

RESOLUTION

NO. 02-1054

**RE: AUTHORIZING PORTAGE COUNTY BOARD OF COMMISSIONERS TO
ENTER INTO A SEWER 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 sewer supplier currently supplying sewer to customers in the Village of Mantua and has sewer sufficient to supply additional needs in the area; and desires for efficiency a distinct sewer service area; and

WHEREAS, Portage County Board of Commissioners desires for efficiency a distinct sewer 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 sewer 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 Sewer Services Area Agreement with the Village of Mantua.

Section 2. That a copy of the Sewer 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;

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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 December 10, 2002 and appearing upon the official records of said Board Volume 56, page ____.


Clerk, Portage County Commissioners

SANITARY SERVICE AREA AGREEMENT

BETWEEN

PORTAGE COUNTY

AND

VILLAGE OF MANTUA

NOVEMBER 2002

SANITARY SERVICE AREA AGREEMENT

This agreement entered into this 17 day of December, 2002, by and between the Village Council, Village of Mantua, Ohio (the Village) and the Board of County Commissioners, Portage County, Ohio (the County).

WHEREAS, the parties to this agreement wish to provide sanitary sewer service to the residents of the County, both within and outside the Village limits of Mantua; and

WHEREAS, the Village has wastewater treatment capacity available to supply residents outside the Village limits with sanitary sewer service; and

NOW THEREFORE, the County and Village agree as follows:

Section 1. The Village will be the sole provider of sanitary sewer service 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 sanitary sewer lines within the Village Service Area identified in Section 1, except those lines necessary to serve as a trunk sewer through the Village Service Area. Said trunk sewers shall not service any customers within the Mantua Service Area, unless the Village has previously denied sanitary sewer service to a potential customer, who is requesting service near said trunk sewer. In this case, the County shall notify the Village, in writing, of its intent to supply sanitary sewer service 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 sanitary sewer service to said customer.

Section 3. The Village shall not construct sanitary sewer lines outside of the Mantua Service Area identified in Section 1, except those lines necessary to serve as a trunk sewer. Said trunk sewers shall not service any customers outside of the Mantua Service Area unless the County has previously denied sanitary sewer service to a potential customer, who is requesting service near said trunk sewer. In this case, the Village shall notify the County, in writing, of its intent to supply sanitary sewer service 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 sanitary sewer service to said customer.

Section 4. All existing Village sewer customers located outside of the Village limits but within the Mantua Service Area upon the effective date of this agreement shall continue to pay up to a 50% surcharge unless the land is annexed into the Village, or subject to the terms of a JEDD agreement.

Section 5. Sanitary sewer 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 sanitary sewer lines, and trunk sewers in any area not located within the Village sanitary sewer service area as identified in Section 1.

Section 7. The Village will not require new customers located outside the Village boundaries to sign annexation agreements as a necessary condition to receiving Village sanitary sewer service.

Section 8. The Mantua Village Council retains the exclusive authority to set rates for sanitary sewer service for customers within the Village's corporate boundaries.

Section 9. The Mantua Village Council retains the exclusive authority to establish its charges for tap-in/connection/utilization fees for Village sewer customers

located within and without the Village's corporate boundaries. Further, the Village may impose a maximum surcharge of up to 15% for tap-in/connection/utilization fees for Village sanitary sewer customers located outside of the Village's corporate boundaries.

Section 10. Should the Village desire to acquire any County sanitary sewer lines and the County agrees to the acquisition, the Village shall reimburse the County for said sanitary sewer lines pursuant to the Ohio Revised Code.

Section 11. 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 renew for a second 25 year period providing either party provides a written notice to the other of its intent to renew and both parties agree to said renewal. Said notice shall be provided at least three years prior to the expiration of the original 25 year period.

Section 12. 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 13. 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 14. 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

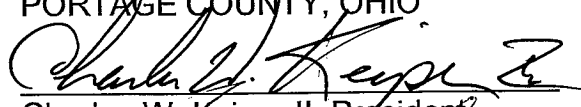
Or to such other address as the County may advise the Village in writing. Notice shall be deemed to have been given if: (A) sent by US Mail, certified or registered, with first-class postage pre-paid; or (B) made by personal delivery to the party to be notified at its respective address and signed for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

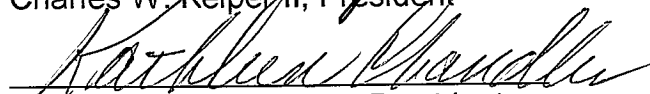
Section 15. This agreement was approved by the Village of Mantua Council in Ordinance or Resolution 2002- 45, on 12/14/02 (date).

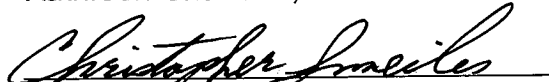
Section 16. This agreement was approved by the Board of Portage County Commissioners by Resolution 2002- 1054, on 12/10/02 (date).

In witness whereof, we have set our hands below.

BOARD OF COMMISSIONERS
PORTAGE COUNTY, OHIO

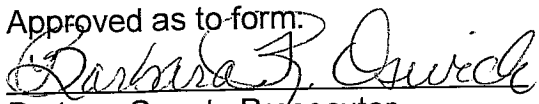

Charles W. Keiper II, President


Kathleen Chandler, Vice President

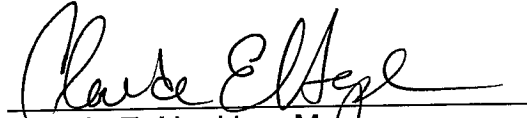

Christopher Smeiles, Board Member

Date: December 17, 2002

Approved as to form:

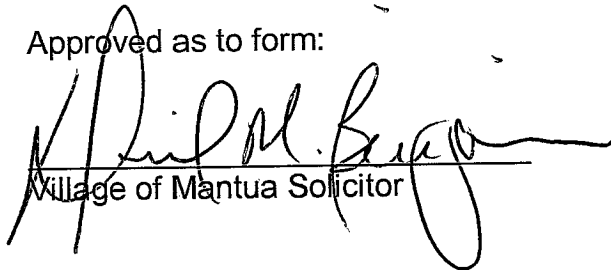

Portage County Prosecutor

VILLAGE OF MANTUA, OHIO

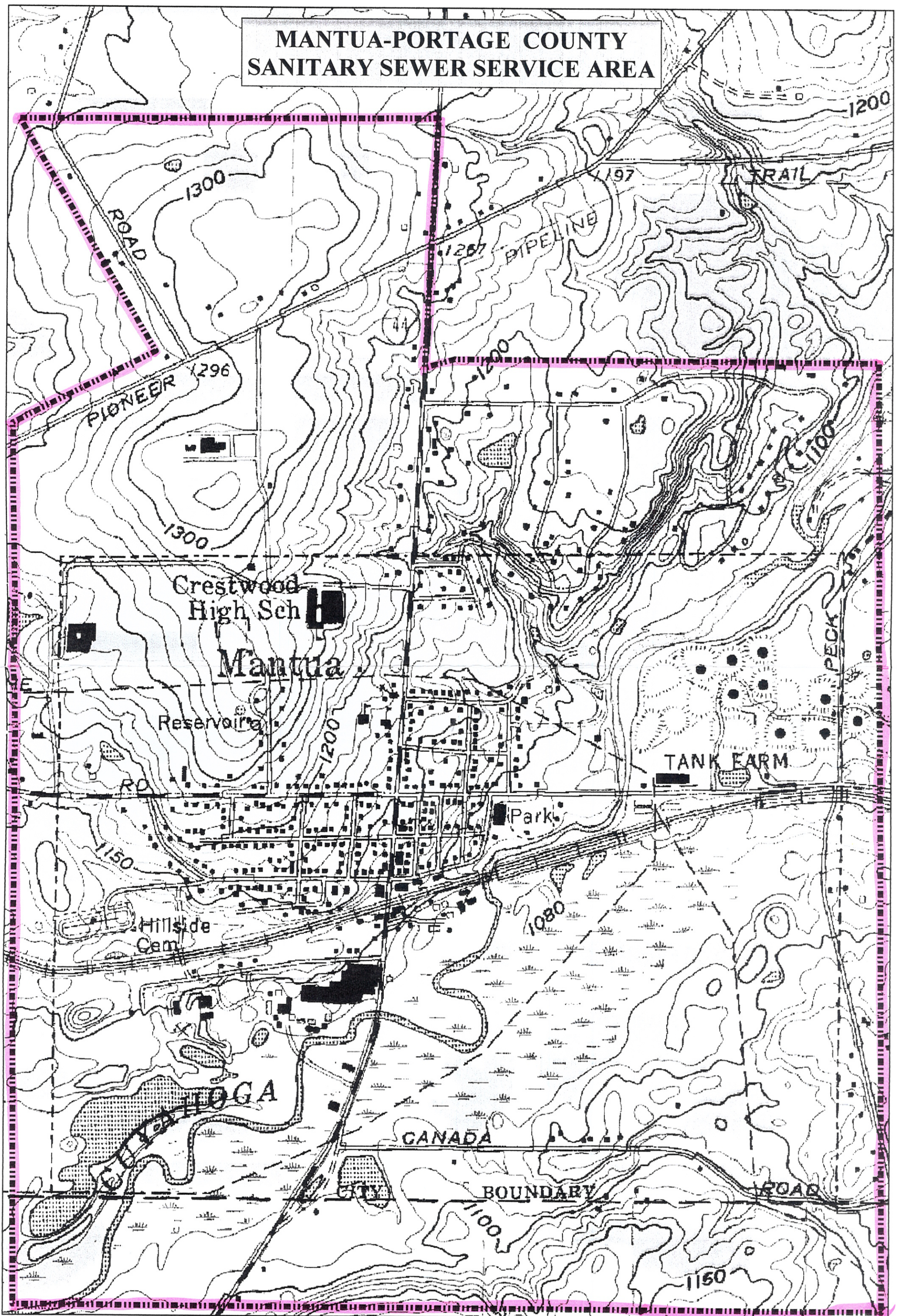

Claude E. Hopkins, Mayor
Village of Mantua

Date: 12-17-02

Approved as to form:


Village of Mantua Solicitor

MANTUA-PORTAGE COUNTY
SANITARY SEWER SERVICE AREA



MAP KEY

■ SANITARY SEWER SERVICE AREA

EXHIBIT "A"

750 375 0 750 Feet