

**RESOLUTION NO. 40-2023**

**TITLE: FINAL RESOLUTION ODOT  
4<sup>TH</sup> STREET NW RESURFACING**

**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 IMPROVEMENT OF 4<sup>TH</sup> STREET NW (PID 115350), AND DECLARING AN EMERGENCY.**

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 19th day of December, 2022, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of improvements to 4<sup>th</sup> Street NW (C.R. 662) from West Lake Avenue to Norton Avenue, including pavement planning, pavement repair; resurfacing, pavement markings, along with sidewalk and curb ramp replacements, 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 the 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.

The share of the cost of the LPA is now estimated in the amount of Three Hundred Fifteen Thousand Six Hundred Seventy-Three and - - - 00/100 Dollars, (\$315,673.00), 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 ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1.** That the estimated sum, of Three Hundred Fifteen Thousand Six Hundred Seventy-Three and - - - 00/100 Dollars, (\$315,673.00) 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.

**SECTION 2.** That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

**SECTION 3.** That the LPA enter into a contract with the State, and that the 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.

**SECTION 4.** That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 19<sup>th</sup> day of December, 2022 and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume 2022, at Page 181-2022 and under date of December 19<sup>th</sup>, 2022 .

**SECTION 5.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance 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 6.** That this ordinance 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 have a certified copy of the legislation returned to ODOT in a timely fashion, 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 March 27, 2023

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Clerk of Council

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President of Council

Approved \_\_\_\_\_ 2023

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Mayor