

RESOLUTION NO. 2017 - 85

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PARTICIPATE WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION TO RESURFACE SR 261, FROM THE COUNTY LINE CONTINUING EAST FOR APPROXIMATELY 3.51 MILES ON BOTH SIDES OF THE DIVIDED HIGHWAY; POR-SR 261 - 0.00 TO 2.59 PID 98381, AND DECLARING AN EMERGENCY.

WHEREAS, the State has identified the need to resurface SR 261, from the county line continuing east for approximately 3.51 miles on both sides of the divided highway in the City of Kent, (POR-SR261 - 0.00; PID 98381); and

WHEREAS, the City of Kent, hereinafter referred to as the Legislative Authority/Local Public Agency (LPA), wishes to participate with the Director of Transportation for the resurfacing of SR 261, for approximately 3.51 miles from the county line; and

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

The City agrees to assume and bear one hundred percent (100%) of the entire cost of improvement, less the amount of Federal-Aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The State shall assume and bear 80% of all of the costs of the improvement; with the LPA participating in the cost of construction within the city limits at twenty percent (20%).

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.

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.

The LPA further agrees to pay One Hundred Percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act, if needed.

The share of the cost of the LPA is now estimated in the amount of **One Hundred Ninety Five Thousand Seven Hundred Fifty and 00/100 Dollars, (\$195,750.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

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 an agreement to participate with the State of Ohio Department of Transportation for the resurfacing of SR 261, from the county line continuing east for approximately 3.51 miles on both sides of the divided highway; said consent attached hereto as Exhibit "A".

a. That the estimated sum of **One Hundred Ninety Five Thousand Seven Hundred Fifty and 00/100 (\$195,750.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.

b. That the LPA hereby requests the Director of Transportation to proceed with the aforementioned highway improvement.

c. That the LPA enter into a contract with the State, and that the City Manager be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

d. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

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: August 16, 2017
Date

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

EFFECTIVE: August 16, 2017
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 _____, 20_____.

TARA GRIMM, CMC
CLERK OF COUNCIL
(SEAL)

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Kent of Portage County, Ohio,
(LPA)

Tara Grimm, as Clerk of the City of Kent, of Portage County, Ohio, does hereby certify that the foregoing is a true and correct copy of Resolution No. 2017 - 85 adopted by the legislative Authority of the said City of Kent on the 16th day of August, 2017; that the publication of such Resolution No. 2017 - 85 has been made and certified of record according to law; that no proceedings looking to a referendum upon such have been taken; and that such Resolution No. 2017 - 85 and certificate of publication thereof are of record in Legislation Book No. 49.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 17th day of August, 2017.

(SEAL)

Clerk
City of Kent of Portage County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation".)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Kent of Portage, Ohio.
(LPA)

Attest: _____, _____, Date

For the State of Ohio

Attest: _____, _____, Date
Director, Ohio Department of Transportation