

**COUNCIL OF THE
VILLAGE OF HIGHLAND HILLS**

ORDINANCE NO. 2025-14

*4/16/25
Referred to
Finance Committee
5/14/25
adopted*

For the April 16, 2025
Council Meeting

Introduced by: Mayor Michael L. Booker
Supported by:

AN ORDINANCE AUTHORIZING THE MAYOR AND PRESIDENT OF COUNCIL TO ENTER AND EXECUTE A CONTRACT WITH THE CITY OF WARRENSVILLE HEIGHTS TO GRANT CONSENT AND SHARE THE COST OF DESIGN, ENGINEERING AND CONSTRUCTION FOR RESURFACING HARVARD ROAD FROM WARRENSVILLE CENTER ROAD TO NORTHFIELD ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, Harvard Road between Warrensville Center Road and Northfield Road is within both the City of Warrensville Heights and the Village of Highland Hills and is in need of repairs and resurfacing, and

WHEREAS, The Village of Highland Hills secured a grant from Cuyahoga County for a repair and resurfacing project of Harvard Road, and

WHEREAS, Warrensville Heights and Highland Hills agree to grant consent for the project and to share the cost of the design engineering and construction for the project, and

WHEREAS, The Village of Highland Hills Engineer has agreed to take the lead in creating the design engineering for the project, and

WHEREAS, The City of Warrensville Heights agreed to share in the cost of the design engineering and construction at approximately fifty percent (50%) of said cost by reimbursing the Village of Highland Hills, and

WHEREAS, It is necessary to authorize the Mayor and President of Council to enter and execute an Agreement with the City of Warrensville Heights for this project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HIGHLAND HILLS, OHIO:

Section 1: The Mayor and President of Council are hereby authorized to enter and execute an Agreement in writing with the City of Warrensville Heights to share in the cost of the design engineering and construction for the repair and resurfacing of Harvard Road between Warrensville Center Road and Northfield Road (the project). The terms and conditions of the Agreement to share

in the cost of the project shall be in substantially the same form as attached hereto and incorporated herein fully by reference as Exhibit A.

Section 2: The Law Director shall review and approve the agreement.

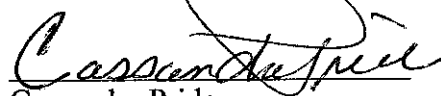
Section 3: Council finds and determines that all formal actions of the Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberation of the Council, and of any of its committees resulting in such formal action, took place in meetings open to the public in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is declared to be an emergency measure necessary to provide for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Highland Hills, and to address the immediate need for repairs and resurfacing of Harvard Road from Warrensville Center Road to Northfield Road, and it shall therefore, take effect immediately upon passage.

Passed in Council this 14th day of May, 2025.

First Reading 4/16/25 Second Reading 5/14/25 Third Reading _____

Vote: Pride ☒ yea ___ nay Greene ☒ yea ___ nay Mills ☒ yea ___ nay
McManus ☒ yea ___ nay Wright ___ yea ___ nay

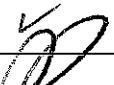


Cassandra Pride
President of Council

5-14-25
Date

Attest: Margaret Sikon
Margaret Sikon, Clerk of Council

5/14/25
Date

Filed with the Mayor: 

5/20/25
Date

Approved By: 
Michael L. Booker, Mayor

5/20/25
Date



Village of Highland Hills

MICHAEL L. BOOKER, MAYOR

Finance Department
Marcellis O'Neal, Finance Director

CERTIFICATE OF AVAILABILITY OF FUNDS

ORC 5705.41

Pursuant to ORC 5705.41, I hereby certify that \$ 202,754.65, the amount required to meet the contract, agreement, obligation, payment or expenditure for the contract authorized pursuant to Ordinance 2025-14 (attached), has been lawfully appropriated, authorized, or directed for such purpose, and is in the treasury or in process of collection to the credit of the Fund, free from any obligation or certification now outstanding.

Marcellis O'Neal, Finance Director

4/16/25

Date

AGREEMENT
Between
THE VILLAGE OF HIGHLAND HILLS, OHIO
and
THE CITY OF WARRENSVILLE HEIGHTS, OHIO

This Agreement (the "Agreement") has been made and entered into as of the ____ day of April , 2025, ("Effective Date") between the **VILLAGE OF HIGHLAND HILLS, OHIO** (the "Village"), a municipal corporation and political subdivision duly organized and validly existing under the Constitution and laws of the State of Ohio and the **CITY OF WARRENSVILLE HEIGHTS, OHIO** (the "City"), a municipal corporation and political subdivision duly organized and validly existing under the Constitution and laws of the State of Ohio. (The Village and the City are individually referred to herein as a "Party" and collectively the "Parties.")

WITNESSETH:

WHEREAS, Harvard Road, also known as County Road 34 , is located on the border of the Village and the City between Northfield Road (State Route 8) and Warrensville Center Road and approximately fifty (50%) percent of Harvard Road in that area is situated in both the Village and the City respectively; and

WHEREAS, the portion of Harvard Road described above is deteriorating and in need of resurfacing; and

WHEREAS, the Village has agreed to be the lead for the project which includes being responsible for the total cost of resurfacing and rehabilitation of the entire section of Harvard Road in both the Village and the City, as described above (hereinafter, the "Project"); with the Village agreeing to take the lead in designing the project, handling all specifications, bidding and inspections for the project and with both Parties agreeing to split the Project's costs and engineering costs in proportion to their respective share of the road and appurtenances. .

NOW, THEREFORE, the Village and the City agree as follows:

Section 1. Lead Engineer.

The Village and City agree that the engineer for the Village of Highland Hills shall take the lead in planning, development, and design of the Harvard Road Resurfacing project (the “Project”). The Parties agree that the Village shall also take the primary lead in the Project and sign all necessary and related documents related to the Project with the written approval of the City if the such documents are to bind the City or create any obligations on behalf of the City, such approval shall not be unreasonably withheld.

Section 2. Provision of Documents to the Village.

The City will be provided copies of all documents and plans generated by the Village and/or Village Engineer or other parties regarding the Project.

Section 3. Review of the City Engineer of Design.

The City Engineer shall be invited to review and submit approval on behalf of the City in the design of the Project, which approval shall not be unreasonably withheld. In the event the City Engineer has proposed changes to the design of the Project, the City Engineer will work with the Village Engineer in coming to an agreement on said changes.

Section 4. Project Funding.

Both the Village and the City shall be responsible for any costs or expenses related to the design and construction of the Project in relation to that portion of Harvard Road that is within the municipal boundaries of each Party.

The Village shall pay one hundred percent (100%) of the costs of the design engineering and all Project costs. Pursuant to the February 14, 2025, Engineer’s Estimate, attached as Exhibit A, the City’s estimated total Project Cost is \$202,754.55. The parties understand that Exhibit A is an estimate of costs which may change after bidding. The City agrees to reimburse the Village for its share of the total cost of the Project in an amount not to exceed \$202,754.55. Said payment

from the City to the Village for its share shall be within thirty (30) days after receipt of appropriate invoices from the Village. In the event the City's share of the total Project Costs exceeds the amount in Exhibit A, the City may make additional reimbursement with the approval of City Council which will not be unreasonably withheld.

Section 5. Consent for the Project.

The Village and the City agree to grant consent to each other for the Project.

Section 6. Notice.

Any notice or communication between the Parties required or permitted to be given under this Agreement shall be deemed sufficiently given if delivered personally or mailed by U.S. registered or certified mail, and addressed as follows:

If to the City: City of Warrensville Heights
 Attention: Law Director
 4743 Richmond Rd.
 Warrensville Heights, Ohio 44128
 Phone No.: (216) 587-1978
 BHeil@brickergraydon.com

And to: Nick Fini, City Engineer
 nfini@gpdgroup.com

If to the Village: Susan Hamilton, Village Engineer
 Village of Highland Hills
 3700 Northfield Road
 Highland Hills, Ohio 44122
 Phone No.: (216) 283-3000
 Fax No.: (216) 283-3005
 shamilton@hovancsek.com

Any notices and other communications to be delivered by either Party to the other pursuant to this Agreement shall be in writing and may be hand delivered or faxed or mailed by registered or certified mail, postage prepaid, return receipt requested, addressed to the party to be charged with notice at the above-recited address or the above-recited fax number or such other address or fax number as either Party from time to time may designate by notice delivered to the other; provided,

however, that no notice of change of address or fax number shall be deemed given until received by the party to be notified.

IN WITNESS WHEREOF, The Village and the City have each caused this Agreement to be executed after due authorization as of the date aforesaid.

(Witnesses as to the City of
Warrensville Heights, Ohio)

**CITY OF WARRENSVILLE HEIGHTS,
OHIO**

By: _____

Printed Name

Its: _____

Date: _____

Printed Name

The legal form of the within instrument
is hereby approved.

By: _____
Director of Law
City of Warrensville Heights, Ohio

Date: _____, 2025

(Witnesses as to the Village of
Highland Hills, Ohio

Printed Name

Printed Name

Printed Name

Printed Name

The legal form of the within instrument
is hereby approved.

By: _____
Director of Law
Village of Highland Hills, Ohio

Date: _____, 2025

**VILLAGE OF HIGHLAND HILLS,
OHIO**

By: _____
Michael Booker

Its: _Mayor_____

Date: _____

And By: _____
Cassandra Pride

Its: __Council President

Date: _____