

RESOLUTION NO. 2016-96

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF A GUARDRAIL ANCHOR ASSEMBLY ON RIVER STREET (SR 43) NEAR THE SILK MILL ENTRANCE, D04 GR FY2018 (TYPE A); PID NO. 103678, AND DECLARING AN EMERGENCY.

WHEREAS, the State has identified the need for a replacement of a guardrail anchor assembly on River Street (SR 43) near the Silk Mill entrance within the city of Kent; and

WHEREAS, the City of Kent, hereinafter referred to as the Legislative Authority/Local Public Agency (LPA), wishes to give consent to the Director of Transportation for the replacement of a guardrail anchor assembly on River Street (SR 43) near the Silk Mill entrance; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

- a) The LPA agrees to participate in the cost of construction within the city limits at zero percent (0%) total cost.
- b) The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.
- c) The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.
- d) The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
- e) Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal, 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 said right-of-way inviolate for public highway purposes.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to enter into an agreement giving consent to the State of Ohio Department of Transportation for the replacement of a guardrail anchor assembly on River Street (SR 43) near the Silk Mill entrance; said consent attached hereto as Exhibit "A".

SECTION 2. That 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 of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this resolution is hereby declared to be an emergency measure necessary to expedite the highway project and to promote highway safety for the residents of this City, for which reason and other reasons manifest to this Council this resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: October 19, 2016
Date

J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: October 19, 2016
Date

ATTEST: Tara Grimm
Tara Grimm, CMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF RESOLUTION No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 2016.

(SEAL)

TARA GRIMM, CMC
CLERK OF COUNCIL