RESOLUTION NO. 2016 - 104

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO CRACK SEAL SR 261 WITHIN THE CITY LIMITS BEGINNING AT SUMMIT STREET AND CONTINUING NORTH TO THE NORTHERN CORPORATION LIMIT; D04 CRACK SEAL FY2017; PID No. 101998, AND DECLARING AN EMERGENCY.

WHEREAS, the State has identified the need to crack seal portions of SR 261 in the City of Kent (PID No. 101998); and

WHEREAS, the City of Kent, hereinafter referred to as the Legislative Authority/Local Public Agency (LPA), wishes to give consent to the Director of Transportation for the crack sealing of SR 261 within the City limits beginning at Summit Street and continuing North to the northern corporation limit; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project 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.

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.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to enter into an agreement giving consent to the State of Ohio Department of Transportation for the crack sealing of SR 261, beginning at S. Water Street and continuing east 1.02 miles, in both directions; said consent attached hereto as Exhibit "A".

SECTION 2. That 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 of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this resolution is hereby declared to be an emergency measure necessary to expedite the highway project and to promote highway safety for the residents of this City, for which reason and other reasons manifest to this Council this resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: November 16, 2016

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: November 16, 2016

ATTEST:

Tara Grimm, CMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSOEVER CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF RESOLUTION No. ________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ________, 20___.

TARA GRIMM, CMC
CLERK OF COUNCIL
(SEAL)
CONSENT LEGISLATION
RC 5521.01

Ordinance/Resolution# __________________________
County/Route/Section D04 Crack Seal FY 2017

The following is enacted by the City of Kent of Portage
(Ordinance/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:

City of Kent, Crack sealing sections of SR 261 within the city.

NOW THEREFORE, be it ordained by the City of Kent of Portage 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 (Contractual Agent) (City of Kent) (LPA)
on behalf of the ____________________________ of said ____________________________ to enter into contracts with the Director of (Contractual Agent) (City of Kent) (LPA)
Transportation which is necessary to complete the above described project.

Passed: _____________________________.

(Date)

Attested: _____________________________.

(Clerk) (Office of LPA - title)

Attested: _____________________________.

(Title) (President of Council)

This ____________________________ 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.
EXHIBIT A

CERTIFICATE OF COPY
STATE OF OHIO

City of Kent of Portage County, Ohio,

(LPA)

, as Clerk of the City of Kent

(LPA)
of Portage County, Ohio, do hereby certify that the forgoing is a true and correct copy of

(Ordinance/Resolution)

City of Kent 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

(Ordinance/Resolution)

and certificate of publication thereof are of record in (Ordinance/Resolution Record No.)

Page

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this day of .

CITY SEAL

Clerk

City of Kent of Portage 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 City of Kent of Portage County, Ohio

(LPA)

Attest: , Date

*************************************************************************************************************************

For the State of Ohio

Attest: , Date

Director, Ohio Department of Transportation