

ORDINANCE NO. 2021 - 068

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A PEDESTRIAN SAFETY IMPROVEMENT AGREEMENT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY TO JOINTLY IMPROVE THE SAFETY FOR PEDESTRIANS WITHIN THE CITY AND KSU CAMPUS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent desires to enter into a Pedestrian Safety Improvements Agreement with Kent State University (KSU) to jointly improve the safety for pedestrians within the City and KSU Campus by improving the signing, pavement markings and signal improvements; and

WHEREAS, the agreement includes the City and Kent State University splitting the out of pocket costs, with the City's maximum commitment to be \$15,000.

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

SECTION 1. Council does hereby authorize the City Manager, or his designee, to enter into a Pedestrian Safety Improvements Agreement with Kent State University (KSU) to jointly improve the safety for pedestrians within the City and KSU Campus by improving the signing, pavement markings and signal improvements, and is more fully described 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 4, 2021
Date

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

EFFECTIVE: August 4, 2021
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk 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. 2021-068, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 4, 2021.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

PEDESTRIAN SAFETY IMPROVEMENTS AGREEMENT

**KENT STATE UNIVERSITY
AND
THE CITY OF KENT**

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

This Agreement, dated _____ 2021, is an agreement made and entered into between Kent State University (“KSU”) and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the “City”). KSU and the City are collectively referred to herein as the “Parties.”

WITNESSETH:

WHEREAS, KSU and the City desire to improve the safety for pedestrians within the City and KSU Campus; and

WHEREAS, KSU, in cooperation with the City, has commissioned a Campus Crosswalk Evaluation (Attachment A) to evaluate potential improvements to twenty seven (27) different crosswalk locations in and around campus; and

WHEREAS, the Campus Crosswalk Evaluation included Phase 1 recommendations to seventeen (17) locations, sixteen (16) of which are located within the City Right-of-Ways.

WHEREAS, the Phase 1 Recommendations are hereinafter referred to as the “Project” and have an estimated out-of-pocket cost of \$28,300;

NOW THEREFORE, The City and KSU hereby agree to collaborate on implementation of the Project as follows:

City:

- City will implement all of the Project recommendations that involve changes to the traffic signal system with in-house staff and the costs of such implementation shall not be included in out-of-pocket Project costs.
- The City will expeditiously review all shop drawings associated with the Project. Shop drawing approval from the City is required prior to any installations in the City Right-of-Way.
- The City will pay 50% of the out-of-pocket Project costs, up to \$15,000, based upon invoices from KSU.
- City will own all Project improvements in the public right-of-way.

KSU:

- KSU will manage and coordinate construction services for the implementation of the Project that do not involve traffic signal changes.

- KSU, or their designated representative, will provide shop drawings to the City for approval prior to purchasing or installing any improvements in the City's Right-of-Way.
- KSU will be the primary funding agency during construction of the Project.
- KSU will provide invoices to the City requesting reimbursement for one-half of the out-of-pocket costs associated with the construction of the Project, up to \$15,000.
- KSU will own all Project improvements on KSU Property.

Schedule:

The City and KSU will diligently pursue completion of the Project by September 30, 2021. This date can be adjusted by the mutual agreement of both parties.

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: _____

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 FIFTEEN THOUSAND Dollars (\$15,000) 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