

RESOLUTION NO. 4-2012

Offered by All of Council

A RESOLUTION AUTHORIZING COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE WIDENING OF THE BROADVIEW ROAD BRIDGE OVER INTERSTATE 271 (I-271)

WHEREAS, the State of Ohio has identified the need for the widening of the Broadview Road Bridge over I-271.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. Consent Statement. Being in the public interest, the Village consents to completion of the above described Project by the Director of Transportation.

SECTION 2. Cooperation Statement. The Village shall cooperate with the Director of Transportation in the above described Project as follows:

- (1) The Village agrees to participate in the cost of the widening of the Broadview Road Bridge only.
- (2) The Village further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the Village which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION 3. Utilities and Right-of-Way Statement. The Village grants permission to the Director of the Ohio Department of Transportation to acquire in the name of the Village all necessary right-of-way required for the described Project. The Village agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4. Maintenance. Upon completion of the described Project, and unless otherwise agreed, the Village shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 5. Consultants and Authority to Sign. The Mayor is hereby authorized on behalf of the Village to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described Project.

Upon the request of ODOT, the Mayor is also authorized to assign all rights, title and interests of the Village to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION 6. The Village agrees that if Federal Funds are used to pay the cost of any consultant contract, the Village shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the Village agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The Village agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The Village agrees to include a completion schedule accept to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION 7. Emergency. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to expedite the highway project and promote highway safety at the earliest possible time; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 2/7/12

Michael Wheeler
President of Council

Bobbie Costanza
Mayor

Dated: 2/7/12

ATTEST:

Carolyn E. Sullivan
Clerk of Council