

2009-28

**A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF KENT, OHIO ON BEHALF OF THE STATE OF OHIO TO REIMBURSE ITS STORM DRAINAGE FUND FOR THE SUB AREA Q DRAINAGE IMPROVEMENTS – PHASE V, PROJECT NUMBER CG05M WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY.**

**WEHREAS**, the City wishes to borrow up to \$100,000 from the Ohio Public Works Commission (OPWC) for the Sub Area Q Drainage Improvements – Phase V project, #CG05M.

**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.** The City of Kent reasonably expects to receive a reimbursement for the Sub Area Q Drainage Improvement – Phase V project as set forth in Appendix "A" of the Project Agreement with the proceeds of bonds to be issued by the State of Ohio.

**SECTION 2.** The maximum aggregate principal amount of bonds, other than for costs of issuance, expected to be issued by the State of Ohio for reimbursement to the local subdivision is \$100,000.

**SECTION 3.** The Clerk of the City of Kent is hereby directed to file a copy of this Resolution with the City of Kent, Ohio for the inspection and examination of all persons interested therein and to deliver a copy of this Resolution to the Ohio Public Works Commission.

**SECTION 4.** 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 5.** That this Resolution 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 Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 2/18/2009  
DATE

\_\_\_\_\_  
PRESIDENT PRO TEM

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

I hereby certify that Resolution No. 2009-28 was duly enacted this 18<sup>th</sup> day of February, 2009, by the Council of the City of Kent, Ohio.

\_\_\_\_\_  
CLERK OF COUNCIL

**APPENDIX A  
PROJECT DESCRIPTION AND COMPLETION SCHEDULE**

1) PROJECT DESCRIPTION / PHYSICAL SCOPE:

The Project, for which the provision of financial assistance is the subject of this Agreement, is hereby defined and described as follows:

a) PROJECT NAME: **Sub Area Q Drainage Improvements – Phase V**

b) SPECIFIC LOCATION: **In the cities of Kent and Stow along Chelton Drive, Irma and Deidrick Streets in Kent and Wilder Street in Stow, terminating at Fish Creek in Stow.**

**(Project Location Zip Code – 44240-)**

c) PROJECT TYPE; MAJOR COMPONENTS: **Trunk storm sewer and collection system to replace undersized and deteriorating system. Also included will be catch basins, ditching, and house laterals.**

d) PHYSICAL DIMENSIONAL CHARACTERISTICS:

**3,962' storm sewer 21" or less**

**1,375' storm sewer 24"-36"**

**784' storm sewer 42"-48'**

**manholes, appurtances, and house laterals**

**PAGE 2 of APPENDIX A**

2) PROJECT SCHEDULE:

The Project, for which the provision of financial assistance is the subject of this Agreement, shall be pursued and completed in accordance with the following schedule:

<u>ACTIVITY</u>	<u>START DATE</u>	<u>COMPLETION DATE</u>
a) Final Design	<b>01/01/2009</b>	<b>06/30/2009</b>
b) Construction Bidding Process	<b>01/01/2010</b>	<b>03/01/2010</b>
c) Project Construction	<b>04/01/2010</b>	<b>12/01/2010</b>

**NOTE:** Construction must begin within 30 days of the date set forth herein for the start of construction, or this Agreement may become null and void, at the sole option of the Director. However, the Recipient may apply to the Director in writing for an extension of the date to initiate construction. The Recipient shall specify the reasons for the delay in the start of construction and provide the Director with a new start of construction date. The Director will review such requests for extensions and may extend the start date, providing that the Project can be completed within a reasonable time frame.

The information detailed in this Appendix A shall serve as the basis for Project monitoring purposes and for determining Project acceptance upon its completion. In the event that circumstances require a change in physical scope, such changes must be approved through the execution of a formal Amendment to this Project Agreement.