

RESOLUTION

NO. 02- 0922

**RE: AUTHORIZING PORTAGE COUNTY BOARD OF COMMISSIONERS TO ENTER INTO A WATER SERVICE AREA AGREEMENT WITH THE VILLAGE OF MANTUA**

It was moved by Kathleen Chandler, and seconded by Christopher Smeiles that the following resolution be adopted:

**WHEREAS,** the Village of Mantua is a public water supplier currently supplying water to customers in the Village of Mantua and has water supplies sufficient to supply additional needs in the area; and desires for efficiency a distinct water service area; and

**WHEREAS,** Portage County Board of Commissioners desires for efficiency a distinct water service area; and

**WHEREAS,** Portage County Board of Commissioners has created the Portage County Regional Sewer District on April 11, 1974 by Resolution 74-78, with capacity to provide water services; now therefore be it

**RESOLVED,** by the Board of Commissioners of Portage County, Ohio;

Section 1. That the Board agrees to enter into a Water Services Area Agreement with the Village of Mantua.

Section 2. That a copy of the Water Service Area Agreement is attached hereto and incorporated herein.

Section 3. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Charles W. Keiper II, Yea; Kathleen Chandler, Yea; Christopher Smeiles, Yea;

\* \* \* \* \*

I, Clerk of the Board of County Commissioners, do hereby certify that the foregoing document is true and correct copy of a resolution of the Board of County Commissioners of Portage County, duly adopted October 22, 2002 and appearing upon the official records of said Board Volume 55 page \_\_\_\_.

  
Clerk, Portage County Commissioners

## WATER SERVICE AREA AGREEMENT

This agreement is entered into between the Village of Mantua, Ohio (the Village) and Portage County, Ohio (the County).

The effective date of this agreement is the date that the Village Council and Board of County Commissioners approve the agreement and all of the necessary signatures are obtained.

WHEREAS, the parties to this agreement want to be able to provide potable water to the residents of the County, both within and outside the Village limits of Mantua; and

WHEREAS, the Village has excess water capacity available to be able to supply residents outside the Village limits with water; and

WHEREAS, the County is continually trying to upgrade its ability to supply water to the County residents where water service is not available; and

WHEREAS, it would not be fiscally responsible for the Village and the County to overlap water lines to serve water customers in the same areas; and

WHEREAS, it would also be beneficial to both the Village and County to have backup emergency water supplies.

Section 1. The Village will be the sole provider of water to the owners or tenants of real property located within the Mantua Service Area shown on the map attached hereto as Exhibit A and made a part hereof, subject to the provisions of Section 2. All areas outside the Mantua service area are part of the Portage County Service Area.

Section 2. The County shall not construct water lines within the Village Service Area identified in Section 1, except those lines necessary for the transmission of water

through the Village Service Area. Said transmission lines shall not service any customers within the Mantua Service Area, unless the Village has previously denied water service to a potential customer, who is requesting water service near said transmission lines. In this case, the County shall notify the Village, in writing, of its intent to supply water to a customer within the Village Service Area. The Village shall then have 60 days to respond to said request. If no response is received from the Village within 60 days, the County will then have the right to supply water to said customer.

Section 3. The Village shall not construct water lines outside of the Mantua Service Area identified in Section 1, except those lines necessary for the transmission of water. Said transmission lines shall not service any customers outside of the Mantua Service Area unless the County has previously denied water service to a potential customer, who is requesting water service near said transmission line. In this case, the Village shall notify the County, in writing, of its intent to supply water to a customer outside of the Village Service Area. The County shall then have 60 days to respond to said request. If no response is received from the County within 60 days, the Village will then have the right to supply water to said customer.

Section 4. All existing Village water customers located outside of the Mantua Village limits upon the effective date of this agreement shall continue to pay up to a 50% surcharge unless the land is annexed into the Village.

Section 5. Water service areas may be changed at any time by mutual consent of the Village and County by written agreement, authorized by Ordinance and Resolution.

Section 6. The County may construct water transmission lines, transmission and service mains, in any area not located within the Village water service area as identified in Section 1.

Section 7. The Village water service area will automatically expand to include any new properties that come within the Village's corporate boundaries subject to Section 14.

Section 8. The Village will not require new customers located outside the Village boundaries to sign annexation agreements as a necessary condition to receiving Village water service.

Section 9. The Mantua Village Council retains the exclusive authority to set rates for water consumption for customers within the Village's corporate boundaries.

Section 10. The Mantua Village Council retains the exclusive authority to establish its charges for tap-in/connection/utilization fees for Village water customers located within and without the Village's corporate boundaries. Further, the Village may impose a surcharge of up to 15% for tap-in/connection/utilization fees for Village water customers located outside of the Village's corporate boundaries.

Section 11. Should the Village desire to acquire any County water lines and the County agrees to the acquiring, the Village shall reimburse the County for said water lines pursuant to the Ohio Revised Code, Sections 6103.04 and 6103.31.

Section 12. This agreement shall be binding upon the parties, their successors and assigns, for 25 years from the date of execution of this document. The agreement will automatically renew for a second 25 year period unless either party provides a written notice to the other of its intent not to renew the agreement. Said notice shall be provided at least three years prior to the expiration of the original 25 year period.

Section 13. This agreement, and the rights and obligations of the parties hereunder shall be construed and interpreted in accordance with the laws of the State of Ohio.

Section 14. Neither party shall assign or transfer its rights or obligations under this agreement to a third party without the express written consent of the other party.

Section 15. Any notices or communications hereunder shall be sent to the Village addressed as follows:

Village of Mantua  
4736 E. High Street  
Mantua, Ohio 44255  
Attn: Mayor Claude Hopkins

or to such address as the Village may advise the County in writing; and to the County at:

Board of County Commissioners  
Portage County  
449 South Meridian Street  
Ravenna, OH 44266

With a copy to:

Portage County Water Resources  
449 South Meridian Street  
P.O. Box 1217  
Ravenna, OH 44266

Or to such other address as the County may advise the Village in writing. Notice shall be deemed to have been given if: (A) sent by US Mail, certified or registered, with first-class postage pre-paid; or (B) made by personal delivery to the party to be notified at its respective address.

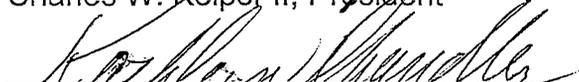
Section 16. This agreement was approved by the Village of Mantua Council in Ordinance or Resolution 2002-36, on 10-01-02 (date).

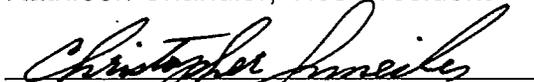
Section 17. This agreement was approved by the Board of Portage County Commissioners by Resolution 2002-0922, on 10/22/02 (date).

In witness whereof, we have set our hands below.

BOARD OF COMMISSIONERS  
PORTAGE COUNTY, OHIO

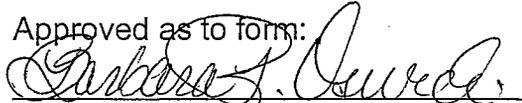
  
Charles W. Keiper II, President

  
Kathleen Chandler, Vice President

  
Christopher Smiles, Board Member

Date: 12/17/02

Approved as to form:

  
Barbara J. Oweck  
Portage County Prosecutor

VILLAGE OF MANTUA, OHIO

  
Claude E. Hopkins, Mayor  
Village of Mantua

Date: 10-10-02

Approved as to form:

  
Village of Mantua Solicitor

**Water Service Area Agreement Between  
Portage County  
&  
Village of Mantua  
August 2002**

**Second Signature Page for Mantua Village Officials who have already  
signed the agreement.**

WITNESSED BY:

Village of Mantua

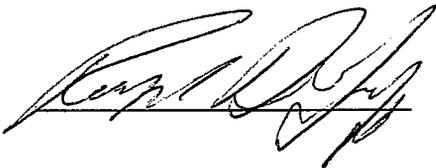


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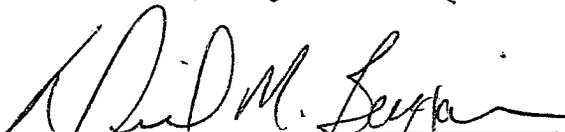


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Claude Hopkins, Mayor



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David Benjamin, Village Solicitor

Village of Mantua  
Ohio  
Ordinance 2002 - 36

Introduced By: Matt Keesa

Seconded By: Ralph Gregory

**AN ORDINANCE APPROVING THE CONTRACT COMMITTING THE VILLAGE OF MANTUA TO SUPPLY WATER TO PORTAGE COUNTY, AUTHORIZING THE MAYOR, THE VILLAGE CLERK-TREASURER AND THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT TO THIS EFFECT, AND DECLARING AN EMERGENCY**

WHEREAS, The Village of Mantua and Portage County have been discussing appropriate terms for the Village to supply water to Portage County; and

WHEREAS, the attached agreement reflects terms that Village Council finds acceptable, and is willing to agree to as a basis upon which the Village will supply water to Portage County; and

WHEREAS, Village Council desires to authorize the Mayor, the Village Clerk-Treasurer and the Village Administrator to execute the documents necessary to conclude this Agreement; and

WHEREAS, Council wishes to declare an emergency as there is a need to implement this Agreement at the earliest possible opportunity;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Village of Mantua, County of Portage, State of Ohio, that:

Section 1. Village Council hereby approves the attached Agreement between the Village of Mantua and Portage County through which Mantua will provide water to Portage County, and further authorizes the Village Mayor, Clerk-Treasurer and Village Administrator to execute the documents necessary to conclude this Agreement.

Village of Mantua, Ohio  
Ordinance No. 2002- 36  
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Section 2. It is hereby 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 action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality and for the further reason that Village Council wants to approve this Agreement at the earliest possible opportunity. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

Adopted: 10-01-02

Approved: 10-01-02

Effective: 11-01-02

By: Claude Hopkins  
Mayor Claude Hopkins

Attest: Betsy Woolf  
Clerk of Council

I, Betsy Woolf, Clerk of the Village of Mantua, Ohio, hereby certify that this Ordinance was duly published by public posting at predesignated posting places.

Betsy Woolf  
Betsy Woolf, Mantua Village Clerk-Treasurer

1<sup>st</sup> Reading: 10-01-02

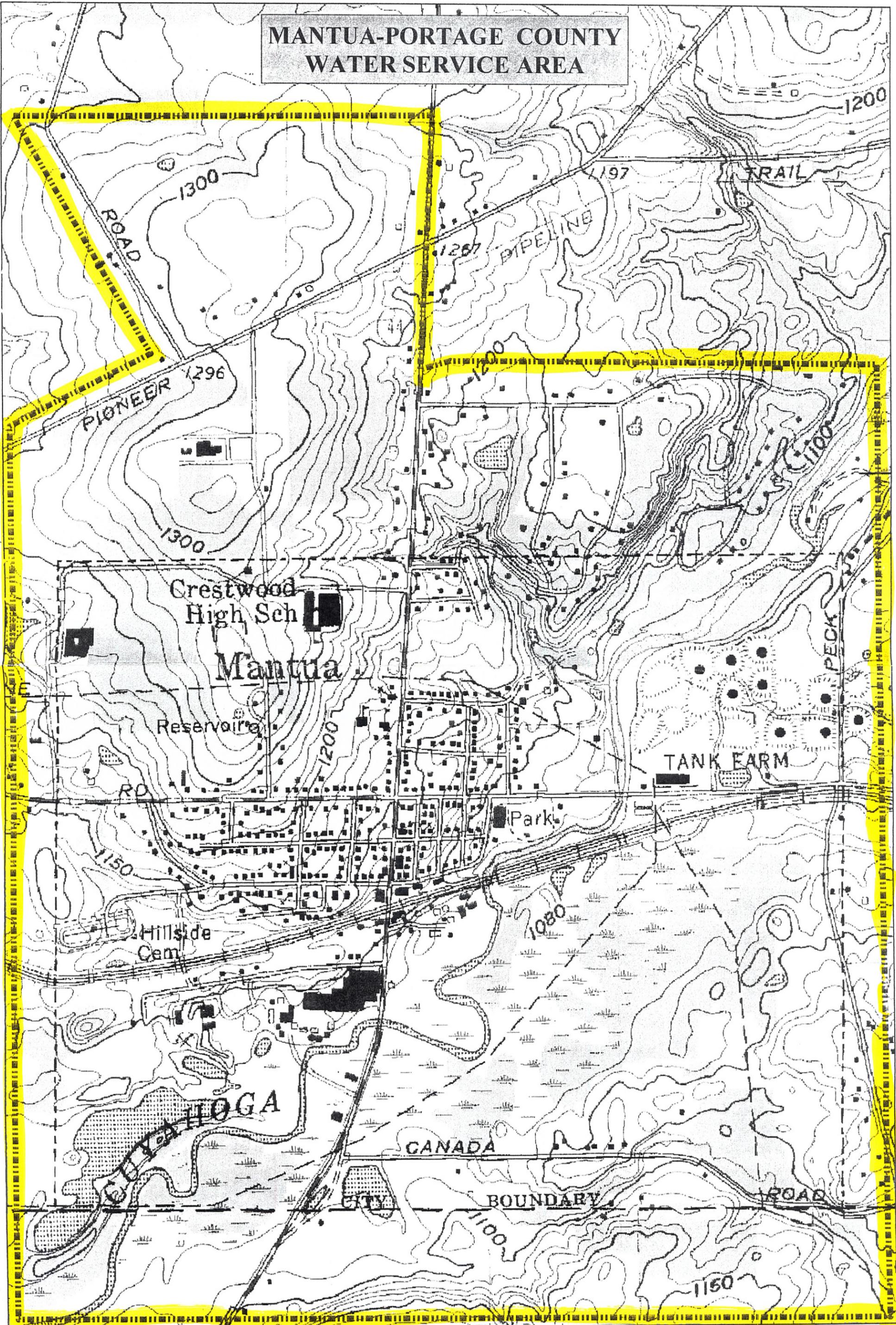
2<sup>nd</sup> Reading: 10-01-02 Suspended Ruled

3<sup>rd</sup> Reading: 10-01-02

Approved as to be Legal Form by:

David M. Benjamin  
David M. Benjamin, Village Solicitor

# MANTUA-PORTAGE COUNTY WATER SERVICE AREA



MAP KEY

WATER SERVICE AREA

## EXHIBIT "A"

750 375 0 750 Feet