RESOLUTION NO. 2019–10

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) AND THE CITY OF KENT TO JOINTLY INSTALL BUS PASSENGER SHELTERS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent desires to enter into an agreement with PARTA to jointly install bus passenger shelters at existing high traffic PARTA bus stops in the neighborhoods of Kent; and

WHEREAS, the City would participate by installing the concrete pad and associated connections to existing sidewalks/walkways; and

WHEREAS, PARTA’s contribution will include installing and maintaining the bus passenger shelters.

NOW, THEREFORE, BE IT RESOLVED 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 with PARTA to jointly install bus passenger shelters, and is more fully described in Exhibit “A” attached hereto and incorporated herein.

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 for the immediate preservation of the public peace, health, safety and welfare of 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: January 16, 2019

Date

J.F.L

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: January 16, 2019

Date

ATTEST: Tara Grimm, MMC
Clerk of Council


(SEAL)

TARA GRIMM, MMC
CLERK OF COUNCIL
BUS PASSENGER SHELTER AGREEMENT

THIS AGREEMENT is made between the CITY OF KENT, OHIO (hereinafter referred to as "City"), and PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (hereinafter referred to as "PARTA").

WHEREAS, the above parties would like to cooperate in promoting "Active Transportation" within the Kent Community; and

WHEREAS, PARTA has identified locations within the City where ridership warrants bus passenger shelters to improve transportation services to Kent riders; and

WHEREAS, the City wishes to assist in the placement of bus passenger shelters in these areas; and

WHEREAS, the parties would like to work together to provide bus shelters for the benefit of the residents and users of public transportation in Kent.

NOW, THEREFORE, for mutual consideration, it is agreed between the parties as follows:

A) PARTA will endeavor to provide and install prefabricated bus shelters to be placed in the City of Kent Right-of-Way or in an easement acquired for such purpose. The locations for such shelter will be agreed to by both parties with preference given to the City of Kent Right-of-Way.

B) The City will endeavor to install suitable concrete pads and walkway connections for placement of the shelters at the locations included in A) above. Both PARTA and the City will review the layout/site plans prior to installation for compliance with applicable regulations.

C) The designated bus passenger shelter location shall be available for use by bus service patrons in a fashion that is normal and customary in accessing bus service.

D) Both parties will cooperate in working with the adjacent property owners at these locations to assure compatibility with their operations, including potential financial contributions to the installation.

E) Both parties will work together to obtain any necessary permits and approvals as may be required to install a bus passenger shelter. Any permit fees
required by the City of Kent for the installation of the bus passenger shelter shall be waived.

F) Either party will provide thirty (30) days written notice to the other if it decides to require PARTA to remove the bus passenger shelter to permit appropriate and timely notice to bus patrons. PARTA agrees to remove the bus passenger shelter no later than thirty (30) days after receipt of such notice.

G) If any of the Shelters are removed for reasons identified per F) above, PARTA shall restore the property to substantially the same condition as existed prior to the placement of the bus passenger shelter, with the exception that the City will remove the associated concrete pad and walkway connections if it deems it necessary.

H) PARTA will be responsible for the repair, maintenance and cleaning of the bus passenger shelter and shall promptly remedy any dangerous or unsightly conditions. If maintenance is needed on the concrete pads, the City will determine the appropriate type and be responsible for completing said maintenance.

I) The City will contribute up to $7,000 for this project.

J) This agreement may be terminated by either party by giving ninety (90) days written notice of the termination to the other party.

K) This agreement will begin on the date that both parties have executed this agreement.

IN WITNESS WHEREOF, the parties hereby acknowledge said agreement by their signatures below.

THE CITY OF KENT, OHIO

By: _______________________________ Date

Its: City Manager

Address: ____________________________ Kent, OH 44240

Approved as to form by:

__________________________________
Law Director, Hope Jones
PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

By: ________________________________ Date __________________

Its: ________________________________

Address: ________________________________

Kent, OH 44240

CERTIFICATE OF DIRECTOR OF BUDGET AND FINANCE

It is hereby certified that the amount of seven thousand dollars ($7,000) required to meet the contract, agreement, obligation, payment, or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purposes and is in the City Treasury or in the process of collection to the credit of Capital (301) Fund free from any obligation or certificates now outstanding.

Date ________________________________

David A. Coffee
Budget and Finance Director