

RESOLUTION NO.: 2008-R07
SPONSOR: MAYOR NORTON
INTRODUCED: JANUARY 8, 2008

ASSIGNED TO: _____

A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") FOR CONSTRUCTION AND SYSTEM INTEGRATION OF A FREEWAY MANAGEMENT SYSTEM ON INTERSTATE 77 ("PROJECT") WITHIN THE CITY OF GREEN, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio has determined the need to pursue the construction and system integration of a freeway management system on Interstate 77 in the City of Green; and

WHEREAS, this Project will involve the construction of information signs on Interstate 77 in the City of Green; and

WHEREAS, the State of Ohio requires the City to pass a Resolution acknowledging its consent to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:

SECTION ONE:

Being in the public interest, the City of Green gives consent to the Director of Transportation to complete the Project.

SECTION TWO:

The City of Green shall cooperate with the Director of Transportation in the completion of the Project as follows: the City of Green agrees to pay 100% of the cost of those features requested by the City of Green which are determined by the State of Ohio and the Federal Highway Administration to be unnecessary for the Project.

SECTION THREE:

The City of Green grants permission to the Director of Ohio Department of Transportation to acquire in the name of the City of Green all necessary right-of-way required for the Project. The City of Green agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION FOUR:

Upon completion of the Project, and unless otherwise agreed, the City of Green shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold the right-of-way inviolate for public highway purposes.

SECTION FIVE:

The Mayor of the City of Green is empowered on behalf of the City of Green to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the Project. Upon the request of ODOT, the Mayor is also empowered to assign all rights, title, and interests of the City of Green to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional and/or corrective work, recover damages due to errors or admissions, and to exercise all other contractual rights and remedies afforded by law or equity. The City of Green agrees that if Federal Funds are used to pay the cost of any consultant contract, the City of Green shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City of Green agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City of Green agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The City of Green agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION SIX:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION SEVEN:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: Feb. 26, 2008
Molly Stevens
Molly Stevens, Clerk

Christine Croce
Christine Croce, Council President

APPROVED: Feb. 26, 2008
[Signature]
Richard G. Norton, Mayor

COPIED _____
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: Feb. 26, 2008

ON ROLL CALL: Colopy - YEA Croce - YEA France - YEA Manwaring - YEA
Reed - YEA Ridgeway - YEA Smole - YEA Adopted 7-0

Suburbanite publication on MARCH 3 and MARCH 10, 2008
Molly Stevens
Molly Stevens, Clerk

1/2/2008 8:31 AM Approved as to form and content by Stephen J. Pruneski, Law Director SP 1/2/08