

RESOLUTION NO. 33-2014

**TITLE: ENTER INTO CONTRACT – ODOT
31st STREET NW
FINAL RESOLUTION**

A FINAL RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR WIDENING, PLANNING AND RESURFACING TO INCORPORATE A TWO-WAY LEFT TURN LANE ON 31ST STREET AND MINOR SIDE STREET IMPROVEMENTS (PID #86923), AND DECLARING AN EMERGENCY.

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

The following Final Resolution enacted by the City of Barberton, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or “LPA”, in the matter of the stated described project.

WHEREAS, on **the 29th day of May, 2012** the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of roadway widening, planning and resurfacing to incorporate a two-way left turn lane on 31st Street and minor side street improvements. The work also includes replacing the roadway drainage system and a new signal installed at the Shannon Avenue intersection, lying within the City of Barberton; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

Also, The City agrees to assume and bear the entire cost and expense of the installation and/or repair of curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act.

The share of the cost of the LPA is now estimated in the amount of **Four Hundred Eighty One Thousand Six Hundred Nine and ---- 13/100 Dollars, (\$481,609.13)**, but said estimated amount is to be adjusted in order that the LPA’s ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **Four Hundred Eighty One Thousand Six Hundred Nine and --- 13/100 Dollars, (\$481,609.13)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that **Mayor** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

SECTION 1. 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 2. 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 3. 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