

**AMENDMENT TO  
COMMUNITY COST-SHARE AGREEMENT  
(DISTRICT AGREEMENT NO. 22001766)  
BY AND BETWEEN  
THE NORTHEAST OHIO REGIONAL SEWER DISTRICT  
AND  
CITY OF OLMSTED FALLS**

This Amendment to Agreement (the "Amendment") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between the Northeast Ohio Regional Sewer District (District) acting pursuant to Resolution No. 114-13, adopted by the Board of Trustees of the District on May 16, 2013, and the City of Olmsted Falls (City) acting pursuant to Ordinance/Resolution No. \_\_\_\_\_, adopted on \_\_\_\_\_, 2022.

**Recitals**

WHEREAS, the District, as a component of implementing a regional stormwater management program, manages a financial account termed the "*Community Cost-Share Account*" that is for the aggregation and dissemination of funds derived from revenues collected from the Stormwater Fee; and

WHEREAS, on or around March 5, 2020, the District and the City entered into a Community Cost-Share Agreement (the "Agreement") for the City's Metropolitan Holton Drainage Improvements project (the "Project"); and

WHEREAS, the final design of the storm sewer system was revised to allow an increase in stormwater capacity and include additional catch basins and storm sewer connections; and

WHEREAS, it is, therefore, necessary for the parties to amend the Agreement to increase the funding by \$22,162.07.

NOW THEREFORE, in consideration of the foregoing, the payment and the mutual promises contained in this Amendment, the parties agree as follows:

1. By execution of this Amendment, the District and City that the total Community Cost-Share funding allocated to the Project under the Agreement shall be increased by the amount not to exceed \$22,162.07 for an amended total funding amount of 247,162.07, as further described in the Request for Budget Modification attached hereto as Exhibit "A."

2. The provisions of this Amendment are hereby incorporated into the Agreement, as if fully rewritten therein. All terms used herein shall be defined and construed in the manner set forth in the Agreement. Except as otherwise provided in, or as otherwise necessary or appropriate to give effect to the terms of this Amendment, all the provisions, terms and conditions contained in the Agreement and not inconsistent with this Amendment shall remain unchanged and in full force and effect. In the event of any conflict between the Agreement and this Amendment, the

terms, conditions and provisions of this Amendment shall control.

The parties have executed this Amendment on the day and year first above written.

**NORTHEAST OHIO REGIONAL SEWER DISTRICT**

BY: \_\_\_\_\_  
Kyle Dreyfuss-Wells  
Chief Executive Officer

AND

BY: \_\_\_\_\_  
Darnell Brown, President  
Board of Trustees

**CITY OF OLMSTED FALLS**

By: \_\_\_\_\_

Title: \_\_\_\_\_

The legal form and correctness of this instrument is hereby approved:

**CITY OF OLMSTED FALLS**

\_\_\_\_\_  
Assistant/Director of Law

This Instrument Prepared By:

\_\_\_\_\_  
Anka M. Davis  
Assistant General Counsel  
Northeast Ohio Regional Sewer District

Each party agrees that this Amendment may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Amendment shall have the same legal effect as if such signatures were in their originally written format.

**MODIFICATION TO  
AGREEMENT NO.  
22001766**

NORTHEAST OHIO REGIONAL SEWER  
DISTRICT

WITH

CITY OF OLMSTED FALLS

FOR

COMMUNITY COST-SHARE AGREEMENT  
AMENDMENT:

METROPOLITAN HOLTON DRAINAGE  
IMPROVEMENTS PROJECT

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Total Additional Cost: \$22,162.07

Total Revised Agreement Amount: \$247,162.07

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The legal form and correctness of the within  
instrument are hereby approved.

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ERIC J. LUCKAGE  
CHIEF LEGAL OFFICER

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Date

**CERTIFICATION**

It is hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or 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.

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KENNETH J. DUPLAY  
CHIEF FINANCIAL OFFICER

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Date

**Budget Center 8100**

# EXHIBIT A



**Community Cost-Share Program  
REQUEST FOR BUDGET MODIFICATION**

*Community Cost-Share Program  
Request for Budget Modification*

**Member Community:** City of Olmsted Falls

**Project Title:** Metropolitan Holton Drainage Improvements

**Project Manager:**   
Signature

**Date:** 06/29/2022

**Justification and Description of Changes:**

Provide a summary of the revised budget (by category) and include a brief justification and itemized breakdown for the amount proposed in each category. For example, stream restoration project extended by 500 feet of streambank @ \$150/linear ft. to protect newly discovered underground utility.

**Summary of Project Modification:**

Preliminary estimate was based on schematic design only. Detailed design included additional catch basins and storm sewer connections, and an upsizing of the storm sewer system in several places to meet capacity. Final design size for storm sewer was larger than preliminary.

Project Expenses	Original Budget	Revised Budget	Details
Professional Services	\$32000.00	\$33408.00	
Personnel (Member Community Staff Only)			
Subcontract	\$193000.00	\$213754.07	
Equipment			
Materials			
Other			
<b>TOTAL</b>	<b>\$ 225000</b>	<b>\$ 247162.07</b>	<b>&gt; \$22,162.07 Imm</b>

*Direct all Community Cost-Share budget modification questions and requests to the Watershed Team Leader, 216-881-6600, and the Grant Programs Administrator is to be copied on all correspondence pertaining to budget modification.*