

PRELIMINARY LEGISLATION
RC 5521.01

**A PARTICIPATORY RESOLUTION WITH THE OHIO DEPARTMENT OF
TRANSPORTATION FOR AN UPGRADE OF THE TRAFFIC SIGNAL AT
THE BRECKSVILLE/WHEATLEY INTERSECTION**

Ordinance/Resolution# Resolution 39-2009
PID No. 86611
County/Route/Section SUM-Wheatley/Brecksville Rd.
ODOT Agreement No. _____

The following is Resolution 39-2009 enacted by the Village of Richfield of
(An Ordinance/a Resolution) (Local Public Agency)
Summit County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in
the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Construction of turn lanes, installation of new traffic signal, and upgrade of existing signal.

NOW THEREFORE, be it ordained by the Village of Richfield of Summit County
(LPA)

Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

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

The LPA shall receive up to a maximum of \$239,800 in Federal ARRA program funds for construction activities, at a rate of 100%. Any costs above the fund manager's stated federal maximums will be the responsibility of the LPA. This includes the construction contract and construction engineering.

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.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA 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 V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA 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 VI - Consultants and Authority to Sign

The Mayor of said Village of Richfield is hereby empowered on behalf of
 (Contractual Agent) (LPA)
 the Village of Richfield to enter into contracts with ODOT pre-qualified consultants
 (LPA)
 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 empowered to assign
 (Contractual Agent)
 all rights, title, and interests of the Village of Richfield to ODOT arising from
 (LPA)
 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.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA 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 that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Passed: July 21, 2009
 (Date)

Attested: *Carolyn Edulwa*
(Clerk)

Michael P. S.
(Officer of LPA - title) *Mayor*

Attested: _____
(Title)

Rick Heald
(President of Council)

This Resolution 39-2009 is hereby declared to be an emergency measure to
(Ordinance/Resolution)
expedite the highway project(s) and to promote highway safety. Following appropriate
legislative action, it shall take effect and be in force immediately upon its passage and
approval, otherwise it shall take effect and be in force from and after the earliest period
allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

Village of Richfield of Summit County, Ohio
(LPA)

I, Candice E Sullivan, as Clerk of the Village of Richfield
(LPA)

of Summit County, Ohio, do hereby certify that the forgoing is a true and
correct copy of Res 38-2009 adopted by the legislative Authority of the said
(Ordinance/Resolution)

Village on the 21st day of July, 2009
(LPA)

that the publication of such Resolution has been made and certified of
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such

Resolution have been taken; and that such Resolution
(Ordinance/Resolution)

and certificate of publication thereof are of record in Page
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my
official seal, if applicable, this 21st day of July, 2009

Candice E Sullivan
Clerk

(SEAL) Village of Richfield of _____, Ohio
(If Applicable) (LPA)

The foregoing is accepted as a basis for proceeding with the project herein
described.

For the Village of Richfield of _____, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

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