

**ORDINANCE NO. 173-17**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE PROPERTY OWNER OF MCL #5934 TO SHARE THE COSTS TO INSTALL SIDEWALK ABUTTING THE PROPERTY ON FOUNDRY STREET, AND DECLARING AN EMERGENCY.**

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

**SEC. 1:** That the Mayor is hereby authorized and directed to execute an Agreement with the property owner of Medina City Lot #5934 to share the costs to install sidewalk abutting the property on Foundry Street.

**SEC. 2:** That the funds to cover the agreement are available in Account No. 108-0610-54411.

**SEC. 3:** That a copy of the Agreement is marked Exhibit A, attached hereto and incorporated herein.

**SEC. 4:** 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. 5:** That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to install the sidewalk prior to the end of the year; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** November 27, 2017

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** November 28, 2017

**SIGNED:** Dennis Hanwell  
Mayor

**AGREEMENT FOR SHARED COSTS FOR  
THE INSTALLATION OF SIDEWALK ON THE WEST  
SIDE OF FOUNDRY STREET IN THE CITY OF MEDINA**

This Agreement, made at Medina, Ohio, this 28<sup>th</sup> day of November, 2017, by and between the **City of Medina**, located at 132 North Elmwood Avenue, Medina, Ohio 44256, and **Marissa McNulty**, 1620 Stony Hill Road, Hinckley, Ohio 44233.

WHEREAS, the City of Medina anticipates installing sidewalk on the west side of Foundry Street beginning near Bronson Street and connecting to the existing public sidewalk at the Birch Manor Apartments; and

WHEREAS, Marissa McNulty owns property known as City Lot No. 5934, aka Permanent Parcel No. 028-19A-16-044, also located on the west side of Foundry Street in the City of Medina; and

WHEREAS, the parties wish to install sidewalk along the west side of Foundry Street and along the frontage of City Lot No. 5934 owned by Marissa McNulty; and

WHEREAS, the length along the McNulty frontage on City Lot No. 5934 comes to a total of 834.83 lineal feet with a total projected sidewalk installation cost of Twenty-one Thousand Five Hundred Sixteen and 52/100 Dollars (\$21,516.52); and

WHEREAS, Marissa McNulty agrees to pay to the City of Medina upon completion of the sidewalk installation project, fifty percent (50%) of the cost of the sidewalk installation along the McNulty frontage, which equals a total sum of Ten Thousand Seven Hundred Fifty-eight and 26/100 Dollars (\$10,758.26); and

WHEREAS, it is anticipated that Marissa McNulty will be installing two (2) construction entrances to City Lot No. 5934 for the purposes of improvements to be completed on the city lot where the newly installed sidewalk may be severely damaged during construction; and

WHEREAS, the City of Medina agrees to pay the repair cost for damaged sidewalk that occurs during the construction project to be completed on City Lot No. 5934 that is anticipated by property owner, Marissa McNulty;

NOW, THEREFORE, in consideration of these premises and the mutual covenants herein set forth, it is agreed as follows:

1. It is hereby agreed that the City of Medina shall install sidewalk on the west side of Foundry Street beginning near Bronson Street and connect it to the existing public sidewalk at the Birch Manor Apartments within the City of Medina. As a part of this sidewalk installation, the City of Medina shall install sidewalk along and abutting property known as City Lot No. 5934, aka Permanent Parcel No. 028-19A-16-044, also located on the west side of Foundry Street in the City of Medina.

2. The sidewalk installation shall be installed in accordance with the scope and installation specifications as set forth in "Exhibit A" attached hereto and incorporated herein.

3. The property known as City Lot No. 5934, aka Permanent Parcel No. 028-19A-16-044, is owned by Marissa McNulty. The length of sidewalk installed along and abutting the McNulty frontage on City Lot No. 5934 comes to a total of 834.83 lineal feet.

4. Marissa McNulty agrees to pay the City of Medina upon completion of the sidewalk installation project abutting City Lot No. 5934, aka Permanent Parcel No. 028-19A-16-044, fifty percent (50%) of the cost of the sidewalk installation, which equals a total sum of Ten Thousand Seven Hundred Fifty-eight and 26/100 Dollars (\$10,758.26).

5. It is anticipated that Marissa McNulty will be installing two (2) construction entrances to City Lot No. 5934 for purposes of improvements to the city lot where the newly installed sidewalk may be severely damaged during the construction process. The City of Medina agrees to pay for the repair cost for damaged sidewalk that occurs during the construction project to be completed on City Lot No. 5934 when that lot is improved and when the anticipated construction project is completed.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

Signed in the presence of:

CITY OF MEDINA

Sherry A. Crow

By: Dennis Hanwell 11-28-2015  
DENNIS HANWELL, Mayor

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MARISSA McNULTY

Approved as to form:

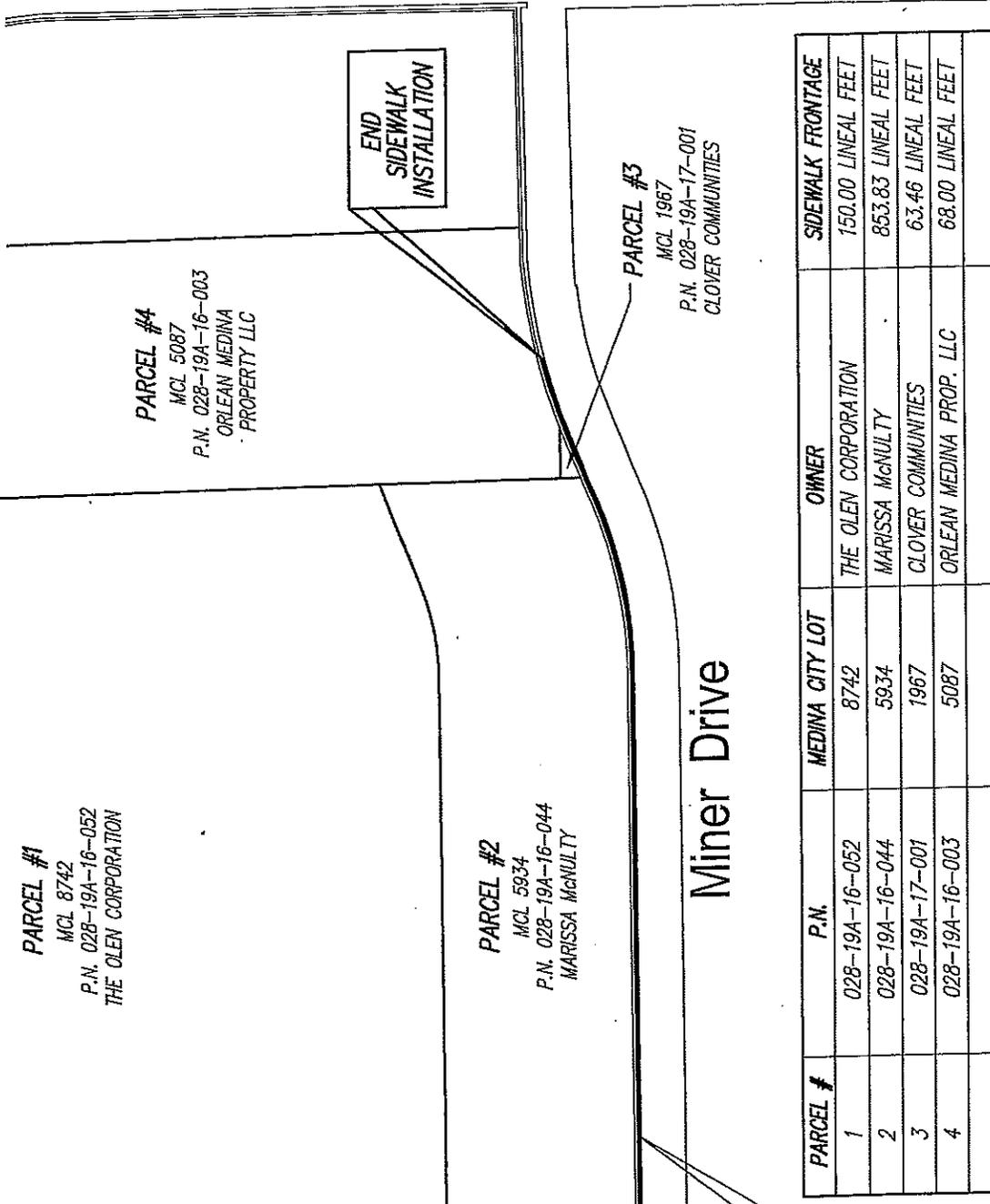
Greg A. Huber  
GREGORY A. HUBER  
Law Director



# EXHIBIT 'A' MINER DRIVE SIDEWALK INSTALLATION

Birch Hill Dr

Hickory



Miner Drive

Foundry Street

City of Medina Rail R-O-W

PARCEL #	P.N.	MEDINA CITY LOT	OWNER	SIDEWALK FRONTAGE
1	028-19A-16-052	8742	THE OLEN CORPORATION	150.00 LINEAL FEET
2	028-19A-16-044	5934	MARISSA McNULTY	853.83 LINEAL FEET
3	028-19A-17-001	1967	CLOVER COMMUNITIES	63.46 LINEAL FEET
4	028-19A-16-003	5087	ORLEAN MEDINA PROP. LLC	68.00 LINEAL FEET

4' WIDE CONCRETE SIDEWALK TO BE INSTALLED ALONG WEST SIDE OF MINER DRIVE