

LOM:raf
10/09/2014
Debevec

Presented by: Mrs.

RESOLUTION NO. 149-2014

**TITLE: ENTER INTO CONTRACT – ODOT
IR-76 / WOOSTER ROAD / EAST AVENUE**

A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE RECONSTRUCTION OF THE IR-76 / WOOSTER ROAD / EAST AVENUE INTERCHANGE, INCLUDING EXTENSIVE RAMP RE-ALIGNMENTS, (PID 96670), AND DECLARING AN EMERGENCY.

The following is a resolution enacted by the City of Barberton of Summit County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION 1. Project Description.

WHEREAS, the STATE has identified the need for the described project:

Reconstruction of the IR-76 / Wooster Road / East Avenue interchange, including extensive ramp re-alignments.

NOW THEREFORE, be it ordained by the City of Barberton of Summit County, Ohio.

SECTION 2. Consent Statement.

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

SECTION 3. 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 the costs of the improvement.

The LPA further agrees to pay One Hundred Percent (100%) of the cost to those features requested by the LPA 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 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 5. 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 describe 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 _____ 2014

Clerk of Council

President of Council

Approved _____ 2014

Mayor