

A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR MOWING OF INTERSTATE 77 WITHIN THE VILLAGE FOR FISCAL YEARS 2014 AND 2015, AND DECLARING AN EMERGENCY (ODOT PID No. 96758) (D04-MOW FY2014/15 (West))

WHEREAS, the Ohio Department of Transportation (ODOT) has identified the need to perform mowing of Interstate 77 (IR77) within the Village limits.

WHEREAS, Council supports this project and wishes to authorize and direct the Mayor and the Finance Director to enter into all contracts necessary with ODOT to effectuate the above-mentioned mowing service 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 to and intends to perform mowing of IR77 within the Village limits (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 above-described Project.

SECTION 3. Cooperation Statement. The Village of Richfield shall cooperate with the Director of Transportation in the above-described Project as follows: The State shall assume and bear hundred percent (100%) of all of the costs of the Project. The Village of Richfield further agrees to pay one hundred percent (100%) of the cost of those features requested by the Village of Richfield which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION 4. Utilities and Right-of-Way Statement. The Village of Richfield agrees that all right-of-way required for the described Project will be acquired and/or made available in accordance with current State and Federal regulations. The Village of Richfield also understands that right-of-way costs include eligible utility costs.

SECTION 5. Maintenance. Upon completion of the described Project, and unless otherwise agreed, the Village of Richfield 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 6. 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 the Director of Transportation necessary to complete the above-described Project.

SECTION 7. Open Meeting. 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 all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 8. 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 above-described 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: January 21, 2014

Rick Hudak
President of Council

Balbir Basiana
Mayor

Dated: 1/21/14

ATTEST:

Cassidy
Clerk of Council