

RESOLUTION NO. 35-2016

OFFERED BY All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR ROADWAY IMPROVEMENTS TO UPGRADE AN EXISTING SIGNAL, REALIGN A PRIVATE DRIVE AND MAKE PARTIAL DEPTH REPAIRS TO COLUMBIA ROAD WITHIN VILLAGE LIMITS, AND DECLARING AN EMERGENCY (ODOT PID NO. 101828)

WHEREAS, the Ohio Department of Transportation has identified the need to make roadway improvements to Columbia Road, upgrade an existing traffic signal, realign a private drive, and make partial depth repairs on Columbia Road, in the Village of Richfield, Summit County, Ohio (PID No. 101828); and

WHEREAS, Council supports this project and wishes to authorize and direct the Mayor and the Finance Director to enter into an agreement with ODOT to perform the aforesaid activities in the Village.

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

SECTION 1. Project Description. The Ohio Department of Transportation (ODOT) has identified the need for the following described project: roadway improvements to Columbia Road, upgrade of an existing signal, realignment of private drive, and partial depth repairs on Columbia Road, in the Village of Richfield, Summit County, Ohio (hereinafter "Project").

SECTION 2. Consent Statement. Being in the public interest, the Village of Richfield, as the Local Public Agency ("LPA"), gives consent to the Director of Transportation to complete the Project.

SECTION 3. Cooperation Statement. The Village of Richfield shall cooperate with the Director of Transportation in the Project as follows: The Village of Richfield (LPA) is responsible for all costs over and above the approved Turnpike Mitigation funding in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00). The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein. The LPA further agrees to pay One Hundred Percent (100%) of the cost to install and /or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION 4. Maintenance. Upon completion of the Project, and unless otherwise agreed, the Village of Richfield shall: (1) provide adequate maintenance for the 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. Authority to Sign. The Mayor and the Finance Director of the Village of Richfield are hereby empowered on behalf of the Village to enter into agreements with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into agreements with the Director of Transportation that are necessary to complete the Project. Upon the request of ODOT, the Mayor and Finance Director are also empowered to assign all rights, title, and interests of the Village of Richfield (LPA) 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.

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.

SECTION 6. Open Meetings. 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 legal requirements, including section 121.22 of the Ohio Revised Code.

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 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: 6-7-16



President of Council



Mayor

Dated: 6/7/16

ATTEST:



Clerk of Council