

CITY OF KENT  
DEPARTMENT OF PUBLIC SERVICE  
DIVISION OF ENGINEERING

MEMO

TO: Barb Rissland; Dave Ruller  
FROM: Jim Bowling  
DATE: January 7, 2009  
RE: 2008 Capital Improvement Program Carry-overs into 2009

Barb,

The following projects need to be carried over to FY 2009. These projects are critical to the infrastructure of the City and still have a defined need to be completed. If there are any questions on the following list of funds, which were unencumbered in 2008 please let me know.

**Admore Drive** – The design of this project is 90% complete with right-of-way acquisition, utility coordination and permitting remaining. We anticipate the project to bid in spring of 2009. This project is also partially funded through the Issue 2 program, up to \$353,000. The following monies need carried over for this project.

Original CIP Year	Fund	Amount	Comment
2006	201 – Water	\$6,000	n/a
2006	208 – Storm Water	\$6,000	n/a
2006	301 – Capital Projects	\$1,425	n/a
2007	201 – Water	\$90,000	n/a
2007	208 – Storm Water	\$160,000	n/a
2007	301 – Capital Projects	\$370,000	n/a

**Harold/Stinaff – Design** – This project was put on hold temporarily by staff and the ward council person until some public involvement could be performed. The following monies need carried over for this project.

Original CIP Year	Fund	Amount	Comment
2006	208 – Storm Water	\$100,000	n/a
2008	208 – Storm Water	\$850,000	n/a

**Spaulding Drive Bridge Design** – This project has been advertised and a consultant selected. The fee is currently being negotiated. We anticipate having an agreed upon contract by the early January 2008. The construction for this project is partially funded through the State Municipal Bridge Program, up to \$463,000. In addition to the carry over an **increase in appropriations of \$55,000** is requested for the project. The reason for the increase is due to requiring two unanticipated permanent easements and additional design and construction costs required to design a full bridge versus the anticipated prefabricated structure. FEMA and City floodplain regulations mandated and the site mandated the use of a full bridge. The following monies need carried over and appropriated for this project.

Original CIP Year	Fund	Amount	Comment
2008	301 – Capital Projects	\$60,271.48	See attached breakdown
New appropriation request	301 – Capital Projects	\$55,000	

**Drainage Area Q – Phase IV** – This project is currently in construction and nearing 80% completion. The monies need carried over for potential change orders to complete construction. The following monies need carried over for this project.

Original CIP Year	Fund	Amount	Comment
2007	208 – Storm Water	\$58,317.70	n/a

**Harvey/Lake Street Storm Outfall** – The project scope has been evaluated and revised based on repairs done internally by Central Maintenance. The project under the current scope is in the design stages. The initial project appropriation of \$750,000 in 2007 is more than the current project requires. The required total project cost is \$450,000 project, totaling a reduction of \$300,000 in the project costs. The following monies need carried over for finalizing the design and construction of the project.

Original CIP Year	Fund	Amount	Comment
2007	208 – Storm Water	\$400,000	n/a

**Plum Creek Feasibility Study** – The full scope of study for this project was completed and we are in the selection process for a consultant to complete the study. The following monies need carried over for this project.

Original CIP Year	Fund	Amount	Comment
2007	208 – Storm Water	\$30,000	n/a

**Cherry to Middlebury Interconnect – Phase II** – This project is designed, all right-of-way has been obtained. We are currently seeking permitting to complete the project. The project should bid in 2009. The following monies need carried over for this project.

Original CIP Year	Fund	Amount	Comment
2007	201 – Water	\$400,000	n/a

**High Service Area Construction** – This project design is 80% complete and will be bid in 2009. The following monies need carried over for this project.

Original CIP Year	Fund	Amount	Comment
2006	201 – Water	\$300,000	n/a

**Riverside Court Watermain Construction** – The original project estimate determined in 2006 is insufficient to complete the work due to the presence of bedrock at higher elevations than originally anticipated. The project is being removed from the Capital Plan due to the increased cost. The project will be added to the needs list for future funding consideration along with other water needs in the City.

Original CIP Year	Fund	Amount	Comment
2006	201 – Water	\$0	Project Removed

**Fairchild Bridge Project** – This project design and right-of-way acquisition phases are complete. Negotiations with the railroads are being finalized and the construction of the project is anticipated to begin in May, 2009. The \$3,500,000 appropriated for 2008 and the \$540,825 re-appropriated from 2007 were not completely spent. The construction costs and reimbursable amounts from Federal, State and County sources are being finalized. In the interim, the monies unencumbered from 2008 need re-appropriated in 2009 to complete the project. In total the following amounts were encumbered in 2008 and received as reimbursements.

- Encumbered - \$2,664,568.81
- Reimbursed - \$1,951,076.19

Therefore, the following monies need carried over for this project.

Original CIP Year	Fund	Amount	Comment
2007	301 – Capital Projects	\$0	\$540,825 Re-appropriated in 2008
2008	301 – Capital Projects	\$1,927,332.38	See attached summary
2008	201 – Water	\$300,000	n/a
2008	208 – Storm Water	\$500,000	n/a
2008	202 - Sewer	\$600,000	n/a

**Water Reclamation Facility Asphalt Replacement** – The project was delayed because the Portage Hike and Bike Trail Project required construction equipment to be using the Water Reclamation Facility (WRF). It was decided that the paving should be delayed until after the construction was completed so as not to damage the new pavement.

Original CIP Year	Fund	Amount	Comment
2008	202 – Sewer	\$150,000	n/a

**Horning Road Access Path** – The project is being completed by Central Maintenance and is mostly completed. However, there will be some additional encumbrances required to complete the project in spring. Originally, \$70,000 was appropriated for the project and \$30,669.84 was encumbered. Only \$20,000 will be required to complete the project. Therefore \$19,330.16 will not need re-appropriated for the project.

Original CIP Year	Fund	Amount	Comment
2008	301 – Capital	\$20,000	\$19,330.16 reduction

**SR 59 Signalization Improvements** – The project is currently in the design and right-of-way acquisition stage. A total of \$350,000 was appropriated in 2008 and \$331,984 was encumbered in 2008. The remaining will need re-appropriated for use in 2009.

Original CIP Year	Fund	Amount	Comment
2008	301 – Capital	\$18,106	n/a

**SR 59 Street Light Repairs** – This project has not been initiated to date and the full 2008 appropriation of \$250,000 needs re-appropriated for use in 2009.

Original CIP Year	Fund	Amount	Comment
2008	301 – Capital	\$250,000	n/a

**Middlebury Road Water Main – Design** – This project includes the design of water main replacement on Middlebury Road from Akron Blvd. to Longmere Dr. This stretch of water main has a history of breaks and is in need of replacement. We are currently in the process of evaluating qualifications for a firm to design the replacement.

Original CIP Year	Fund	Amount	Comment
2008	201 – Water	\$50,000	n/a

C: Gene Roberts  
 Rhonda Boyd  
 Cori Finney  
 Jon Giaquinto  
 Pat Homan  
 Robert Climes  
 File

CITY OF KENT  
DEPARTMENT OF PUBLIC SERVICE  
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller  
Linda Copley

FROM: Jim Bowling

DATE: 1/29/09

RE: Fairchild Avenue – Memorandum of Understanding with Portage County

Engineering is requesting council time to seek approval of the attached Memorandum of Understanding (MOU) with Portage County. The MOU modifies and extends the existing agreement with Portage County signed in 1997 to complete the Fairchild Avenue Bridge Project. The MOU details out the responsibilities of both parties in completing the project as well the percentage of the costs paid by each entity required to cover the non-federally funded portions of the project.

C: Gene Roberts, Service Director  
Barbara Rissland, Budget and Finance Director  
Jim Silver, Law Director  
file

MEMORANDUM OF UNDERSTANDING  
EXTENDING CURRENT AGREEMENT BETWEEN  
PORTAGE COUNTY COMMISSIONERS  
AND  
THE CITY OF KENT, COUNTY OF PORTAGE  
STATE OF OHIO

THIS Memorandum of Understanding, dated \_\_\_\_\_ 2009, is made and entered into extending the current Agreement between The County of Portage, Ohio (the "County") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "City").

**WITNESSETH:**

**WHEREAS**, the City and County desire to continue their joint efforts for the replacement of the Crain Avenue bridge over the Cuyahoga River and the CSX Railroad and the realignment of Fairchild Avenue from the intersection of Fairchild Avenue and North Mantua Street to the intersection of Water Street; known as the Crain Avenue Bridge Project (also known as The Fairchild Avenue Bridge Project) the "Project", and;

**WHEREAS**, the County and City are utilizing their best efforts to obtain Federal funding to finance a majority of the construction cost for this Project; and

**WHEREAS**, the parties desire to unite in their efforts for the better utilization of funds and the completion of the Project; and

**WHEREAS**, it is further agreed that the City of Kent, as lead agency, has obtained and will continue the services of **Arcadis** to provide design and funding application support for the design of the proposed Project.

**WHEREAS**, the County and City desire to continue with their Agreement to set out their respective covenants and understandings relating to the design of the Project and the construction contracts required therefore; and

**WHEREAS**, the County, by Resolution No. 00-091, attached hereto as Exhibit "A", has previously accepted the construction agreement for the project by said Resolution; and

**WHEREAS**, the City, by Ordinance No. 2000-13, attached hereto as Exhibit "B", has previously accepted the construction agreement for the project by Ordinance No. 2003-13; and

**NOW, THEREFORE**, in consideration of the promises and covenants contained in this Memorandum of Understanding and the previous Agreement between the County and the City, the County's Resolution and City's Ordinance, the parties hereto agree as follows:

## **Section 1. Construction of the Project**

- A. The City shall undertake the Project in a workmanlike manner, as set forth in Exhibit "C" "Letter of Intent" attached hereto and incorporated herein as if fully rewritten except as specified below or subject to any written modifications not inconsistent with the promises and covenants contained in the Agreement of August 7, 1997 and this Memorandum of Understanding.
  - i). The intent of the planned realignment in the "Letter of Intent" dated August 7, 1997 shall be changed. The intent of the planned realignment shall be to eliminate the Crain Avenue/North Mantua Street Intersection by extending Fairchild Avenue over the Cuyahoga River and CSX Railroad Tracks to a new intersection at Water Street.
- B. The City and County agree that the Ohio Department of Transportation (ODOT) will administer the construction of the project. The City and County both agree to adhere to the Ohio Department of Transportation standard processes for administering a local public agency ODOT-Let construction project.
- C. The parties to this Memorandum of Understanding and the Agreement of August 7, 1997 covenant that all construction and improvements with respect to the Project are made in reliance on the Agreement and this Memorandum of Understanding.
- D. The local share for the construction and construction inspection costs will be split 35% County, 65% City. The City and County will provide the local match for the project directly to the Ohio Department of Transportation when requested by the Department.

## **Section 2. Design of the Project**

- E. The City shall undertake the Project in a workmanlike manner, as set forth in Exhibit "C" "Letter of Intent" attached hereto and incorporated herein as if fully rewritten, subject to any written modifications not inconsistent with the promises and covenants contained in the Agreement of August 7, 1997 and this Memorandum of Understanding.
- F. The City hereby agrees that all contracts for the design of the Project shall be entered into in compliance with the applicable provisions of state and local laws including Federal requirement for the procurement of professional services.

- G. The parties to this Memorandum of Understanding and the Agreement of August 7, 1997 covenant that all design with respect to the Project are made in reliance on the Agreement and this Memorandum of Understanding.
- H. The cost of the professional engineering services will be split 35% County 65% City. The City will be invoiced and pay for the professional services and the County will reimburse the City its share of the total cost when the City invoices the County for said professional services that are the County's portion.

IN WITNESS WHEREOF, the parties hereto have offered their hands and seals.

**CITY OF KENT, OHIO**

WITNESSES:

Reviewed and Recommended by:

\_\_\_\_\_

\_\_\_\_\_  
James Bowling, P.E.  
City Engineer

\_\_\_\_\_  
Date

WITNESSES:

Approved and Accepted by:

\_\_\_\_\_

\_\_\_\_\_  
Dave Ruller  
City Manager

\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
James R. Silver, Law Director  
City of Kent

Certificate of Director of Budget and Finance

\_\_\_\_\_  
Barbara Rissland, Director of Budget and Finance      Date



IN WITNESS WHEREOF, the parties hereto have offered their hands and seals.

**COUNTY OF PORTAGE, OHIO**

\_\_\_\_\_  
Maureen T. Frederick, Commissioner

\_\_\_\_\_  
Christopher Smeiles, Commissioner

\_\_\_\_\_  
Charles W. Keiper II, Commissioner

WITNESSES:

\_\_\_\_\_

Reviewed and Recommended by:

\_\_\_\_\_  
Michael A. Marozzi  
Portage County Engineer

\_\_\_\_\_  
Date

Approved as to Form:

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

\_\_\_\_\_  
Date

**AUDITOR'S CERTIFICATE**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JANET ESPOSITO  
Portage County Auditor

Exhibit A

RE: AUTHORIZE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF KENT AND THE PORTAGE COUNTY BOARD OF COMMISSIONERS FOR THE REPLACEMENT OF THE CRAIN AVENUE BRIDGE OVER THE CUYAHOGA RIVER AND THE CSX RAILROAD AND THE REALIGNMENT OF CRAIN AVENUE FROM THE INTERSECTION OF FAIRCHILD AVENUE AND NORTH MANTUA STREET (STATE ROUTE 43) THROUGH THE INTERSECTION OF LAKE STREET AND WATER STREET

It was moved by Charles W. Keiper II, seconded by Kathleen Chandler that the following Resolution be adopted:

WHEREAS, the City of Kent wishes to enter into an agreement with the Portage County Board of Commissioners for the replacement of the Crain Avenue Bridge over the Cuyahoga River and the CSX Railroad and the realignment of Crain Avenue from the intersection of Fairchild Avenue and North Mantua Street (State Route 43) through the intersection of Lake Street and Water Street; now therefore be it

RESOLVED, that the Portage County Board of Commissioners hereby authorize the execution of an agreement with the City of Kent for the replacement of the Crain Avenue Bridge over the Cuyahoga River and the CSX Railroad and the realignment of Crain Avenue from the intersection of Fairchild Avenue and North Mantua Street (State Route 43) through the intersection of Lake Street and Water Street.

Upon call of the roll, vote was as follows:

Charles W. Keiper II, Yea; Christopher S. ... Yea; Kathleen Chandler, Yea;

I, Clerk of the Board of County Commissioners do hereby certify that the foregoing is a true and correct copy of a Resolution of the Board of County Commissioners of Portage County duly adopted February 8, 2000 and appearing upon the official records of said Board, Volume 50, page \_\_\_\_\_.

  
Clerk, Portage County Commissioners

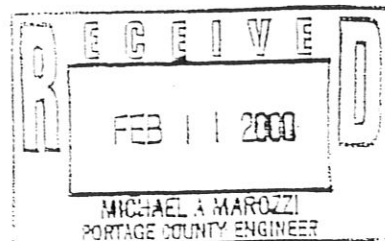


Exhibit B

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND THE PORTAGE COUNTY BOARD OF COMMISSIONERS FOR THE REALIGNMENT OF CRAIN AVENUE BETWEEN NORTH MANTUA STREET AND NORTH WATER STREET, INCLUDING THE REPLACEMENT OF THE CRAIN AVENUE BRIDGE OVER THE CUYAHOGA RIVER AND THE CSX RAILROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent and the Portage County Board of Commissioners expressed their intent to realign Crain Avenue between North Mantua Street and North Water Street, including the replacement of the Crain Avenue Bridge over the Cuyahoga River and the CSX Railroad; and

WHEREAS, the City agrees that the work will be performed as a joint project between the City and the County, provided that Federal Funds would be available for this improvement, and that the terms of the agreement need to be reduced to writing.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage county, Ohio, at least two-thirds (2/3) of all members elected thereto concurring:

SECTION 1. That the Kent City Council does hereby authorize the City Manager, or his designee to sign the agreement between Portage County and the City of Kent for the realignment of Crain Avenue, including the replacement of the Crain Avenue Bridge, said agreement as 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 resolution 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.

Copy

SECTION 3. That this resolution 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 resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately for passage.

PASSED: 2/2/00  
DATE

[Signature]  
MAYOR AND PRESIDENT OF COUNCIL

ATTEST: [Signature]  
CLERK OF COUNCIL

I hereby certify that Resolution No. 2000- 13 was duly enacted this 2 day on Feb, 2000, by the Council of the City of Kent, Ohio.

[Signature]  
Clerk of Council

Exhibit C

The project includes environmental studies, traffic impact studies, railroad crossing grade and alignment studies, utility relocation and right-of-way acquisition. Consideration will be given to the potential for minimizing the impact upon traffic during construction by keeping the existing bridge in service during construction. Consideration will also be given to relocating existing structures in lieu of their demolition. It is anticipated that Federal monies may be used to fund a majority of the construction cost.

The work will be performed as a joint project between the City and the County, provided that Federal funds would be available for this improvement, in accordance with the following provisions:

1. The City will act as lead agent in the design contract phase of the project.
2. The city will act as lead agency for the construction phase of the improvement, unless requirements dictate otherwise.
3. The lead agency, City, shall execute all contracts for study and design only after receiving approval of the County.
4. The City will pay all study and design fees, including the County for the Bridge element of the study and design phase at the time the City approves the payment.
5. County shall reimburse the City for the County portion of the study and design fees within 30 days of receipt of City's invoice.
6. Amendments to study and design agreements shall be approved by both City and County.
7. The County will pay for its portion (structure only) of the study and design and its share of the construction cost for a new bridge on an agreed to new alignment.
8. City shall pay the local share of all costs associated with the relocation and approach roadways, including impact studies and related analysis, the local share of all utility work and the local share of all right-of-way costs.
9. Contracts for professional services shall delineate in detail the work related to City and County.
10. The County will own and maintain the new structure over the river. The City will maintain the approaches. The construction plans will indicate the limits of the respective maintenance authority.

11. The City acknowledges the County's recent expenditure of about \$32,000.00 to repair the existing structure.
12. The County will continue to do minor, routine repair and maintenance work to the existing structure. The City acknowledges that in the future the existing structure may need a load limit and may ultimately even require closing due to structural conditions.

THE CITY OF KENT

BY: Will. C. Loo  
City Manager

BOARD OF COUNTY COMMISSIONERS

BY: Kathleen Chandler

BY: Christy Lucile 3/7/97

Copy Chris T...

APPROVED:

Michael A. Marozzi  
Michael A. Marozzi, P.E., P.S.  
Portage County Engineer

APPROVED AS TO FORM:

James J. ...  
Prosecuting Attorney

Passed by Resolution on July 9, 1997.



Crain Ave. Bridge  
Design Task Cost Summary

	City/County Costs			County Cost		City Costs	
	Administrative	Expenses	Roadway & Bridge Issues Combined	Relocated Crain Ave. Bridge	Roadway	Pedestrian Bridge & Bike Path	Utility
Task 30 - Final Traffic Control:							
Task 31 - Remaining Structures:							
Task 32 - Stage 3 Design Submittal:		\$ 1,300.00	\$ 14,776.00				
Tracings							
Task 33 - Tracings Submittal:		\$ 800.00	\$ 7,986.00				
Coordination							
Task 33 - Tracings Submittal:							
Contingency	\$ 9,216.00						
SUB-TOTALS:	\$ 117,358.00	\$ 75,277.00	\$ 453,200.00	\$ 97,508.00	\$ 299,074.00	\$ 123,732.00	\$ 48,351.00
SUB-TOTALS BY COST CENTER:		\$646,335.00		\$ 97,508.00		\$471,157.00	
Shared City/County Cost Distribution:		\$646,335.00		\$ 323,167.50		\$323,167.50	
Total Design Cost Break Down:				\$ 420,676		\$794,324.50	
PERCENTAGE OF PROJECT COSTS:				35%		65%	