

Proposed: 10/02/2023

RESOLUTION NO. 157-2023(PD), *First Reading*

By: Mayor Seren

A Resolution authorizing the execution of agreements between the City of Cleveland Heights, the Northeast Ohio Regional Sewer District (the "District") and the City of Shaker Heights to authorize the District to proceed with the design of the Doan Brook Restoration Near Horseshoe Lake Park Project, and the design of certain amenities funded by the two Cities, at an approximate design cost to Cleveland Heights of One Hundred Sixty-eight Thousand Three Hundred Twenty-seven Dollars (\$168,327.00); and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the Northeast Ohio Regional Sewer District (District) is authorized to provide overall Stormwater Management of the Regional Stormwater System, including planning, financing, design, improvement, construction, inspection, monitoring, maintenance, operation, and regulation for the proper handling of stormwater runoff and the development and provision of technical support information and services to member communities; and

WHEREAS, the District has determined that Lower Shaker Lake provides flood control benefits that justify reconstruction of the Lower Shaker Lake Dam, but that Upper Shaker (Horseshoe) Lake does not provide stormwater management or flood control benefits that justify reconstruction of the Upper Shaker (Horseshoe) Lake dam with funds under the District's Regional Stormwater Management Program; and

WHEREAS, the District has recommended that removal of Upper Shaker (Horseshoe) Lake Dam and restoration of Doan Brook to a more naturalized state in the area provides the best combination of stormwater management and flood control benefits, Ohio Department of Natural Resources (ODNR) dam safety compliance, and long-term benefits; and

WHEREAS, in Resolution No.151-2021, enacted on November 22, 2021 this Council stated that it concurs with the proposal of the District, as a part of its regional stormwater management plan and at the District's cost, to remove Horseshoe Lake Dam and to return the lake bed to its naturalized state, including streams, non-invasive vegetation, plantings, trees, and other amenities (Lake Bed Improvements) following a thorough and open public planning process undertaken in consultation with the Cities of Shaker Heights and Cleveland Heights, and to rebuild the Lower Shaker Lake Dam so that it meets ODNR criteria for a Class I dam; and

WHEREAS, the City of Shaker Heights adopted a similar resolution of concurrence on September 28, 2021; and

WHEREAS, pursuant to Resolution No. 110-2023, enacted on June 20, 2023, the City entered into an amendment to the Regional Stormwater Project Agreement with the District

