

**A RESOLUTION CONSENTING TO THE OHIO DEPARTMENT OF TRANSPORTATION PROJECT FOR THE RESURFACING OF BRECKSVILLE ROAD FROM STATE ROUTE 303 TO STATE ROUTE 21 WITHIN THE VILLAGE AND OTHER RELATED IMPROVEMENTS, AND DECLARING AN EMERGENCY**

WHEREAS, the State of Ohio has identified the need for the resurfacing of Brecksville Road from State Route 303 to State Route 21 and other related improvements within the Village.

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

- SECTION 1. Being in the public interest, the Village gives consent to the Director of Transportation to resurface Brecksville Road from State Route 303 and State Route 21 within the Village (PID No. 115338 and County/Route/Section SUM CR 0017 23.17).
- SECTION 2. The Village agrees to participate in the cost of the construction within the Village limits at 20% of the total cost of construction and further agrees that pay 100% of the costs of those features requested by the Village which are determined by the State and Federal Highway Administration to be unnecessary for the project and further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed and that the State shall not approve a change order or extra work contract until it first gives notice, in writing, to the Village. The Village shall contribute its share of the cost of these items in accordance with other sections herein.
- SECTION 3. 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 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 4. The Mayor of the Village of Richfield is hereby empowered on behalf of the Village to enter into contracts with ODOT preliminary consultants to 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 and that upon request of ODOT, the Mayor of the Village of Richfield is empowered 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 and that 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 that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The Village 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 5. It was found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 actions, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the residents of the Village of Richfield, County of Summit, State of Ohio and for the further reason that it is immediately necessary to expedite this highway project and to promote highway safety; 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: 7-27-21

  
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President of Council

  
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Mayor

Date: 7/27/2021

ATTEST

  
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Clerk of Council