

FAIRFIELD TOWNSHIP
RESOLUTION NO. 21-38

**RESOLUTION AUTHORIZING ADMINISTRATOR TO EXECUTE MEMORANDUM OF
UNDERSTANDING BETWEEN FAIRFIELD TOWNSHIP BOARD OF TRUSTEES AND THE
BOARD OF PARK COMMISSIONERS OF METROPARKS OF BUTLER COUNTY FOR
THE INDIAN MEADOWS CONNECTOR TRAIL.**

WHEREAS: Fairfield Township and MetroParks have a common objective of promoting economic development, recreation, and the health, safety, and welfare of the residents of Butler County through development of paved multi-use paths for recreation and transportation; and

WHEREAS: Fairfield Township and MetroParks wish to create a multi-use path from the entrance of Rentschler Forest to the intersection of Reigart Road and Springcrest Drive, as set forth on the Memorandum of Understanding attached hereto as Exhibit "A";

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Fairfield Township, Butler County, Ohio, as follows;

SECTION 1: The Board hereby authorizes the Administrator to execute the Memorandum of Understanding attached hereto as Exhibit "A".

SECTION 2: The Board hereby dispenses with the requirement that this resolution be read on two separate days, pursuant to RC 504.10, and authorizes the adoption of this resolution upon its first reading.

SECTION 3 This resolution is the subject of the general authority granted to the Board of Trustees through the Ohio Revised Code and not the specific authority granted to the Board of Trustees through the status as a Limited Home Rule Township.

SECTION 4: That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

SECTION 5: This resolution shall take effect at the earliest period allowed by law.

Adopted: February 24, 2021

Board of Trustees

Susan Berding:

Susan Berding

Shannon Hartkemeyer:

Shannon Hartkemeyer

Joe McAbee:

Joe McAbee

Vote of Trustees

yes

yes

yes

AUTHENTICATION

This is to certify that this is a resolution which was duly passed and filed with the Fairfield Township Fiscal Officer this 24th day of February, 2021.

ATTEST:

Shelly Schultz

Shelly Schultz, Fairfield Township Fiscal Officer

APPROVED AS TO FORM:

L.E. Barbieri

Lawrence E. Barbieri, Township Law Director

MEMORANDUM OF UNDERSTANDING

between the

Fairfield Township Board of Trustees

and the

Board of Park Commissioners of MetroParks of Butler County
for the Indian Meadows Connector Trail

Upon this 26 day of February, 2021 this Memorandum of Understanding was entered into by and between the Fairfield Township Board of Trustees, County of Butler, State of Ohio, hereinafter called the "Township", and the Board of Park Commissioners of MetroParks of Butler County, hereinafter called "MetroParks".

STATEMENT OF PURPOSE

The Township and MetroParks have a common objective of promoting economic development, recreation, and the health, safety, and welfare of the residents of Butler County through development of paved multi-use paths for recreation and transportation. In particular, the Township and MetroParks wish to create a multi-use path from the entrance of Rentschler Forest to the intersection of Reigart Road and Springcrest Drive, which is hereinafter called the "Project". Attached hereto as Exhibit A is a map further depicting the Project and is incorporated herein by reference. The Township and MetroParks therefore enter into this Memorandum of Understanding stating the terms and conditions of a cooperative working agreement for achieving that objective and Project starting from the execution date of this agreement.

WHAT THE TOWNSHIP WILL BE RESPONSIBLE FOR:

1. The Township will retain a project Engineer, and Township staff and the project Engineer will manage the Project if the Project goes forward.
2. The Township will apply for an ODNR Grant to fund all aspects of the Project related to design and construction and will provide the required local matching contribution for any grant, if awarded.
3. Before the start of Project construction, the Township will be responsible for deciding whether or not to proceed with the Project in its sole discretion. Factors to be considered in a determination of whether to proceed with the Project will be whether the Township is awarded a Grant, the amount of the Grant, and/or whether alternate sources of Project funding are identified.
4. The Township will actively participate in and facilitate any public meetings associated with the Project and determined to be necessary by the Township, MetroParks and/or the grant funder(s), and will afford MetroParks the opportunity to participate in the meetings.
5. Using any Grant awarded to fund the Project or other sources, the Township will be responsible for design, bidding, and construction of the Project, including all associated costs.

All work will be performed in a good and workmanlike manner in accordance with applicable laws, regulations, and generally accepted engineering practices.

6. The Township will submit design plans and specifications to MetroParks for approval, which shall not be unreasonably withheld, prior to construction, and agrees not to proceed with construction prior to obtaining written approval from MetroParks, and further agrees that the project will be constructed in accordance with the approved plans and specifications.
7. Upon project completion, the Township will provide written certification to MetroParks that the Project was completed in accordance with the approved plans, specifications, applicable laws, regulations, and generally accepted engineering practices, and that all Contractors have been paid in full for work performed on the Project.

WHAT METROPARKS WILL DO:

1. MetroParks will support the Township in its effort to apply for an ODNR Grant by providing a letter of support, if needed, and by providing timely responses to requests for information from the Township and/or the Project Engineer.
2. MetroParks will participate in project coordination meetings, respond to requests for information, and facilitate reasonable access to MetroParks property for the purpose of the Township's due diligence investigations relative to the project.
3. If the Township elects to Proceed with the project, MetroParks will provide an easement of a reasonable width over MetroParks-owned property along the trail route identified in Exhibit A that includes the following:
 - a. Easement rights to meet or exceed the minimum requirements of any grant funders; and
 - b. The ability for work to be performed on the Project by authorized contractors; and
 - c. Access for Township staff during design and construction and for ongoing monitoring of compliance with easement terms; and
 - d. Access for the public to use the multi-use path once the Project is completed subject to MetroParks Rules and Regulations, including but not limited to park operating hours; and
 - e. Accepts the responsibility of MetroParks to maintain, manage, and patrol the multi-use path once the Project is completed in accordance with MetroParks Rules and Regulations and standard operating procedures; and
 - f. The requirement that the Township will follow through to Project completion once construction has started.
4. MetroParks will provide written acceptance of the Project to Township and assume all operational and maintenance responsibilities for the entire length of the multi-use path. The preceding obligations shall survive the duration of the Memorandum.
5. MetroParks will handle all future maintenance, management, and patrol of the multi-use path referred to as the Project once the Project has been completed and accepted by MetroParks,

except that Township will retain the obligation to remedy defects in the Project that arise within the warranty period under the Project construction contract.

IT IS MUTUALLY AGREED BY THE TOWNSHIP AND METROPARKS

1. Each party will be responsible for its own liability and other costs not otherwise assigned in this MOU.
2. Each party will maintain liability insurance with minimum general liability limits of at least one million dollars, and contractors working for the Township on MetroParks property shall be required to carry liability insurance which names MetroParks as additional insured.
3. Each party will acknowledge the other in Project publicity efforts and/or signage, as applicable.
4. This Memorandum shall be in effect from the date executed by both parties to it until January 1, 2024. But may be amended or terminated at any time by mutual written consent of the parties hereto.
5. If the Township and MetroParks are unable to reach agreement with respect to the written certification that the project was completed in accordance with the approved plans, specifications, applicable laws, regulations, and generally accepted engineering practices, and that all contractors have been paid in full for work performed on the project, the parties agree to proceed to mediation. The mediation shall be held within 30 days of the written notice requesting mediation, and the mediation process shall continue until the dispute is resolved or the mediator declares an impasse. Mediation fees shall be equally shared by the Township and MetroParks. If the dispute between the parties cannot be resolved by mediation, the parties agree to binding arbitration in accordance with the arbitration rules of the American Arbitration Association then in effect. The costs for such arbitration shall be divided evenly by the parties and each party will be responsible for its legal expenses.

(SIGNATURE PAGE TO FOLLOW)

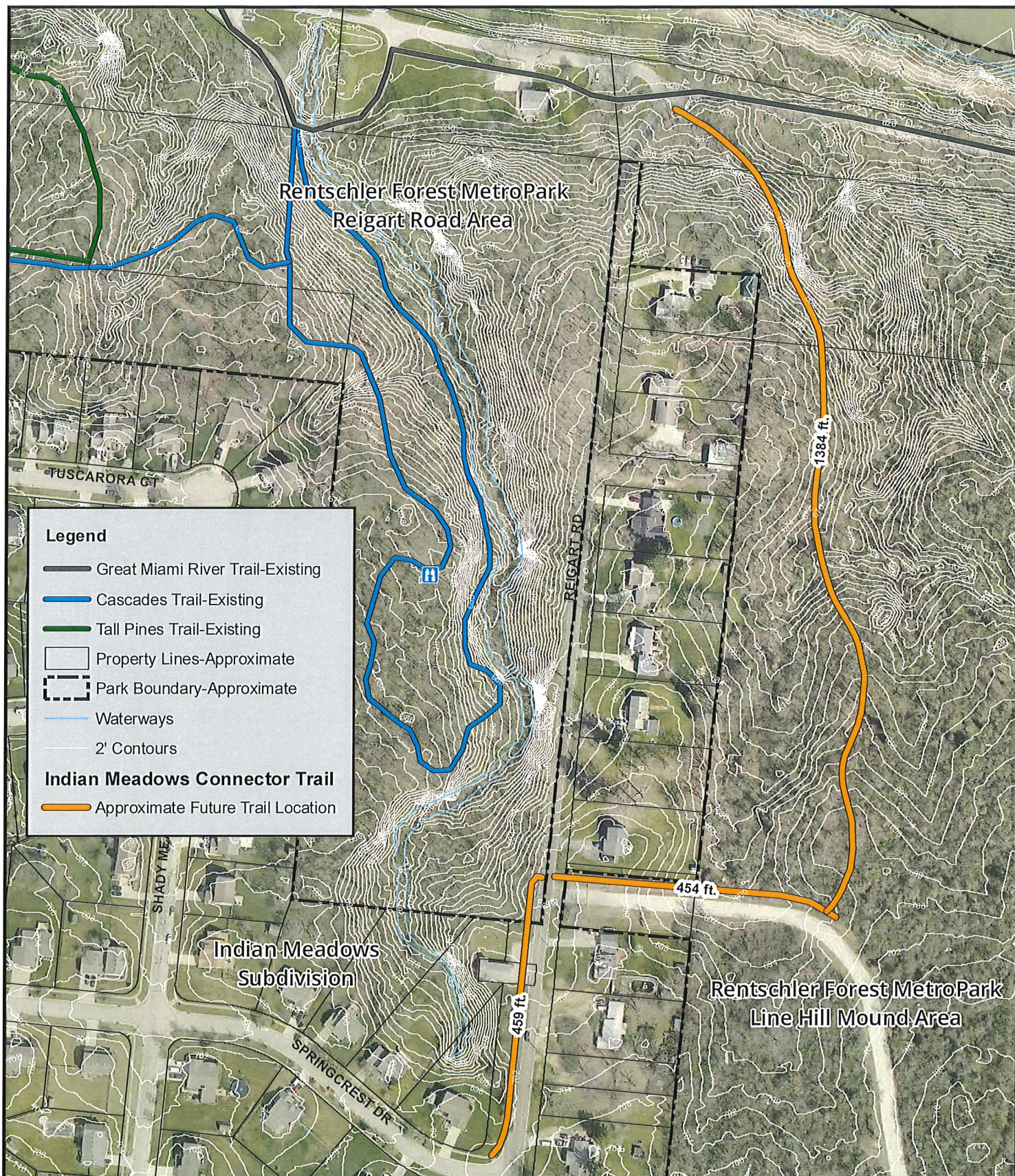


Exhibit A - Rentschler Forest - Reigart Road Area Fairfield Township Connector

5701 Reigart Road
Hamilton, OH 45011

0 50 100 200 300 400
Feet




ml 2/11/2021

2051 Timberman Road, Hamilton, OH 45013
www.YourMetroParks.net (513) 867-5835

IN WITNESS WHEREOF, the memorandum executed and agreed to on the day, month, and year written above.

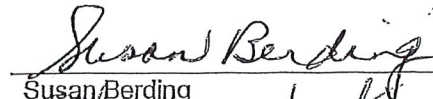
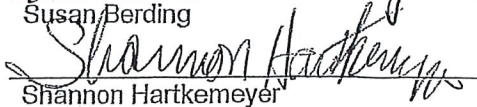
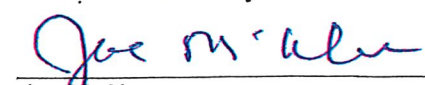
**For the METROPARKS of BUTLER COUNTY
BOARD OF PARK COMMISSIONERS**


Jonathan R. Granville, Executive Director

Approved by the Board of Park Commissioners on

February 26, 2021
Date

**FAIRFIELD TOWNSHIP
BOARD OF TRUSTEES**


Susan Berding

Shannon Hartkemeyer

Joe McAbee

ATTEST


Katherine Ely, Assistant Secretary of the Board

2/26/21
Date

ATTEST


Fiscal Officer, Fairfield Township

2-26-2021
Date

On behalf of Township: Reviewed and
approved as to legal form and content.


Lawrence E. Barbieri, Esq.
Township Law Director