

RESOLUTION NO. 15-2013

**TITLE: ENTER INTO CONTRACT – ODOT
IR-76 MOWING CONTRACT**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON
AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE
OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROCEED WITH
THE MOWING OF IR-76 (PID 92225), AND DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Barberton, Summit County, Ohio that:

SECTION 1. Project Description.

The City of Barberton and State of Ohio have identified the need for the described
Project:

PID NO. 92225 D04 – Mowing (FY2013)

Mowing of IR 76 within the City limits.

SECTION 2. Consent Statement.

Being in the public interest, the City of Barberton gives consent to the Director of
Transportation to complete the above described Project.

SECTION 3. Cooperation Statement.

The City of Barberton 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 City of Barberton further agrees to pay One Hundred Percent (100%) of the cost of
those features requested by the City of Barberton 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 City of Barberton 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 City of Barberton 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 City of
Barberton 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 of said City of Barberton is hereby empowered on behalf of the City of Barberton to enter into contracts with the Director of Transportation which is necessary to complete the above described Project.

SECTION 7. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were taken 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 meetings open to the public in compliance with the law.

SECTION 8. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to expedite the highway project and to promote highway safety, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2013

Clerk of Council

President of Council

Approved _____ 2013

Mayor