

RESOLUTION NO. 68-2014  
(AMENDED 09/16/14)

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 RESURFACING OF STATE ROUTE 176 AND STATE ROUTE 303 IN THE VILLAGE, AND DECLARING AN EMERGENCY (ODOT PID No. 88911)

WHEREAS, the Ohio Department of Transportation (ODOT) has identified a need to resurface State Routes 176 and 303 within the corporate limits of the Village; 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 requested resurfacing of State Routes 176 and 303 at ODOT's cost.

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 a need for resurfacing on State Route 176 from the Village's eastern corporate limits to the Village's northern corporate limits and on State Route 303 from the Village's eastern corporate limits to the Village's western corporate limits.

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 LPA shall cooperate with the Director of Transportation in the above-described Project as follows:

(a) The LPA 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.

(b) 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.

SECTION 4. 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 such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 5. 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 U.S.C. 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way and keep 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 contracts with ODOT pre-qualified consultants 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, Mayor and Finance Director, is also 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.

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 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

of the residents of the Village and for the further reason that the Project design must begin at the earliest possible time in order to have the project completed during the earliest construction season; 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.

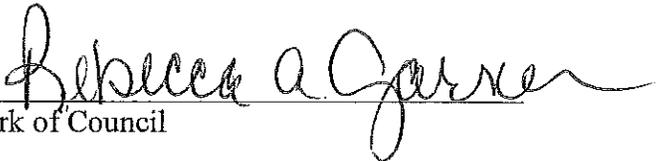
PASSED: 9-16-14

  
President of Council

  
Mayor

Dated: 9-16-2014

ATTEST:

  
Clerk of Council

**PRELIMINARY LEGISLATION**  
**RC 5521.01**

Ordinance/Resolution# 68-2014  
PID No. 88911  
County/Route/Section SUM-SR176/303-0.25/0.00

The following is Resolution 68 enacted by the Village of Richfield of Summit  
(An Ordinance/a Resolution) (Local Public Agency)  
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

**SECTION I - Project Description**

WHEREAS, the (LPA/STATE) has identified the need for the described project:

Resurfacing and miscellaneous bridge work at SLM 0.25 on SR176 and at SLM 0.00 on SR303

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

**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 State shall assume and bear 100% of all of the costs of the improvement.

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 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 LPA also understands that right-of way costs include eligible utility costs.

**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 Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

CERTIFICATE OF COPY  
STATE OF OHIO

Village of Richfield of Summit County, Ohio  
(LPA)

I, Rebecca Garner, 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 108.2014 adopted by the legislative Authority of the said  
(Ordinance/Resolution)

Village on the 16 day of September, 2014  
(LPA)

that the publication of such R 108.2014 has been made and certified of  
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such  
R 108.2014 have been taken; and that such 108.2014  
(Ordinance/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 16 day of September, 2014

Rebecca Garner  
Clerk

CITY SEAL

Village of Richfield of Summit County Ohio  
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No  
Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.  
For the Village of Richfield of Summit County, Ohio  
(LPA)

Attest: \_\_\_\_\_, Date \_\_\_\_\_

\*\*\*\*\*

For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation

**SECTION VI - Authority to Sign**

The Bobbie Beshara of said Village of Richfield is hereby empowered on behalf of  
(Contractual Agent) (LPA)  
the Village of Richfield to enter into contracts with the Director of Transportation which is  
(LPA)

necessary to complete the above described project.

Passed: September 16, 2014  
(Date)

Attested: Rebecca Garner  
(Clerk)

Bobbie Beshara, Mayor  
(Officer of LPA - title)

Attested: Clerk of Council  
(Title)

Frank Hula  
(President of Council)

This R 68.2014 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.