

RESOLUTION NO.: 2006-R43
SPONSOR: MAYOR CROGHAN
INTRODUCED: JUNE 12, 2007 **ASSIGNED TO:** FINANCE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") FOR THE ARLINGTON ROAD/STATE ROUTE 619 IMPROVEMENTS PROJECT ("PROJECT"), INCREASING AND REDUCING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the Project shall consist of widening and resurfacing, turn lane addition, and drainage improvements on all four legs of the intersection at Arlington Road and State Route 619; and

WHEREAS, the State of Ohio has identified the need for the Project; and

WHEREAS, the proposed budget for the Project is \$7,167,781.00 and the Federal Highway Administration ("FHWA") will pay \$6,025,128.00 towards the cost of the Project; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Green and motorists traveling through the City of Green to proceed with the Project; and

WHEREAS, Ohio Revised Code Section 5511.01 requires the Director of Transportation to request legislation from a municipality prior to making any necessary repairs to state highways within the corporate limits; and

WHEREAS, it is also necessary to increase and reduce appropriations necessary for 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:

City Council authorizes the Mayor to enter into an agreement with the Director of Transportation of ODOT in order for the Project to proceed.

SECTION TWO:

Green shall cooperate with the Director of Transportation in the Project as follows:

1. Green agrees to participate in the cost of construction within the City limits at a rate of twenty (20%) percent for all MPO-STP eligible right-of-way and construction items (approximately \$1,142,653.00).
2. Green further agrees to pay for costs that exceed the federal maximum amounts stated in Attachment 1 of the Agreement and pay one hundred (100%) percent of the cost of those features requested by Green which are

determined by the state and FWHA to be unnecessary for the Project. A copy of the Agreement is attached as Exhibit "A".

3. Green further agrees to pay one hundred (100%) percent of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION THREE:

City Council grants permission to the Director of ODOT to acquire in the name of Green all necessary right-of-way required for the Project. Green agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodation, relocation and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual. Further, City Council authorizes the Mayor or his duly appointed agent to enter into contracts necessary to complete the Project.

SECTION FOUR:

Upon completion of the Project, and unless otherwise agreed, Green shall:

1. Provide adequate maintenance for the described 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:

City Council authorizes the Mayor 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 authorized to assign all rights, title and interests of Green to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Green agrees that if federal funds are used to pay the cost of any consultant contract, Green shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, Green agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. Green agrees to require, as a copy 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. Green agrees to include a completion schedule acceptable to ODOT and to

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assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION SIX:

City Council authorizes the increase of Five Million Twenty-five Thousand One Hundred Twenty-eight (\$5,025,128.00) Dollars to the Grant Project Fund from unappropriated federal grant funds. City Council also authorizes the reduction of appropriations in the TIF Fund (403-8020-53635 Arlington/S.R. 619 Intersection) by the amount of One Million Three Hundred Five Thousand Six Hundred Fifty-three (\$1,305,653.00) Dollars.

SECTION SEVEN:

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 EIGHT:

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, and to provide highway safety. 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: July 10, 2007

Shelly McKeller
~~Molly Kapeluck, Clerk~~
Shelly Keller, Acting Clerk

Bruce Manwaring
Bruce Manwaring,
Council President

APPROVED: July 10, 2007

Daniel L. Croghan
Daniel L. Croghan, Mayor

COPIED
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: July 10, 2007

ON ROLL CALL: Colopy yea Croce yea France yea Manwaring yea
Padrutt yea Ridgeway yea Smole yea Adopted 7-0

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Suburbanite publication on July 14 and July 23

Shelly McEller

~~Molly Kapeluck, Clerk~~

Shelly Ketter, Acting Clerk

6/6/2007 2:08 PM Approved as to form and content by Stephen J. Pruneski, Law Director

SP 6/6/07

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