RESOLUTION NO.   1-2014   Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO
ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF
TRANSPORTATION FOR RESURFACING OF I-77 WITHIN THE VILLAGE IN
FISCAL YEAR 2017
(ODOT PID No. 81632/ SUM-IR77-28.37)

WHEREAS, the Ohio Department of Transportation (ODOT) intends to resurface a portion of I-77 within the limits of the Village in fiscal year 2017, specifically from the southern corporation limits to the Cuyahoga County line; and

WHEREAS, Council supports this project and wishes to authorize and direct the Mayor and the Finance Director to enter into a cooperative agreement with ODOT to effectuate the portion of the ODOT project 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 a need to resurface a portion of I-77 from the southern corporation limits of the Village to the Cuyahoga County Line ("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 LPA shall cooperate with the Director of Transportation in the above-described Project as follows: The entire cost and expense of this improvement will be provided by ODOT. No financial participation will be required by the LPA. However, 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.

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.

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.
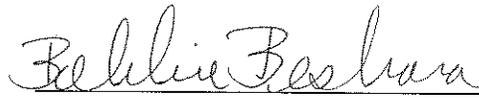
SECTION 6. <u>Authority to Sign.</u> The Mayor and the Finance Director of the Village of Richfield are hereby empowered on behalf of the Village to enter into agreements with the Director of Transportation necessary to complete the above-described Project.

SECTION 7. <u>Open Meeting.</u> 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. <u>Emergency.</u> This Resolution is hereby declared to be an emergency measure immediately necessary for the immediate preservation of the public peace, health, safety and welfare of the Village, and for the further reason that it is immediately necessary to expedite the highway Project and to promote highway safety by allowing the Village to enter into necessary contracts with the Department of Transportation 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: February 4, 2014

President of Council

Mayor

Dated: 2/7/14

ATTEST:

Clerk of Council