corporation Line (East) and 2,340 feet north of the centerline of West Liberty Street and continuing north.
- (5) Marks Road (State Road) – beginning at a point in line with the Medina City North Corporation Line (East) and 500 feet north of the centerline of Birch Hill Drive and continuing north.
- (6) Ryan Road – beginning at a point in line with the Medina City South Corporation Line (West) and 1,110 feet south of the centerline of Lafayette Road and continuing south.
- (7) East Smith Road – beginning at a point in line with the Medina City East Corporation Line (South) and 292 feet east of the centerline of Timber Trail and continuing east.

B. Medina County Winter Maintenance Sections:

- (1) West Smith Road - beginning at Commerce Drive and continuing west.
- (2) Lake Road - beginning at the Medina City South Corporation Line (East) and continuing south.
- (3) Marks Road (State Road) - beginning at Birch Hill Drive and continuing north.
- (4) Branch Road - beginning at Commerce Drive and continuing west.
- (5) Ryan Road - beginning at West Sturbridge Drive and continuing south.
- (6) Abbeyville Road - beginning at West Liberty Street (S.R. 18) and continuing north.
- (7) East Smith Road - beginning at Timber Trail and continuing east.

C. City of Medina General Maintenance Sections:

- (1) West Smith Road – beginning at a point in line with the Medina City West Corporation Line (North) and 2,621 feet west of the centerline of Lake Road and continuing east.
- (2) Lake Road – beginning at a point in line with the Medina City South Corporation Line (East) and 4,545 feet south of the centerline of Lafayette Road and continuing north to West Smith Road.
- (3) Branch Road – beginning at a point in line with the Medina City West Corporation Line (North) and 4,157 feet west of the centerline of West Liberty Street and continuing east.
- (4) Abbeyville Road – beginning at a point in line with the Medina City South Corporation Line (East) and 2,340 feet north of the centerline of

West Liberty Street and continuing south.

- (5) State Road (Marks Road) – beginning at a point in line with the Medina City North Corporation Line (East) and 500 feet north of the centerline of Birch Hill Drive and continuing south.
- (6) Ryan Road – beginning at a point in line with the Medina City South Corporation Line (West) and 1,110 feet south of the centerline of Lafayette Road and continuing north.
- (7) East Smith Road – beginning at a point in line with the Medina City East Corporation Line (South) and 292 feet east of the centerline of Timber Trail and continuing west.

D. City of Medina Winter Maintenance Sections:

- (1) West Smith Road - beginning at Commerce Drive and continuing east.
- (2) Lake Road - beginning at the Medina City South Corporation Line (East) and continuing north.
- (3) State Road (Marks Road) - beginning at Birch Hill Drive and continuing south.
- (4) Branch Road - beginning at Commerce Drive and continuing east.
- (5) Ryan Road - beginning at West Sturbridge Drive and continuing north.
- (6) East Smith Road - beginning at Timber Trail and continuing west.

SECTION IV. - ISSUANCE OF HIGHWAY PERMITS:

A. Overweight and Oversize Permits:

- (1) Overweight and oversize permits shall be issued by and in accordance with adopted rules and regulations of the subdivision having maintenance responsibility as designated by SECTION III., A. and C.

- (2) The subdivision issuing the permit will set the amount of the bond required of the applicant based on the possible damage by the proposed move to the roadway, structures and utilities occupying the highway.
- (3) Overweight and oversize permit fees and inspection costs will be charged and collected by the subdivision having maintenance responsibility as designated by SECTION III, A. and C. and these fees and costs will be compatible with those fees and costs established by the subdivision in which the move will actually take place. If the proposed move will occur in both subdivisions, the applicant will be charged amounts based on fees and costs established by the subdivision that charges the greater amount.

B. Utility Permits:

Permits issued to utilities, companies or individuals for the installation of pipes, conduits, sewers, power lines and poles, telephone lines and poles, television cables and poles, shall be issued as follows:

- (1) Utility permits shall be issued by and in accordance with adopted rules and regulations of the subdivision having maintenance responsibility as designated by SECTION III., A. and C.
- (2) The subdivision issuing the permit will set the amount of the bond required of the applicant based on the possible damage by the installation of the utility to the roadway, structures and other utilities occupying the highway.
- (3) Utility permit fees and inspection fees will be charged and collected by the subdivision having maintenance responsibility as designated by SECTION III., A. and C. and these fees will be compatible with the fees established by the subdivision in which the installation will occur, or if the installation crosses from one subdivision to the other, in the subdivision in which the main utility line exists.
- (4) The subdivision that issues the permit will forward a copy to the other subdivision if the installation occurs wholly or in part within the latter's jurisdiction.
- (5) It is the intention of the parties herein to permit the subdivision having maintenance responsibility, as designated by Section III., A. and C. to issue service connection permits for utilities, without any intent of the parties to convey authority for the increase or addition of primary service facilities not previously provided.

C. Driveway Permits:

Driveway permits shall be issued by and in accordance with adopted rules and regulations of the subdivision having pavement maintenance responsibility as designated by Section III., A and C.

SECTION V.

The County of Medina and the City of Medina further agree that, in the event it is believed necessary and desirable that more extensive or unusual maintenance, repair, reconstruction or improvement should be performed, which is of such magnitude as to be beyond the scope of work considered in this agreement to be general maintenance, then such work may be performed by contract or by one or the other political subdivision upon the following conditions:

- A. Upon mutual written agreement of the parties hereto, as to the necessity, either Medina County or the City of Medina shall proceed to do the work by contract, or by means of their own work forces.
- B. After completion of the work, the entire cost shall be prorated to each subdivision.

SECTION VI.

This Agreement shall be in effect for an indefinite term following ratification by the Medina County Commissioners and the City of Medina Council. It may be revised by mutual agreement between the parties. It may be rescinded by either party giving sixty (60) days written notice to the other.

SECTION VII.

No later than ninety (90) days after any annexation or detachment involving a County highway is recorded, the County of Medina and the City of Medina will meet and review SECTION III. of this Agreement. Any necessary adjustments to balance the miles of

maintenance responsibility will be made at that time. Confirming legislation will be passed by both jurisdictions and copies attached to the agreement until such time as the agreement is revised.

IN WITNESS WHEREOF, the County of Medina and the City of Medina have caused this
Maintenance Agreement to be executed in duplicate as of the dates written below:


COUNTY OF MEDINA

CITY OF Medina



Andrew Conrad, P.E., P.S., County Engineer

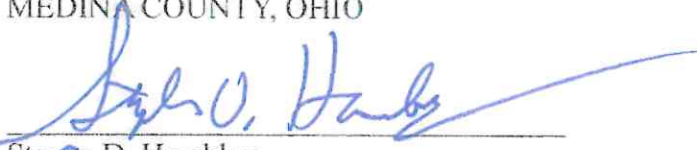
Date: 6-20-2024



Dennis Hanwell, Mayor

Date: May 29, 2024

BOARD OF COMMISSIONERS
MEDINA COUNTY, OHIO



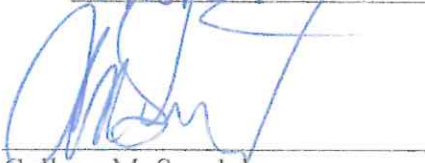
Steven D. Hambley

Date: 7/18/24



Aaron M. Harrison

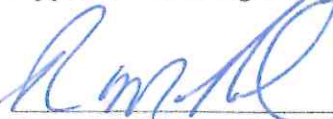
Date: 7/18/24



Colleen M. Swedyk

Date: 7/18/24

Approved as to legal form:



Brian M. Richter, Assistant County Prosecutor

Approved as to legal form:



Greg Huber, Law Director

ROAD MAINTENANCE AGREEMENT
BETWEEN MEDINA COUNTY AND MEDINA CITY
(GENERAL MAINTENANCE SECTIONS)

West Smith Road:

1. a. Medina City will maintain 1,511 feet of the south side of the road that is in Lafayette Township.
- b. Medina County will maintain 142 feet of the south side of the road that is in Medina City.
- c. The point of Begin/End Maintenance for each jurisdiction will be in line with the Medina City West Corporation Line (North).

Lake Road:

1. a. Medina City will maintain 3,043 feet of the west side of the road that is in Lafayette Township.
- b. Medina County will maintain 508 feet of the west side of the road that is in Medina City.
- c. The point of Begin/End Maintenance for each jurisdiction will be in line with the Medina City South Corporation Line (East).

Branch Road:

1. a. Medina City will maintain 250 feet of the south side of the road that is in Medina City.
- b. The point of Begin/End Maintenance for each jurisdiction will be the Medina City West Corporation Line (North).

Abbeyville Road:

1. a. Medina City will maintain 1,270 feet of the east side of the road and 210 feet on the west side of the road that is in York Township.

- b. Medina County will maintain 918 feet of the east side of the road and 272 feet on the west side of the road that is in Medina City.
- c. The point of Begin/End Maintenance for each jurisdiction will be in line with the Medina City South Corporation Line (East).

Marks Road (State Road):

1.
 - a. Medina County will maintain 1,261 feet of the west side of the road and 150 feet of the east side of the road that is in Medina City.
 - b. The point of Begin/End Maintenance for each jurisdiction will be in line with the Medina City North Corporation Line (East) 500 feet north of centerline of Birch Hill Drive.

Ryan Road:

1.
 - a. Medina County will maintain 1,737 feet of the east side of the road that is in Medina City.
 - b. The point of Begin/End Maintenance for each jurisdiction will be in line with the Medina City South Corporation Line (West).

East Smith Road:

1.
 - a. Medina County will maintain 481 feet of the north side of the road and 292 feet of the south of the road that is in Medina City.
 - b. The point of Begin/End Maintenance for each jurisdiction will be in the centerline of Timber Trail.

<u>Road Name</u>	<u>Medina City Maintenance</u>	<u>Medina County Maintenance</u>
West Smith	1511 feet	142 feet
Lake	3,043 feet	508 feet
Branch	----	250 feet
Abbeyville	1480 feet	1,190 feet
Marks	----	1,411 feet
Ryan	----	1,737 feet
East Smith	----	<u>189 feet</u>
Total	6,034 feet	5,427 feet

ROAD MAINTENANCE AGREEMENT
BETWEEN MEDINA COUNTY AND MEDINA CITY
(WINTER MAINTENANCE SECTIONS)

West Smith Road:

1. a. Medina City will perform Winter Maintenance operations on 1,511 feet of the south side of the road that is in Lafayette Township.
- b. Medina County will perform Winter Maintenance operations on 963 feet of the south side of the road and 821 feet of the north side of the road that is in Medina City.
- c. The point of Begin/End for the Winter Maintenance for each jurisdiction will be in line with the centerline of Commerce Drive.

Lake Road:

1. a. Medina City will perform Winter Maintenance operations on 3,043 feet of the west side of the road that is in Lafayette Township.
- b. Medina County will perform Winter Maintenance operations on 508 feet of the west side of the road that is in Medina City.
- c. The point of Begin/End Winter Maintenance for each jurisdiction will be in line with the Medina City South Corporation Line (East).

Branch Road:

1. a. Medina City will perform Winter Maintenance operations on 557 feet of the south side of the road and 307 feet of the north side of the road that is in Medina City.
- b. The point of Begin/End for the Winter Maintenance for each jurisdiction will be in line with the centerline of Commerce Drive.

Abbeyville Road:

1. a. Medina County will maintain 1,985 feet of the east side of the road and 2,425 feet on the west side of the road that is in Medina City.
- b. The point of Begin/End Winter Maintenance for each jurisdiction will be in line with the centerline of West Liberty Street (S.R. 18).

Marks Road (State Road):

1. a. Medina County will maintain 1,789 feet of the west side of the road and 679 feet of the east side of the road that is in Medina City.
- b. The point of Begin/End Winter Maintenance for each jurisdiction will be in line with the centerline of Birch Hill Drive.

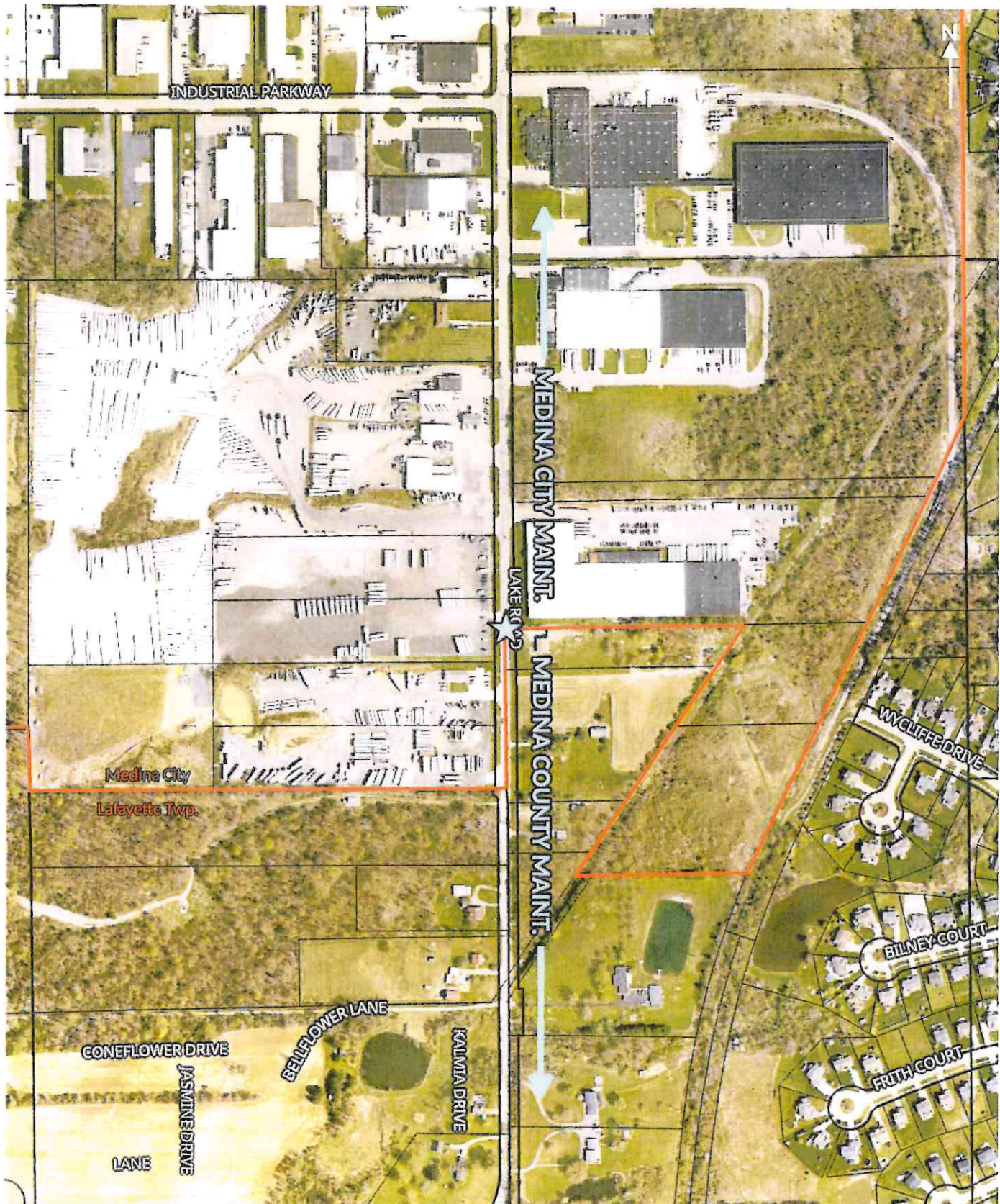
Ryan Road:

1. a. Medina City will perform Winter Maintenance operations on 219 feet of the east side of the road and 1,475 feet of the west side of the road that is in Lafayette Township.
- b. Medina County will maintain 358 feet of the east side of the road that is in Medina City.
- c. The point of Begin/End Winter Maintenance for each jurisdiction will be in line with the centerline of West Sturbridge Drive.

East Smith Road:

1. a. Medina County will perform Winter Maintenance operations on 481 feet of the north side of the road and 292 feet of the south of the road that is in Medina City.
- b. The point of Begin/End Winter Maintenance for each jurisdiction will be in the centerline of Timber Trail.

Medina City / Medina County Boundary Road Maintenance Agreement (winter) Lake Road

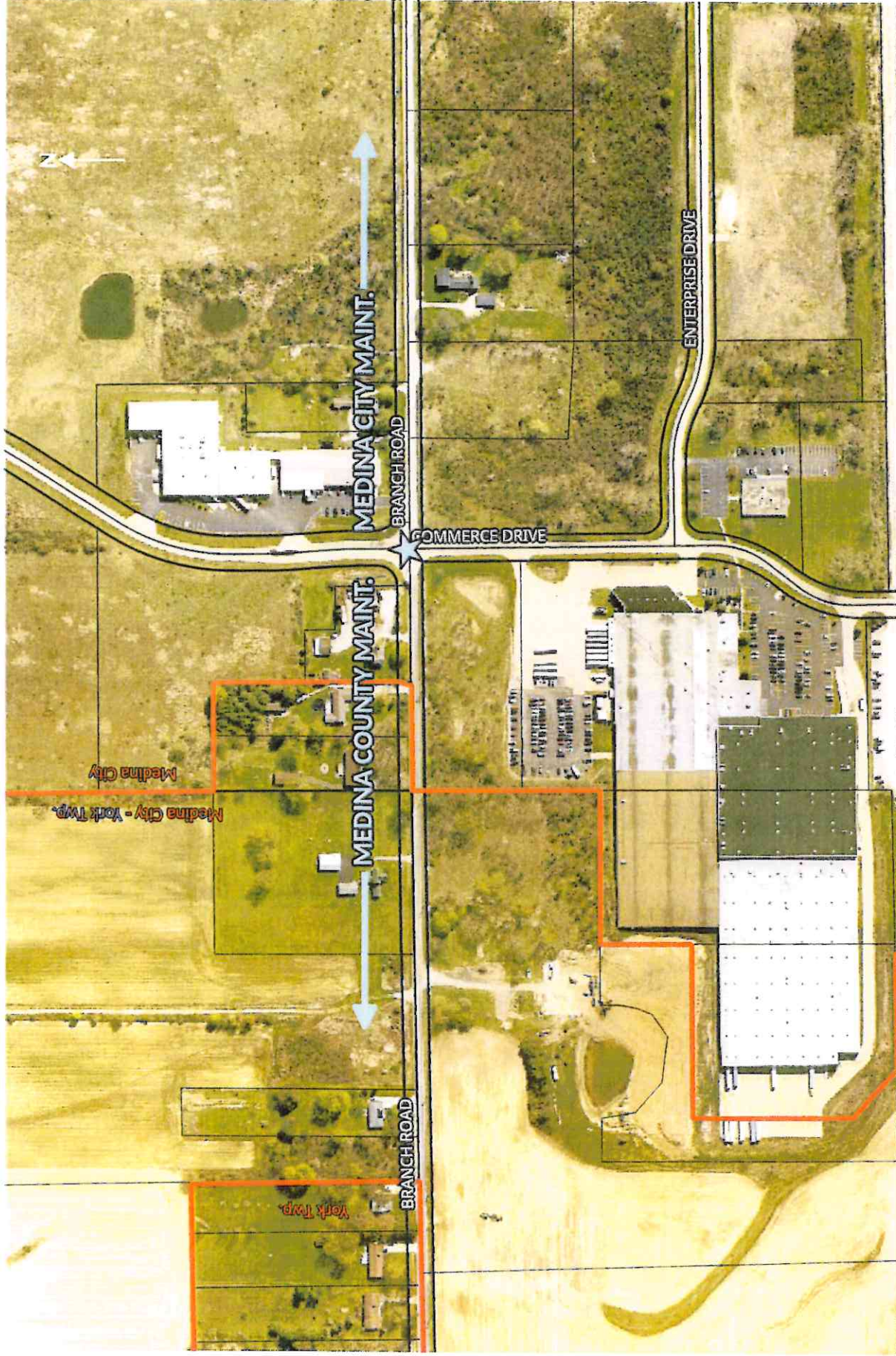


Map Publication Date: April 2023

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Medina City / Medina County Boundary Road Maintenance Agreement (winter)
Branch Road



Map Publication Date: April 2023

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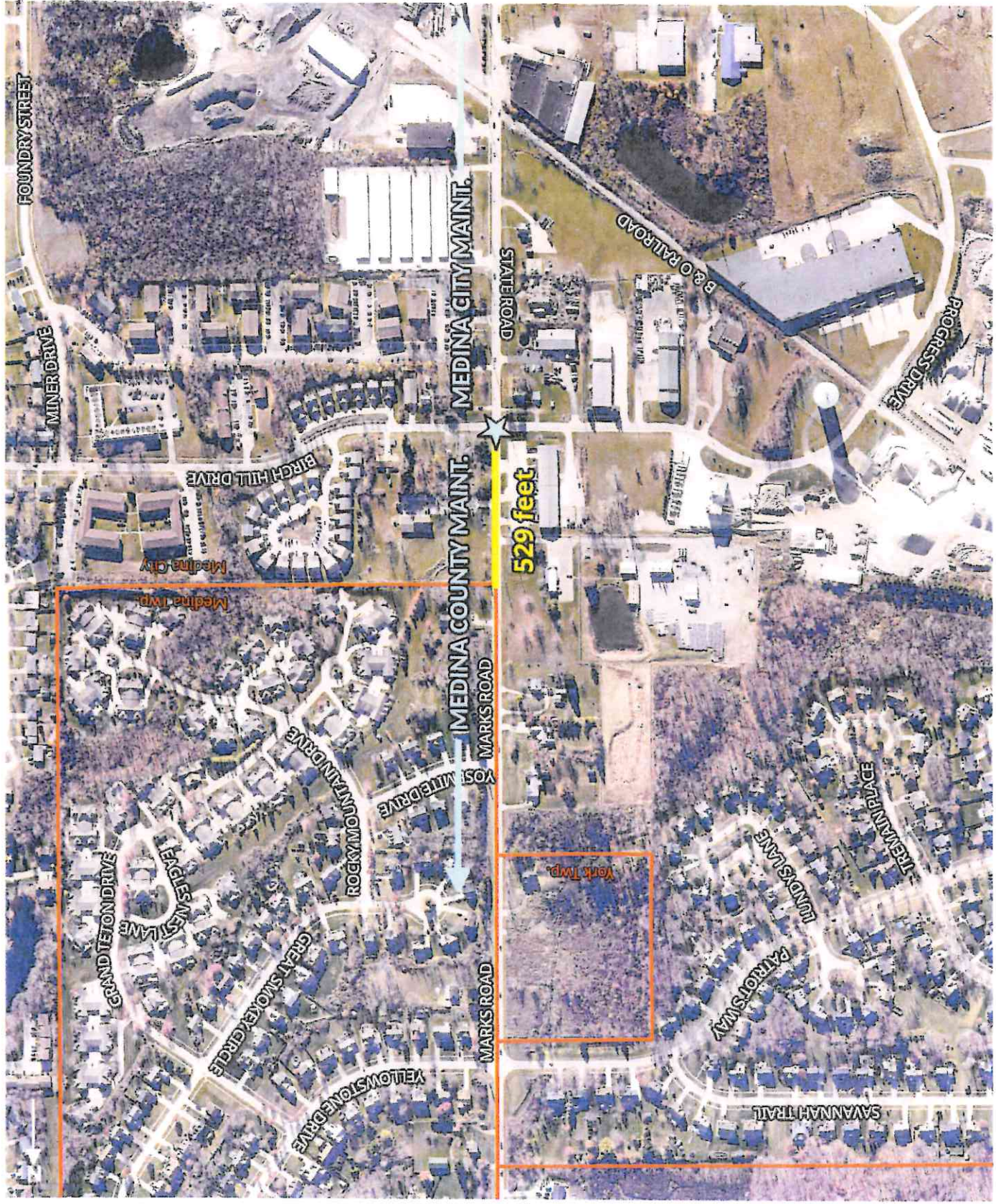
Medina City / Medina County Road Maintenance Agreement (winter)

Abbeyville Road



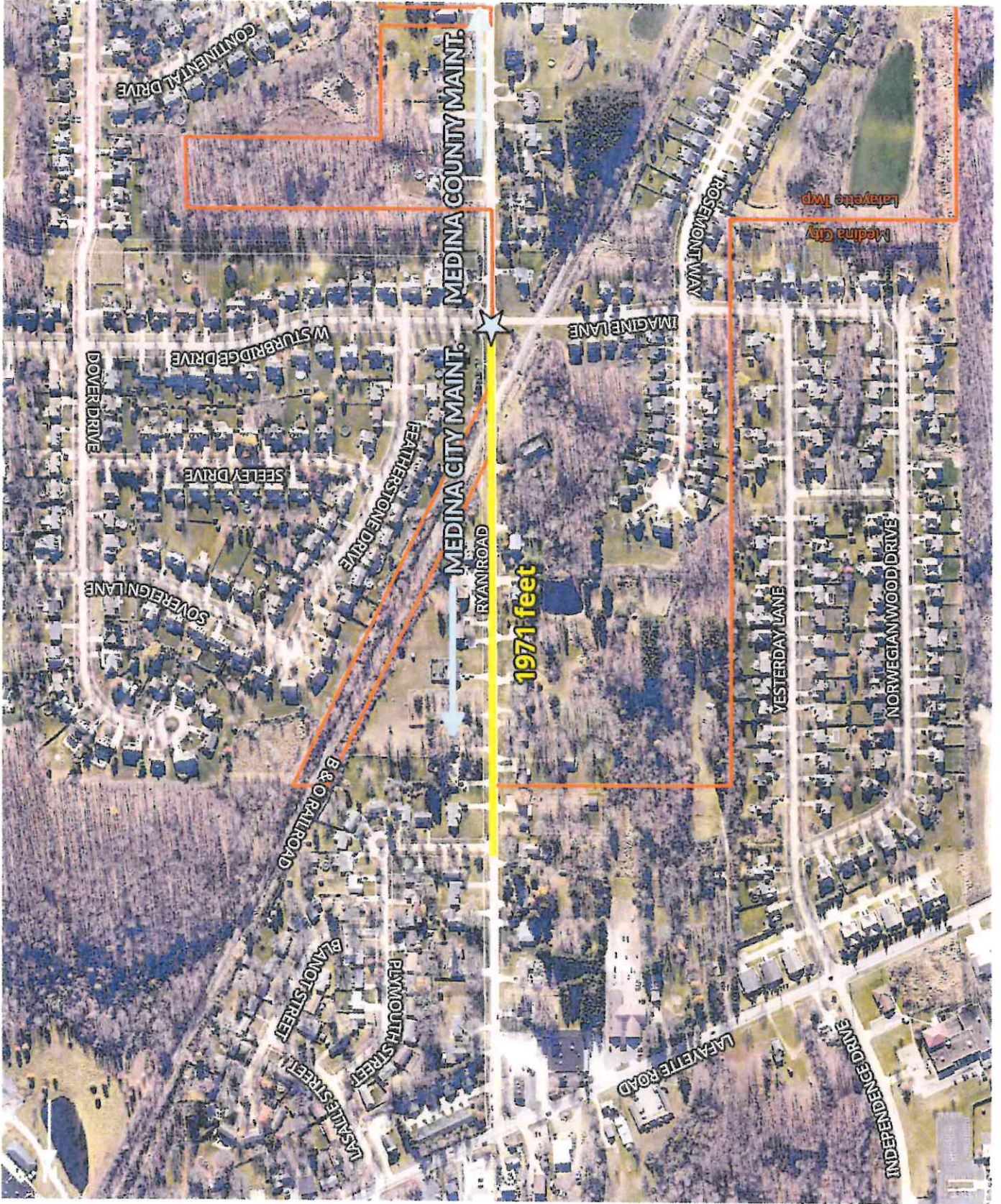
Medina City / Medina County Boundary Maintenance Agreement (winter)

Marks/State Road



Medina City / Medina County Boundary Road Maintenance Agreement (Winter)

Ryan Road



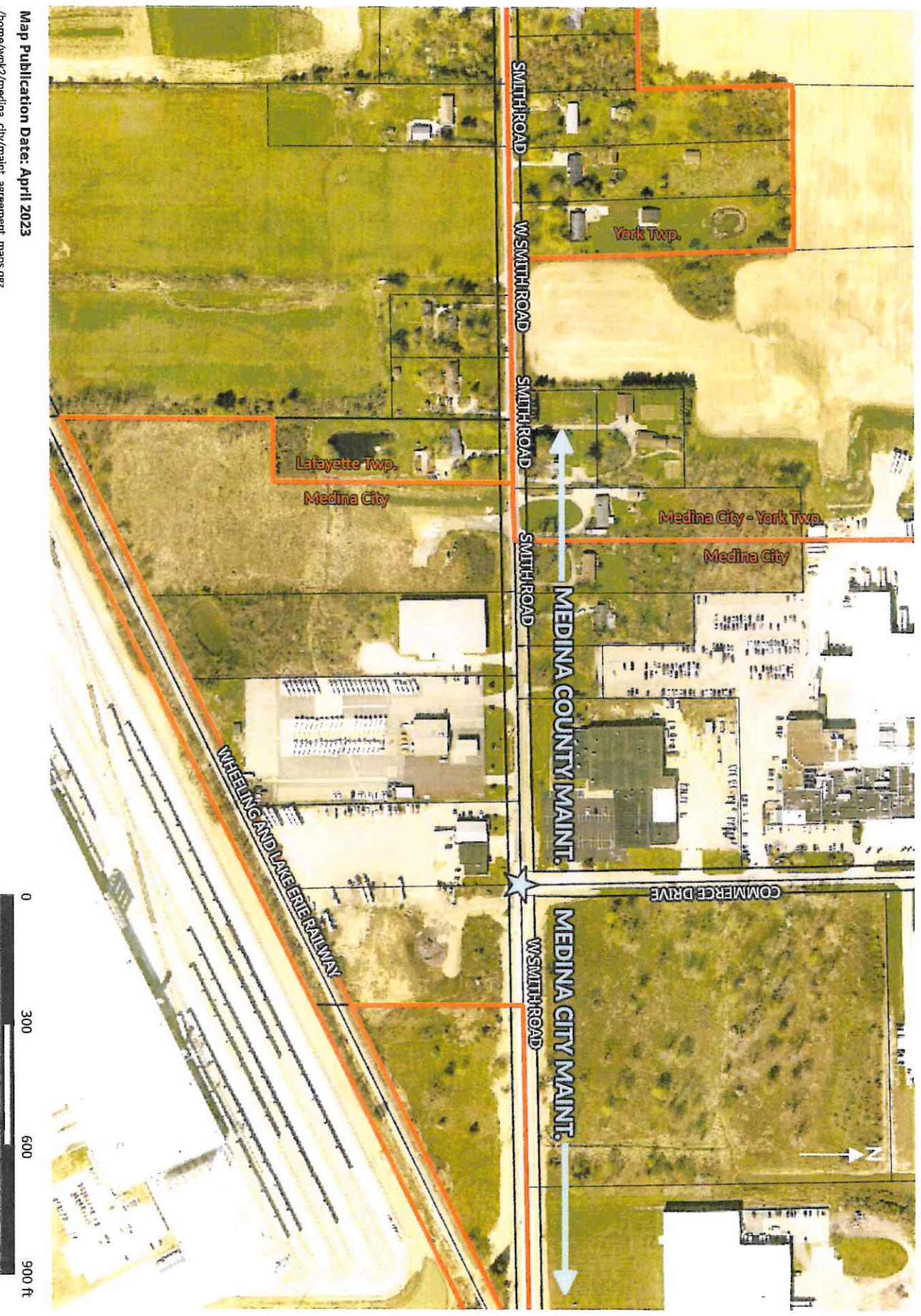
Medina City / Medina County Boundary Road Maintenance Agreement (winter)
E. Smith Road



Map Publication Date: April 2023

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Medina City / Medina County Boundary Road Maintenance Agreement (winter)
W. Smith Road



REGULAR MEETING – THURSDAY, JULY 18, 2024

The Board of County Commissioners of Medina County, Ohio, met in regular session on this date with the following members present:

Aaron M. Harrison

Colleen M. Swedyk

Stephen D. Hambley

Mr. Harrison offered the following resolution and moved the adoption of same, which was duly seconded by Mrs. Swedyk.

RESOLUTION NO. 24-0538

**APPROVING A MAINTENANCE AGREEMENT
BETWEEN THE CITY OF MEDINA AND THE COUNTY
OF MEDINA FOR BOUNDARY ROADS**

WHEREAS, Section 307.15 of the Ohio Revised Code provides that the Board of County Commissioners may enter into an agreement with the legislative authority of any municipal corporation to exercise any power, perform any function or render any service, in behalf of the contracting subdivision or its legislative authority which it could exercise on its own behalf; and

WHEREAS, the County of Medina and the City of Medina agree that the efficient maintenance of boundary roads requires a formal maintenance agreement; and

WHEREAS, said formal maintenance agreement has been drafted listing the maintenance services and responsibilities for both the City of Medina and the County of Medina; and

WHEREAS, said agreement will be in effect for an indefinite term with each subdivision having the option of terminating the agreement by furnishing sixty (60) days written notice; and

WHEREAS, the City of Medina Council, on May 28, 2024, passed Ordinance No. 105-24 authorizing the Mayor of the City of Medina to enter into said agreement; and

WHEREAS, on May 29, 2024, the Mayor of the City of Medina approved and signed said agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Medina County, Ohio, that the maintenance agreement for boundary roads between the City of Medina and the County of Medina, attached hereto and marked "Exhibit A" be approved and signed on this date.

Voting AYE thereon: Mr. Harrison, Mrs. Swedyk, and Mr. Hambley

Adopted: July 18, 2024

Prepared by Medina County Engineer's Office