

ORDINANCE NO. 2019 -62

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE THE PARTICIPATORY LEGISLATION FOR THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT), PROJECT POR SR59 (PID 110168) FOR THE REPAVING OF SR59 FROM RIVER STREET WEST TO THE CITY LIMITS, AND DECLARING AN EMERGENCY.

WHEREAS, project POR SR59 (PID 110168) is part of the State of Ohio Department of Transportation's (ODOT) urban paving program, includes the resurfacing of SR 59 from the Stow/Kent corporation limit to River Street; and

WHEREAS, the City will be required to pay twenty percent (20%) of the milling and resurfacing costs. In addition, the City will be required to pay one hundred percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project; and

WHEREAS, the City of Kent, hereinafter referred to as the Local Public Agency (LPA), wishes to participate with the Director of Transportation in the above described project.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to approve the Participatory Legislation for the State of Ohio Department of Transportation (ODOT) for the repaving of SR59 from River Street west to the City limits per the Preliminary Participatory Legislation, attached hereto as Exhibit "A".

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 to expedite the highway project and to promote highway safety for the residents of this City, for which reason and other reasons manifest to this Council this resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: May 15, 2019
Date

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

EFFECTIVE: May 15, 2019
Date

ATTEST: Dawn Bishop
Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM 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. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

DAWN BISHOP
INTERIM CLERK OF COUNCIL

PRELIMINARY PARTICIPATORY LEGISLATION
RC 5521.01

Ordinance/Resolution# _____
PID No. 110168
County/Route/Section POR SR-59-0.00

The following is _____ enacted by the _____ City of Kent _____ of _____ Portage
(An Ordinance/a Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I - Project Description

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

Resurfacing of POR SR-59 from Summit/Portage County line to South Mantua Street in the City of Kent.

NOW, THEREFORE, be it ordained by the _____ City of Kent _____ of _____ Portage _____ County, Ohio.
(LPA)

SECTION II - Consent Statement

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

SECTION III - Cooperation Statement

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

The LPA agrees to participate in the cost of construction within the city limits at twenty percent (20%) total cost.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

(Optional-if required) The LPA further agrees to pay One Hundred Percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION IV - 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 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 V - Authority to Sign

The _____ of said _____ City of Kent _____ is hereby empowered on
(Contractual Agent) (LPA)
behalf of the _____ City of Kent _____ to enter into contracts with ODOT pre-qualified consultants
(LPA)
for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the _____ is also empowered to assign all rights,
(Contractual Agent)
title, and interests of the _____ City of Kent _____ to ODOT arising from any agreement with its
(LPA)
consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Passed: _____, 20____
(Date)

Attested: _____ (Clerk) _____ (Officer of LPA - title)

Attested: _____ (Title) _____ (President of Council)

This _____ is hereby declared to be an emergency measure to
(Ordinance/Resolution)
expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

City of Kent of Portage County, Ohio,
 (LPA)
 _____, as Clerk of the City of Kent
 (LPA)
 of Portage County, Ohio, do hereby certify that the forgoing is a true and
 correct copy of _____ adopted by the legislative Authority of the said
 (Ordinance/Resolution)
City of Kent on the _____ day of _____, 20____
 (LPA)
 that the publication of such _____ has been made and certified of
 (Ordinance/Resolution)
 record according to law; that no proceedings looking to a referendum upon such
 _____ have been taken; and that such _____
 (Ordinance/Resolution) (Ordinance/Resolution)
 and certificate of publication thereof are of record in _____ Page _____
 (Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 20____

CITY SEAL

Clerk

City of Kent of Portage County, Ohio
 (LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
 For the City of Kent of Portage County, Ohio
 (LPA)

Attest: _____, Date _____

For the State of Ohio

Attest: _____, Date _____
 Director, Ohio Department of Transportation