

RESOLUTION NO. 21-2013

OFFERED BY All of Council

**A RESOLUTION AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO ENTER INTO A CONTRACT WITH THE DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE SPOT PAVING OF INTERSTATE 77, STATE ROUTE 303 AND STATE ROUTE 176 WITHIN THE VILLAGE LIMITS**

WHEREAS, the State of Ohio has identified the need for the spot paving of Interstate Route 77, State Route 303 and State Route 176 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 spot paving 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 spot paving of IR77, SR303 and SR176 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 one 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 that are 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 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: April 16, 2013

Rock Hader  
President of Council  
Salim Beshara  
Mayor

Dated: April 16, 2013

ATTEST:

Asha Braggins  
Clerk of Council



# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 4 • 2088 SOUTH ARLINGTON ROAD • AKRON, OHIO 44306 • (800) 603-1054  
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • ANTHONY M. URANKAR, DISTRICT DEPUTY DIRECTOR

April 4, 2013

The Honorable Bobbie Beshara  
Mayor of the Village of Richfield  
4410 West Streetsboro Road  
P.O. Box 387  
Richfield, OH 44286

Subject: D04-SP FY2014 (West); PID 92543

Dear Mayor Beshara:

Attached are two (2) forms of Consent Legislation for the subject project that will begin construction in fiscal year, 2014. Per Section 5521.01 of the Ohio Revised Code, the Director of Transportation is required to request and receive legislation from municipalities, prior to making any necessary repairs to State Highways within the corporate limits. Please have both originals of the Legislation signed then return both to this office for further processing. Once they are signed in the District, one copy will be returned to you for your records.

This legislation may be retyped to suit local preferred format, however, no information may be deleted from the legislation, and the **Certificate of Copy, State of Ohio** must be returned signed and containing a line for the Director of Transportation's signature. Also, please put the county, route and section, along with the PID Number of the project on the cover letter, so the correct project information can be put with the related legislation. We would appreciate receiving this legislation as soon as it can be executed.

Your cooperation is greatly appreciated in this matter. Should you have any questions, please feel free to contact me at (330) 786-4921.

Respectfully,

James G. Kinnick, P.E.  
Planning & Engineering Administrator

Steven J. Rebillot  
Planning Administrator

JGK/SJR:vb

Enclosures

cc: file

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

Ordinance/Resolution# \_\_\_\_\_  
 PID No. 92543  
 County/Route/Section D04-SP FY2014 (West)

The following is a Resolution 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:

Spot paving of IR77, SR303 and SR176 within the Village limits

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.

**SECTION VI - Authority to Sign**

The \_\_\_\_\_ of said \_\_\_\_\_ is hereby empowered on behalf of  
(Contractual Agent) (LPA)  
the \_\_\_\_\_ to enter into contracts with the Director of Transportation which is  
(LPA)

necessary to complete the above described project.

Passed: April 16, 2013  
(Date)

Attested: Lisa Spraggins  
(Clerk)

Balbir Boshra-Mayor  
(Officer of LPA - title)

Attested: \_\_\_\_\_  
(Title)

Rick Hudak  
(President of Council)

This Resolution 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.

CERTIFICATE OF COPY  
STATE OF OHIO

Village of Richfield of Summit County, Ohio  
(LPA)

I, \_\_\_\_\_, 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 \_\_\_\_\_ adopted by the legislative Authority of the said  
(Ordinance/Resolution)  
Village on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
(LPA)  
that the publication of such \_\_\_\_\_ has been made and certified of  
(Ordinance/Resolution)  
record according to law; that no proceedings looking to a referendum upon such  
\_\_\_\_\_ have been taken; and that such  
(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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

CITY SEAL

Lisa Scaggino  
Clerk

\_\_\_\_\_ of \_\_\_\_\_, 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 \_\_\_\_\_ of \_\_\_\_\_, Ohio  
(LPA)

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

\*\*\*\*\*

For the State of Ohio

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