

THIS LEGISLATION VOIDS THE PREVIOUS LEGISLATION DATED JULY 16, 1996.

PID No. 7516

Project No. _____(96)

FINAL RESOLUTION
Adopting plans;
Proposing to co-operate;
Requesting Director to proceed;
(Chapter 5521, Ohio Revised Code)

Mr. Midgley moved the adoption of the following Resolution:

WHEREAS, At a meeting of the legislative authority of the Village of Richfield, Ohio held in the office of said legislative authority on this 17th day of September, 1996, a quorum being present, the improvement of **State Route No. 303**, under the provisions of Chapter 5521, Ohio Revised Code, came on for further consideration; said portion of highway as described in the legislation proposing cooperation with the Director of Transportation, enacted on the **21st day of January, 1992**, being described as follows:

The upgrade of traffic signal and intersection at Brecksville Road, lying within the Village of Richfield. Total length of work being approximately 0.327 mile

and

WHEREAS, In said legislation proposing cooperation, said legislative authority proposed to cooperate with the Director of Transportation in the improvement of **State Route No. 303**, the Village agrees to assume and bear the lump sum amount of **\$4,640.00** as its total financial obligation in the non-Federal share of the Right of Way phase of the improvement, and further, the Village agrees to assume and bear one hundred percent (100%) of the cost of the Preliminary Engineering phase of the improvement, excluding in-house preliminary engineering charges incurred by the State.

In addition, the Village agrees to assume and bear one hundred percent (100%) of the cost of any construction item requested by the Village which is not necessary for the improvement as determined by the State and Federal Highway Administration.

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view of the fact that the total cost of the project for the **Village of Richfield**, is now estimated in the amount of **Four Thousand Six Hundred Forty - - - - - 00/100 Dollars, (\$4,640.00)**, less a deposit by Village on Highway Invoice No. RE 0609, in the amount of **Four Thousand Six Hundred Forty- - - - - 00/100 Dollars, (\$4,640.00)**, the City will not be required to deposit any funds at this time. The City's ultimate share of the cost will be determined when final actual costs and allocations are determined.

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of same to this legislative authority ; and

WHEREAS, This legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement.

Now, Therefore, Be It Resolved:

- I. That the section of highway described above be improved under the provisions of aforesaid law. That said work be done under the charge, care, and superintendence of the Director of Transportation and that said plans, specifications and estimates for this highway improvement as approved by the Director of Transportation are hereby approved and adopted by this legislative authority.
- II. That this legislative authority, is still of the opinion the proposed work on the described highway should be constructed, and that we should co-operate on the basis set forth in our proposal.
- III. That the installation of utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4, "Utility Relocations and Adjustments" and the Department of Transportation rules on Utility Accommodation.
- IV. That it is hereby agreed that the Village shall, at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other municipally owned utilities and/or any appurtenances thereto, which do not comply with Ohio Department of Transportation Directive HP-508, whether inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.

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- V. That traffic control signals will be installed on the project only when recommended by a study of roadway and traffic conditions by a traffic engineer or when at least one of the warranting conditions specified in the Ohio Manual of Uniform Traffic Control Devices is met and the municipality does hereby agree to place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.
- VI. That the rights-of-way provided for said improvement shall be held inviolate for public highway purposes and no signs, posters, billboards, roadside stands or other private installations shall be permitted within the right-of-way limits.
- VII. That this legislative authority of **the Village of Richfield, Ohio**, hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- VIII. That the Clerk of this legislative authority be, and he is hereby directed to transmit to the Director of Transportation a certified copy of these Resolutions.
- IX. This Resolution is hereby declared to be an emergency measure by reason of the need for expediting construction of project(s) to promote highway safety and provided it receives the affirmative vote of two-thirds of the members elected to the legislative authority, it shall take effect and be in force upon its passage and approval by the **Mayor**, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Thereupon Mr. s. Malone seconded the said motion, and upon the roll being called, the result of the vote was as follows:

Vote on suspension of the rule requiring an ordinance to be fully and distinctly read on three different days:

(Requires a yea vote by three-fourths of all elected members)

Yeas 6

Nays 0

Vote on Emergency Clause:

Yeas 6 Nays 0

Passed September 17, 1996.

Yeas 6 Nays 0

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IN WITNESS WHEREOF, We hereunto set our hands and seal,

this 23rd day of September, 1996.



Presiding Officer



Clerk (Secretary Ex-Officio) of Council

*SEAL

Legislative Authority of the
Village of Richfield, Ohio

Note: If the fiscal officer is secretary Ex-officio of the legislative authority, the fiscal officer's seal should be affixed. If there is no seal this fact should be stated by separate letter and attached hereto.

THIS LEGISLATION VOIDS THE PREVIOUS LEGISLATION DATED JULY 16, 1996.

PID No. 7516

Project No. 802(96)

THE AGREEMENT HEREIN is approved
as to form pursuant to the requirements
of law:

B. J. D. Montgomery by Daniel Walsh / Assistant
Attorney General of Ohio

October 16, 1996

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract and agreement made in duplicate this 23rd day of
September, 1996, by and between the **Village of Richfield**, Ohio,
hereinafter referred to as the legislative authority and the State of Ohio, hereinafter
referred to as the State, witnesseth:

WHEREAS, On the **21st day of January, 1992**, said legislative authority adopted
legislation proposing to cooperate with the State in the highway improvement, which is to
be made by and under the supervision of the Director of Transportation, said
highway improvement being described as follows:

The upgrade of traffic signal and intersection at Brecksville Road, lying
within the Village of Richfield. Total length of work being approximately
0.327 mile

and

WHEREAS, Thereafter, on the **30th day of January, 1992**, the Director of
Transportation accepted the proposal of said legislative authority to cooperate with the
State in said highway improvement. said action of the Director of Transportation being
recorded in the Director's journal, volume **77** at page **2**; and

WHEREAS, On the 2 day of APRIL, 1996, the Director of Transportation
determined to make the proposed highway improvement, when, in his judgment, conditions
permit the advertising and awarding of a contract, therefore; and

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WHEREAS, Thereafter, on the **30th** day of **August, 1996**, the Director of Transportation submitted plans and estimates for said highway improvement to the legislative authority for approval; and

WHEREAS, Thereafter, on the 17th day of September, 1996, said legislative authority duly adopted a Contract, approving plans, proposing to co-operate, requesting the Director of Transportation to proceed and resolving to enter into a contract with the State in conformity with previous resolutions; and

WHEREAS, The Clerk has reported to this legislative authority that a certified copy of such Resolution has been duly transmitted to said Director of Transportation; and

WHEREAS, In said legislation proposing cooperation, said legislative authority now proposes to cooperate with the Director of Transportation in the improvement of **State Route No. 303**, the Village agrees to assume and bear the lump sum amount of **\$4,640.00** as its total financial obligation in the non-Federal share of the Right of Way phase of the improvement, and further, the Village agrees to assume and bear one hundred percent (100%) of the cost of the Preliminary Engineering phase of the improvement, excluding in-house preliminary engineering charges incurred by the State.

In addition, the Village agrees to assume and bear one hundred percent (100%) of the cost of any construction item requested by the Village which is not necessary for the improvement as determined by the State and Federal Highway Administration.

In view of the fact that the total cost of the project for the Village of Richfield, is now estimated in the amount of **Four Thousand Six Hundred Forty - - - - - 00/100 Dollars, (\$4,640.00)**, less a deposit by Village on Highway Invoice No. RE 0609 in an amount of **Four Thousand Six Hundred Forty- - - - - 00/100 Dollars, (\$4,640.00)**, the Village will not be required to deposit any funds at this time. The Village's ultimate share of the cost will be determined when final actual costs and allocations are determined; and

WHEREAS, Said legislative authority agrees that upon completion of the said improvement it will, thereafter, keep said highway open to traffic at all times; and

- (a) Maintain the improvement in accordance with the provisions of the statutes relating thereto, and make ample financial and other provisions for such maintenance; and

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- (b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
- (c) Will place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and
- (d) Regulate parking in the following manner:

Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution; and

WHEREAS, Said Village further agrees

- (a) That all existing street and public right-of-way within the Village which is necessary for the aforesaid improvement shall be made available therefore.
- (b) That the Village will acquire any additional right-of-way required for the construction of the aforesaid improvement in accordance with applicable State and Federal Regulations and instructions given by the State.
- (c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such a manner as to be clear of any construction called for by the plans of said improvement and said companies have agreed to make such necessary rearrangements immediately after notification by the Village or the Department of Transportation Engineer.

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- (d) That it is hereby agreed that the Village shall, at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other municipally owned utilities and/or any (d) appurtenances thereto, which do not comply with Ohio Department of Transportation Directive HP-508, whether inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Ohio Department of Transportation Engineer.
- (e) That the construction, reconstruction, and/or rearrangements of both publicly and privately owned utilities, referred to in subsections © and (d) above shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all back filling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.
- (f) That the installation of utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4, "Utility Relocations and Adjustments" and the Department of Transportation rules on Utility Accommodation.
- (g) That the Village hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the Village's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, the State agrees to accept responsibility for any and all damage or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligation made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove.
- (h) Change orders and extra work contracts required to fulfill the construction contract shall be processed as needed. The Director of Transportation shall not approve a change order or extra work contract until he first gives notice in writing, to this legislative authority. This legislative authority shall contribute its share of these items in accordance with other sections herein.

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(Not Applicable)

We further certify that said contract and the action of said legislative authority thereon is recorded in the journal of said legislative authority in volume _____, at page _____, and under date of _____, 1996.

IN WITNESS WHEREOF, We have hereunto set our hands and seal, this _____ 23rd day of _____ September _____, 1996.



Presiding Officer

SEAL



Clerk (Secretary Ex-Officio) of Council

Legislative Authority of the
Village of Richfield, Ohio.

Note: If the fiscal officer is secretary ex-officio of the legislative authority, the fiscal officer's seal should be affixed. If there is no seal, this fact should be stated by separate letter and attached hereto.