

RESOLUTION NO.: 2013-R09
SPONSOR: MAYOR NORTON
INTRODUCED: FEBRUARY 12, 2013

ASSIGNED TO: INTERGOV. & UTIL.

A RESOLUTION GRANTING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO SPOT PAVE WITHIN THE LIMITS OF THE CITY OF GREEN FOR THE FISCAL YEAR 2014, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Transportation and the City of Green have identified the need to allow spot paving within the City's limits.

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

SECTION ONE:

The City of Green finds that the proposed Project serves the public interest and gives its consent to the Director of Transportation to complete the Project.

SECTION TWO:

The City of Green agrees to cooperate with the Director of Transportation by agreeing to pay One Hundred Percent (100%) of the cost of any features requested by the City which are determined by the State of Ohio and the Federal Highway Administration to be unnecessary for the Project.

SECTION THREE:

The City understands that the State of Ohio shall assume and bear One Hundred Percent (100%) of the cost of the Project.

SECTION FOUR:

The City of Green agrees that all right-of-way required for the Project will be acquired or made available in accordance with current State and Federal Regulations. The City of Green also understands that right-of-way costs include eligible utility costs and further understands, at present time, no such right-of-way will be needed for the Project.

SECTION FIVE:

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 SIX:

The Mayor of Green is empowered on behalf of the City of Green to enter into contracts with the Director of Transportation which is necessary to complete the Project.

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. It is necessary to immediately pass this Resolution to expedite the proposed Project and promote 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: MARCH 26, 2013

Molly Stevens
Molly Stevens, Clerk
KAPELNICK

Gerard Neugebauer
Dave France, Council President
GERARD NEUGEBAUER

APPROVED: March 27, 2013

Richard G. Norton
Richard G. Norton, Mayor

ENACTED EFFECTIVE: MARCH 27, 2013

ON ROLL CALL: Colopy - yea France - Absent Humphrey - yea Knodel - yea
Neugebauer - yea Reed - yea Summerville - yea Adopted 6-0

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Molly Stevens
Molly Stevens, Clerk
KAPELNICK

01/31/2013 Approved as to form and content by Stephen J. Pruneski, Law Director 2/5/13

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