

**RESOLUTION NO. 56-2012**

**TITLE: ENTER INTO CONTRACT – ODOT  
I-76 HERBICIDAL SPRAYING CONTRACT - 2013**

**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 HERBICIDAL SPRAYING OF I-76 FOR FY2013 (PID #93181), 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 State has identified the need for the described project:

**PID NO. 93181      DO4-HS (FY2013)**

Herbicidal spraying on IR76 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 described  
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 \_\_\_\_\_ 2012

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Clerk of Council

\_\_\_\_\_  
President of Council

Approved \_\_\_\_\_ 2012

\_\_\_\_\_  
Mayor