

## VILLAGE OF BENTLEYVILLE, OHIO

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**RESOLUTION NO. 2024-31**  
**INTRODUCED BY: KVACEK**

**RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO  
ENTER INTO AMENDMENT NO. 1 TO THE CAPITAL IMPROVEMENT  
COMMUNITY PARK, RECREATION/CONSERVATION PROJECT  
PASS-THROUGH GRANT AGREEMENT FOR THE RIVERVIEW  
COMMUNITY PARK AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ohio Department of Natural Resources (“ODNR”) and the Village of Bentleyville desire to amend that certain Capital Improvement Budget – “Pass-Through Agreement” dated January 24, 2024 (“Agreement”) for the improvements to the Riverview Park; and

**WHEREAS**, ODNR and the Village of Bentleyville desire to amend the Agreement to extend the term of completion of the project until December 31, 2024; and

**WHEREAS**, Cleveland Metroparks and the Village of Bentleyville, in their mutual interest, wish to amend the Agreement as set forth below accordingly; and

**WHEREAS**, Council deems it in the best interest to enter into the First Amendment to Lease Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF BENTLEYVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

**Section 1:** That the Mayor is authorized to enter into Amendment No. 1 to the Capital Improvement Community Park, Recreation/Conservation Project pass-Through Grant Agreement a copy of which is attached hereto and incorporated by reference as Exhibit “A”, on behalf of the Village.

**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 all legal requirements including the applicable sections of the Ohio Revised Code.

**Section 3.** This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health or safety of the inhabitants of the Village of Bentleyville and for the further reason set forth in the preamble hereof, and this Resolution shall, therefore, take effect and be in full force immediately from and after the date of its passage and approval.

**AMENDMENT NO. 1  
TO THE CAPITAL IMPROVEMENT COMMUNITY PARK,  
RECREATION/CONSERVATION PROJECT  
PASS-THROUGH GRANT AGREEMENT (CUYA-086C)  
BETWEEN THE OHIO DEPARTMENT OF NATURAL RESOURCES  
AND VILLAGE OF BENTLEYVILLE**

WHEREAS the Ohio Department of Natural Resources ("ODNR") and Village of Bentleyville entered into a Capital Improvement Budget – "Pass Through Agreement" dated January 24, 2024, for the purpose of paving the gravel parking lot and driveway in Riverview Community Park in Bentleyville, OH (the "Agreement"); and

WHEREAS both parties desire to extend the project completion date, which will result in a six-month extension of the project completion date.

NOW THEREFORE, in consideration of the mutual benefits to be derived and respective obligations assumed, ODNR and Village of Bentleyville agree to this Amendment No. 1 to modify the Agreement as follows:

Paragraph 3, "Effective and Termination Dates" is deleted and replaced with the following:

This Agreement shall commence on the date that it is signed by ODNR (the "Effective Date") and will, unless otherwise earlier terminated as provided herein, expire on the later of: (i) 15 years from the date of the payment of the final Project reimbursement (or Project acquisition if the Project is solely for the acquisition of real property) ("Project Closeout"); or (ii) the date upon which the latest Bond issuance funding or refinancing of the Project is paid in full (the "Term"). Grantees shall complete the Project on or before December 31, 2024.

All other terms and conditions of the Agreement not modified herein shall remain in full force and effect.

Each party is signing this Amendment on the date stated below that party's signature.

GRANTEE

OHIO DEPARTMENT OF NATURAL RESOURCES

VILLAGE OF BENTLEYVILLE

OFFICE OF REAL ESTATE

By: Kathleen M. Hale

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

Printed Name: KATHLEEN M. HALE

Printed Name: \_\_\_\_\_

Title: MAYOR

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

Date: 7/10/24

Date: \_\_\_\_\_

## BN - Jackie Papa

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**From:** Jeff Filarski <filarski@cvelimited.com>  
**Sent:** Monday, July 1, 2024 10:59 AM  
**To:** BN - Kathleen Hale; can@mccarthylebit.com; BN - Jackie Papa; BN - Tammy Most  
**Subject:** Legislation  
**Attachments:** CUYA-086C\_Amendment\_Time.pdf

Good Morning – I will be in vacation tomorrow through Saturday, so I won't be able to attend a staff meeting if there is one this week. I know the Council meeting was moved up to 7/10, so I am assuming there will be a staff meeting this week.

In addition to needing legislation for the Amendment previously sent for the ODNR Park grant (attached) we will need motions for the following from Planning Commission referrals:

1. Approval for lot consolidation for PP#'s 387 Miles Rd.600 Solon Rd. PP #'s 941-12-006, 941-12-007, 941-12-015
2. Approval for a variance to place a generator in the front yard at 35974 Solon Rd.

Also, I have a Council meeting in Moreland Hillson 7/10 at 7:00. I will leave that as soon as I can, then be present for your meeting.

Have a great Independence Day !  
Jeff

Jeffrey J. Filarski, PE, BO, RBO

Consulting Municipal Engineer



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7/10/24  
Date Passed

Kathy Mills  
Mayor

I, the undersigned Fiscal Officer of the Village of Bentleyville, Ohio, hereby certifies that I published the foregoing Resolution in the Chagrin Valley Times as required by Section 731.21 of the R.C., for a period of fifteen (15) days, beginning the date following the passage and signature of the Mayor.

Ment  
Fiscal Officer

I, the undersigned, Fiscal Officer of the Village of Bentleyville, Ohio hereby certify that the foregoing is a true copy of Resolution 2024-31 duly enacted by the Council of said Village on this 10 day of July, 2024.

Ment  
Fiscal Officer