

RESOLUTION NO. 2009 - 36

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF KENT AND THE OHIO DEPARTMENT OF TRANSPORTION FOR THE CONSTRUCTION NECESSARY FOR IMPROVEMENTS TO THE CRAIN AVENUE BRIDGE OVER THE CUYAHOGA RIVER AND CSX RAILROAD AND IMPROVE THE ALIGNMENT OF CRAIN AVENUE FROM NORTH MANTUA STREET (SR 43) TO NORTH WATER STREET, IN PORTAGE COUNTY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent and the Ohio Department of Transportation have mutually determined that it is in the public interest and for the benefit of public safety to make improvements to the Crain Avenue bridge over the Cuyahoga River and CSX railroad and improve the alignment of Crain Ave. from North Mantua Street (SR 43) to North Water Street, Portage County, Ohio; and

WHEREAS, the City and the Ohio Department of Transportation wish to enter into a Memorandum of Understanding (MOU) to make said improvements; and

WHEREAS, time is of the essence.

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 the Kent City Council does hereby authorize the City Manager, or his designee to sign the Memorandum of Understanding between the City of Kent and the Ohio Department of Transportation for the construction necessary for improvements to the Crain Avenue Bridge over the Cuyahoga River and CSX Railroad and to improve the alignment of Crain Avenue from North Mantua Street (SR 43) to North Water Street, in substantial conformity with the terms of said agreement as described in 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 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 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: 3/18/09
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Resolution No. 2009-36 was duly enacted this 18 day of
March, 2009, by the Council of the City of Kent, Ohio

CLERK OF COUNCIL