

ORDINANCE NO. 2016- 43

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A BIKEWAY SYSTEM MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TALLMADGE, OHIO, SUMMIT METRO PARKS AND THE CITY OF KENT PROVIDE A SAFER TRANSPORTATION FACILITIES FOR BICYCLISTS ON OR NEAR MIDDLEBURY ROAD AND S.R. 261, AND DECLARING AN EMERGENCY.

WHEREAS, Tallmadge, Kent and Summit Metro Parks have been working to provide links to the Regional Bikeway System; and

WHEREAS, there have been requests from the public and the Kent Planning Commission to improve the safety of bicyclists on Middlebury Road; and

WHEREAS, Tallmadge, Kent and Summit Metro Parks wish to increase the safety for cyclists between the Freedom Trail and the City's trail off of Middlebury Road; and

WHEREAS, the City of Kent and the City of Tallmadge wish to share the expenses incurred for the improvement of bike lanes on Middlebury Road; and

WHEREAS, the cost to the City of Kent will be no more than \$20,000.00.

NOW, THEREFORE, BE IT RESOLVED 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 a Bikeway System Memorandum of Understanding between the City of Tallmadge, Ohio, Summit Metro Parks and the City of Kent to provide safer transportation facilities for bicyclists in substantial compliance with the MOU attached and marked as Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 05/18/2016
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2016-43 was duly enacted this 18th day of May, 2016, by the Council of the City of Kent, Ohio

CLERK OF COUNCIL

Published by title only in the Record Courier on the 24th day of May, 2016 by Linda M. Jordan, Clerk of Council.

Clerk of Council

EXHIBIT "A"

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made and entered into this _____ day of _____, 2016 (the effective date) by and between the City of Tallmadge, Ohio ("Tallmadge"), Summit Metro Parks ("SMP") and the City of Kent, Ohio ("Kent").

WITNESSETH

WHEREAS, Tallmadge, SMP and Kent have been active in providing links to the Regional Bikeway System; and

WHEREAS, all of the above parties wish to provide safer transportation facilities for bicyclists; and

WHEREAS, in 2009, the Portage Hike and Bike Trail was constructed by Kent with its western termination point located at Middlebury Road; and

WHEREAS, in 2014, The Freedom Trail was constructed by the SMP with its eastern termination point located on Middlebury Road; and

WHEREAS, the termination points of both trails are located approximately 1,100 feet apart along Middlebury Road; and

WHEREAS, since the completion of the trails, bicycle traffic on Middlebury Road has significantly increased; and

WHEREAS, the City of Kent Sustainability Commission requested that Kent look into adding bike lanes on Middlebury Road between the two (2) trail heads; and

WHEREAS, Kent and Tallmadge have received requests from drivers and bicyclists to improve the safety of Middlebury Road by increasing bicycle awareness and providing additional facilities between the trail heads; and

WHEREAS, Kent and Tallmadge have worked jointly to determine the improvements necessary to incorporate bike lanes on Middlebury Road. These improvements were staked in the field and determined to not require any work outside the existing right-of-way limits. The improvements are shown in attachment A

NOW THEREFORE, for mutual consideration, the receipt of which is hereby acknowledged, Kent, Tallmadge and SMP hereby express their mutual understanding as follows:

- A. City of Tallmadge shall:
 - 1. Widen the existing pavement to a minimum of thirty (30) feet along Middlebury Road in the location indicated in Attachment "A", and made a part hereof.
 - 2. By executing this agreement, Tallmadge permits Kent to work in the City of Tallmadge to modify the signing and pavement markings along Middlebury Road as indicated in Attachment "A".
 - 3. The maximum out of pocket cost committed by Tallmadge for the above work is \$7000.00. Tallmadge shall not be committed to spending more than the above amount under the terms of this MOU.
- B. City of Kent shall:
 - 1. Modify the signing and pavement markings along Middlebury Road as indicated in Attachment "A", and made a part hereof.
 - 2. By executing this agreement, Kent permits Tallmadge to work in the City of Kent to widen the existing pavement to a minimum of thirty (30) feet along Middlebury Road as indicated in Attachment "A".
 - 3. The maximum out of pocket cost committed by Kent for the above work is \$20,000. Kent shall not be committed to spending more than the above amount under the terms of this MOU.
- C. Summit Metro Parks shall:
 - 1. If necessary, provide a temporary work agreement for grading purposes. Prior to execution of a temporary work agreement, the Metro Parks will be provided proposed cross sections or a grading plan for their review and approval from either Kent or Tallmadge.
- D. Maintenance of Facilities:

Each participating entity will maintain the facilities within their respective jurisdictions upon

- completion of the work shown in Attachment "A".
- E. Schedule:
It is the intent of all parties to have the work shown in Attachment "A" completed by June 30, 2016.
 - F. This MOU, together with the attached exhibits, contains all of the terms and conditions of the agreement between the parties, and any and all prior and contemporaneous oral and written agreements are merged herein.
 - G. This MOU cannot be changed nor can any provision of this MOU, or any right or remedy of any party, be waived orally. Changes and waivers can only be made in writing, and the change or waiver must be signed by the party against whom the change or waiver is sought to be enforced. Any waiver of any provision of this MOU, or any right or remedy, given on any one or more occasions shall not be deemed a waiver with respect to any other occasion.
 - H. This MOU shall be binding upon and inure to the benefit of the heirs, executors, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this MOU on the date first above written.

CITY OF KENT, OHIO

By _____

Title: _____

APPROVED AS TO FORM:

James R. Silver, Law Director
City of Kent

CITY OF TALLMADGE, OHIO

By _____

Title: _____

APPROVED AS TO FORM:

Law Director
City of Tallmadge

SUMMIT METRO PARKS

By _____

Title: _____

APPROVED AS TO FORM:

CERTIFICATE OF DIRECTOR OF BUDGET AND FINANCE

It is hereby certified that the amount of (\$_____) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purposes and is in the City Treasury or in the process of collection to the credit of _____ Fund free from any obligation or certificates now outstanding.

_____ Date

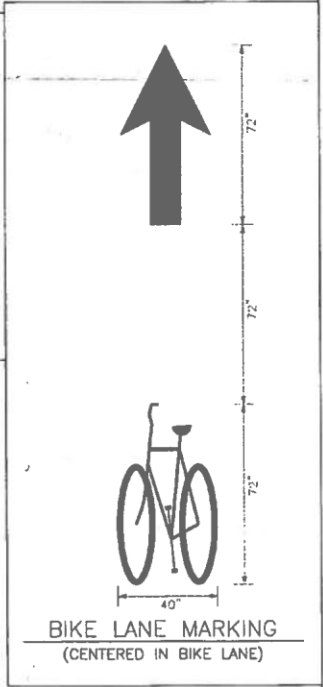
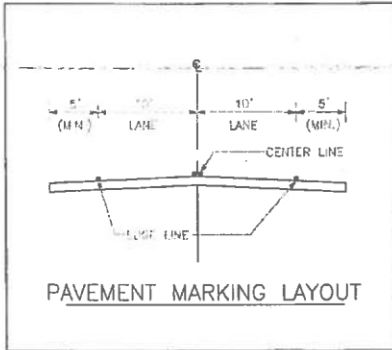
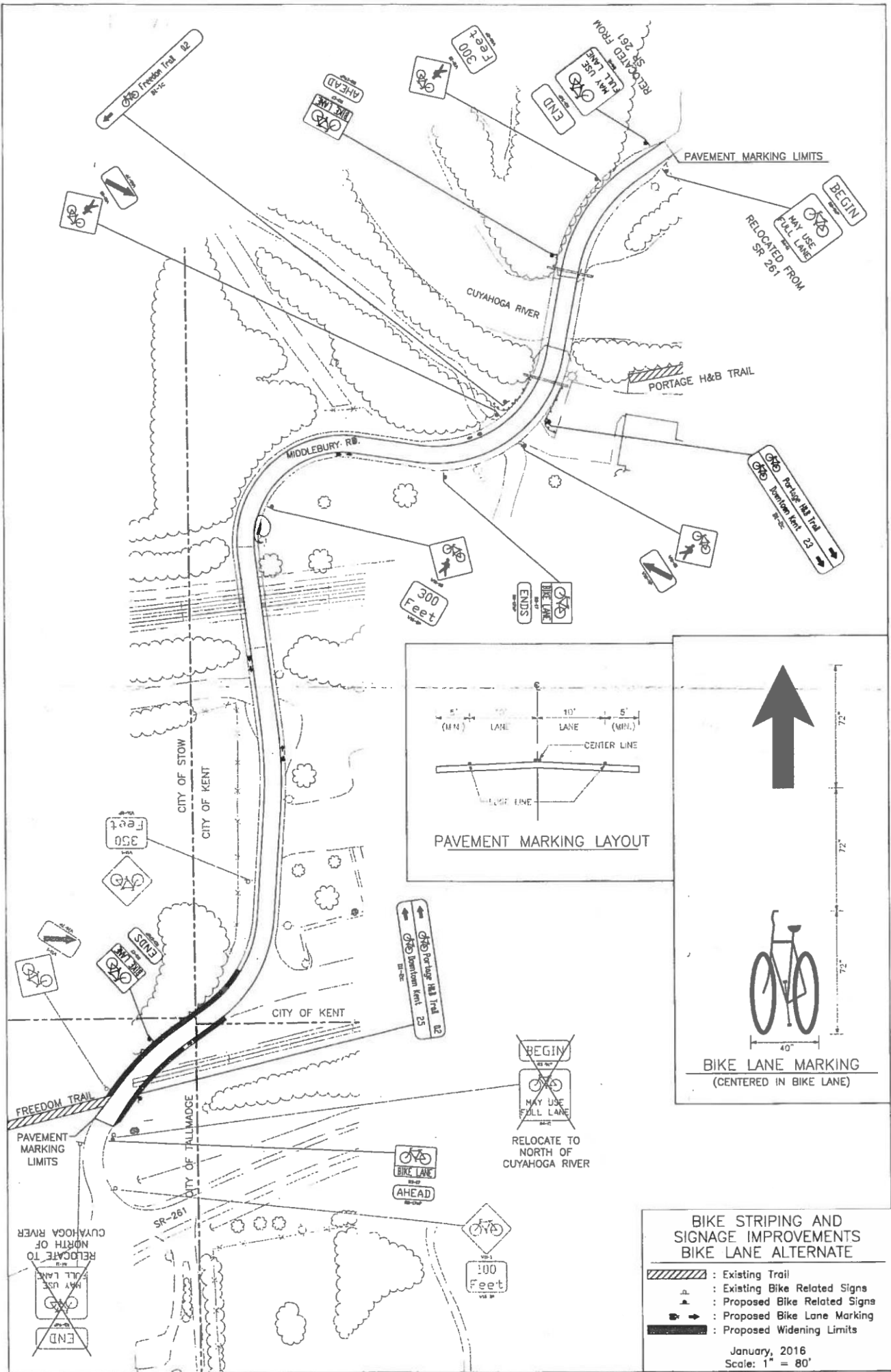
David Coffee, Budget and Finance Director
City of Kent, Ohio

CERTIFICATE OF DIRECTOR OF BUDGET AND FINANCE

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_____ Date

Budget and Finance Director
City of Tallmadge, Ohio



**BIKE STRIPING AND SIGNAGE IMPROVEMENTS
BIKE LANE ALTERNATE**

- : Existing Trail
- : Existing Bike Related Signs
- : Proposed Bike Related Signs
- : Proposed Bike Lane Marking
- : Proposed Widening Limits

January, 2016
Scale: 1" = 80'