

ORDINANCE NO. 2023 - 053

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND PORTAGE COUNTY FOR THE STOW/SUMMIT STREET BRIDGE AND PEDESTRIAN IMPROVEMENT PROJECT AGREEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to enter into an agreement with Portage County to improve the Stow/Summit Street Bridge and Pedestrian project; and

WHEREAS, the agreement sets the framework for Portage County and the City to pursue funding for active transportation and bridge improvements on Stow/Summit Street; and

WHEREAS, the \$25,000 in funds required for this agreement is included in the 2023 annual budget.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio:

**SECTION 1.** That Council does hereby authorize the City Manager, or his designee, to execute the agreement between the City of Kent and Portage County for the Stow/Summit Street Bridge and Pedestrian Improvement Project and is fully set forth in Exhibit "A", attached hereto and incorporated herein.

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: August 16, 2023  
Date

EFFECTIVE: August 16, 2023  
Date

ATTEST: Amy Wilkens  
Amy Wilkens, CMC  
Clerk of Council

Jerry T. Fiala  
Jerry T. Fiala  
Mayor and President of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE NO. 2023-053, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 16, 2023.

(SEAL)

Amy Wilkens  
AMY WILKENS, CMC  
CLERK OF COUNCIL

**STOW/SUMMIT STREETS BRIDGE & PEDESTRIAN IMPROVEMENTS  
AGREEMENT**

**PORTAGE COUNTY  
AND  
CITY OF KENT**

**ALL PARTIES BEING IN THE COUNTY OF PORTAGE,  
STATE OF OHIO**

This Agreement, dated \_\_\_\_\_, 2023, is an agreement made and entered into between Portage County (“County”) and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (“City”).

**WITNESSETH:**

**WHEREAS**, the Stow Street Bridge over the Cuyahoga River is owned and maintained by the County and requires replacement of the south fascia concrete box beam; and

**WHEREAS**, an existing 10” Sanitary Sewer owned and maintained by the City hangs from the south fascia concrete box beam; and

**WHEREAS**, both parties desire to incorporate pedestrian facilities on the south side of the Stow Street Bridge; and

**WHEREAS**, the City desires to improve the pedestrian facilities along the south side of Stow/Summit Streets by connecting the existing sidewalk on Stow Street at Tannery Park to the existing sidewalk at the Summit Street/Franklin Avenue intersection;

**NOW THEREFORE**, The Parties commit to collaborate and partner to initiate a project to rehabilitate the Stow Street Bridge and to improve the pedestrian facilities along the south side of Stow Street/Summit Street, hereinafter called the “Project”. The project will require planning and the pursuit of funding for the eventual design, potential right-of-way acquisition, railroad coordination and construction of improvements in the Project Area. At this time each party agrees to the following:

***County:***

- Provide management services for the next step in the planning and funding plan process to complete the Project.
- Serve as lead Project sponsor as applicable throughout the Project.
- Jointly with the City, determine the scope of needs for a consultant to assist in the planning and funding plan process, including the specific services and qualifications required.
- Utilizing input from the City, select a consultant most qualified to assist in the planning and funding plan process.

- Negotiate fair and reasonable compensation with the selected consultant, particularly in regard to the essential requirements of the work, the consultant's abilities, and the value, scope, complexity and nature of the services.
- Hire and manage the consultant selected by the parties.
- Fund 50% of the consultant's services, up to \$25,000. Budget for an appropriation not to exceed this amount, to be certified to the contract for the consultant's services.
- Invoice City the remaining 50% of the consultant's costs up to \$25,000. Send invoice for the consultant's contract amount when known, and subsequently for any approved change orders within the total amount listed herein.
- Partial payments to consultant, if any, shall be made from funding sources in proportion to their relative contribution.
- Required change orders are to be processed as needed after written notice to the City.
- Consultant costs beyond the amounts authorized herein is subject to written approval by the parties and responsibility is to be divided equally unless otherwise specified.
- Utilize input from the City when determining acceptability of consultant deliverables, and provide duplicate original or copy thereof to the City.
- Return any funds provided by the City for consultant services but not ultimately used for such services.
- Provide the primary coordination with ODOT for the Project.
- Serve as contracting party for future construction contracts related to the Project.
- Pursue outside funding for the completion of the Project.

***City:***

- Jointly with the County, determine the scope of needs for a consultant to assist in the planning and funding plan process, including the specific services and qualifications required.
- Assist the County in completing the planning and funding plan process, including attending meetings, performing reviews and providing direction pertaining to the City's jurisdiction.
- Reimburse the County 50% of the consultant's services, up to \$25,000. Invoice from the County to be paid within thirty (30) days of delivery.
- Pursue outside funding for the completion of the project.

Should the consultant services fail to be initiated within twelve (12) months from the date of this Agreement, then this Agreement shall be void and any funds paid by the City and not expended in accordance with this Agreement shall be returned.

In witness whereof, the Parties hereto have agreed and offered their hands and seals:

CITY OF KENT

Approved and Accepted by:

\_\_\_\_\_  
Dave Ruller  
City of Kent, City Manager

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Hope Jones  
City of Kent, Law Director

Date: \_\_\_\_\_

Certificate of Director of Budget and Finance

It is hereby certified that the amount Twenty-Five Thousand Dollars (\$25,000) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the CAPITAL Fund free from any obligation or certificates now outstanding.

\_\_\_\_\_  
Rhonda Hall, Director of Budget and Finance

\_\_\_\_\_  
Date

PORTAGE COUNTY

\_\_\_\_\_  
Anthony J. Badalamenti - Commissioner

\_\_\_\_\_  
Sabrina Christian-Bennett - Commissioner

\_\_\_\_\_  
Mike Tinlin - Commissioner

Approved as to Form:

Approved:

\_\_\_\_\_  
Prosecuting Attorney  
Portage County, Ohio

\_\_\_\_\_  
Larry D. Jenkins, Jr.  
Portage County Engineer