

RESOLUTION NO. 2010 - 17

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY FOR THE PURPOSE OF CONTINUING THEIR JOINT EFFORTS FOR THE IMPROVEMENT OF ERIE STREET GENERALLY LOCATED FROM LINCOLN STREET TO WATER STREET, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent and Kent State University wish to continue their joint efforts for the improvement of Erie Street generally located from Lincoln Street to Water Street; 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 execute a Memorandum of Understanding between the City of Kent and Kent State University for the purpose of continuing their joint efforts for the improvement of Erie Street, said Memorandum of Understanding 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: 2/17/10
Date

MAYOR & PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Resolution No. 2010-17 was duly enacted this 17 day of February, 2010, by the Council of the City of Kent, Ohio.

CLERK OF COUNCIL

EXHIBIT "A"

ESPLANADE - ERIE STREET

**MEMORANDUM OF UNDERSTANDING
KENT STATE UNIVERSITY
AND
THE CITY OF KENT
ALL PARTIES BEING IN THE COUNTY OF PORTAGE,
STATE OF OHIO**

This Memorandum of Understanding, dated _____ 2010, is an agreement made and entered into between Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "City").

WITNESSETH:

WHEREAS, KSU and the City desire better connectivity for pedestrians between KSU and downtown Kent; and

WHEREAS, The City and KSU agree that an extension of the pedestrian facility on campus called the "Esplanade" to downtown Kent would provide the better connectivity desired; and

WHEREAS, The construction of the Esplanade Extension requires approval of a break in the Limited Access along SR 59 from the Ohio Department of Transportation; and

WHEREAS, The construction of the Esplanade Extension will require an upgrade and extension to Erie Street from Lincoln Street to SR 59 and road and pedestrian improvements from SR 59 to Water Street; and

WHEREAS, The KSU Board of Trustees approved revisions to the KSU Campus Master Plan and the City presented to the public on July 9 and 14, 2009 and City Council a downtown redevelopment plan that depicts the extension of the Esplanade from KSU to downtown Kent along the Erie Street Corridor; and

WHEREAS, The above Esplanade Extension, SR 59 crossing and Erie Street upgrade represent a significant investment.

THEREFORE, The City and KSU agree to cooperate in the design, construction and funding of the Esplanade Extension, SR 59 crossing and Erie Street upgrade. Each party agrees to the following to create the connectivity described above:

City:

- Improve East Erie Street from SR 59 to Water Street, including street condition, streetscape with increased pedestrian and bicycle facilities and other amenities consistent with other downtown streets.
- Continue to diligently pursue limited access breaks on SR 59 from the Ohio Department of Transportation for the Esplanade-Erie Street connection at SR 59.
- Permit construction of the Esplanade Extension in the existing Erie Street Right-of-Way from SR 59 to Willow Street with consideration of the existing utilities and upon approval of the final plans.
- Perform non-emergency repairs to the existing utilities within the existing Erie Street Right-of-Way in such a manner as to minimize disturbance to the functioning of the Esplanade.
- Repair the Esplanade Extension to the quality of the existing facility with similar materials when the City disturbs the facility in the course of repairing and/or maintaining its utilities.

KSU:

- Extend the Esplanade in accordance with the Board of Trustee approved revisions to the KSU Campus Master Plan, including design, land acquisition and construction.
- Assist the City in pursuing the limited access breaks on SR 59 from the Ohio Department of Transportation for the Esplanade-Erie Street connection at SR 59.
- Maintain the Esplanade Extension from Lincoln Street to SR 59, including routine maintenance such as sweeping, plowing and landscaping, repairs to the surface, lighting system and other amenities and eventually replacement at the end of the facility's useful life.

City and KSU:

- Collaborate to expand and extend the proposed community sculpture walk along the esplanade.
- Collaboratively pursue Federal, State or other funding for the Esplanade Extension from SR 59 to Lincoln Street.

- Collaborate to provide a safe, vibrant pathway between the City and the University including individual and jointly sponsored regularly scheduled events.

Schedule:

The City and KSU will diligently pursue the completion of the Esplanade Extension and Erie Street Upgrade. Construction shall be completed for both facilities by December 1, 2012 unless otherwise modified by both parties.

In witness whereof, the Parties hereto have offered their hands and seals:

CITY OF KENT

Approved and Accepted by:

Dave Ruller
City of Kent, City Manager

Witness: _____

Witness: _____

Date: _____

Approved as to Form:

Jim Silver
City of Kent, Law Director

Date: _____

KENT STATE UNIVERSITY

Approved and Accepted by:

Gregg S. Floyd,
Vice President
for Finance and Administration

Witness: _____

Witness: _____

Date: _____