

ORDINANCE NO. 2020-18

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONTINUE THE EAST MAIN STREET IMPROVEMENTS AGREEMENT BETWEEN THE CITY OF KENT, KENT STATE UNIVERSITY AND PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) AND BEGIN THE NEXT PHASE OF THE PROJECT DESIGN PROCESS, AND DECLARING AN EMERGENCY.

WHEREAS, this agreement is the continuation of the East Main Street Project that started with a joint planning study commenced with KSU and a citizen's advisory committee from the East Main Street Area; and

WHEREAS, the planning study was completed to the point where federal grant money could be pursued to assist in the implementation of the project; and

WHEREAS, over \$14 million in federal grant money was received for the project, including funds to complete the design phase of the project.

NOW, THEREFORE, BE IT RESOLVED 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 continue the East Main Street Improvements Agreement between the City, KSU and PARTA which will use the results of the community-based project planning study and begin the next phase of the project design process, 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: March 18, 2020  
Date

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

EFFECTIVE: March 18, 2020  
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.* \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
AMY WILKENS  
CLERK OF COUNCIL  
(SEAL)

**EAST MAIN STREET IMPROVEMENTS**

**AGREEMENT**

**PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY  
KENT STATE UNIVERSITY  
THE CITY OF KENT**

**ALL PARTIES BEING IN THE STATE OF OHIO**

This Agreement, dated \_\_\_\_\_ 2020, is an agreement made and entered into between the Portage Area Regional Transportation Authority ("PARTA"), Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "City").

**WITNESSETH:**

**WHEREAS**, KSU and the City desire to continue their joint efforts for the improvement of East Main Street generally located from Willow Street to Horning Road; known as the East Main Street Improvements (the "Project"), and;

**WHEREAS**, PARTA maintains numerous routes through the Project area and desires to improve transportation services to the traveling public, and;

**WHEREAS**, KSU and the City have previously shared resources to complete a planning and safety study to obtain Federal Highway Safety Funds (HSP), and;

**WHEREAS**, the City has applied for and received Federal funding through the Congestion Mitigation/Air Quality (CM/AQ) program, Surface Transportation Block Grant (STBG) program and the HSP program to finance a majority of the design, right of way acquisition, construction and construction inspection costs for this Project, and;

**WHEREAS**, PARTA agrees to pursue and apply for federal and state funding sources to assist in the completion of the transit fundable portions of the project;

**WHEREAS**, the Ohio Department of Transportation (ODOT) has agreed that the City serve as the responsible lead agency to administer the Project, and;

**WHEREAS**, the City will enter into a Local Public Agency (LPA) Local-Let Federal agreement with ODOT to administer the Project, and;

**WHEREAS**, KSU and the City have agreed to use a design consultant to provide professional surveying and engineering services for the preliminary and final design of the proposed Project and that the City will be the lead agency in the management of the Project, and;

**WHEREAS**, KSU does hereby give permission to the City of Kent, its agents, employees, consultants and contractors to enter upon KSU lands for the purpose of surveying, utility investigations, subsurface investigations, traffic counting, environmental studies and any other work necessary to complete the preliminary and final design of the Project, and;

**WHEREAS**, KSU and the City agree to pay for the local share of the design, estimated to be \$250,000, in equal amounts (50/50 split) up to a maximum amount of \$125,000 per entity, and;

**WHEREAS**, KSU and the City further agree to pay for the local share of the construction of the Project, with the amount to be determined after completion of the design phase, and to be included by Amendment to this document, and;

**WHEREAS**, the Kent State University Board of Trustees has authorized the Vice President for Finance and Administration to enter into a contractual agreement with the City of Kent to share the required local match for federal and state funded improvements to East Main Street. The authorization is for 50% of the local share, with the amount presently estimated at \$2.2 million, and;

**NOW, THEREFORE**, in consideration of the promises and covenants contained in this Agreement, the parties hereto agree as follows:

### **Section 1. Incorporation of Recitals**

The preceding recitals are hereby incorporated by reference into this Agreement.

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

- A. The City and KSU shall undertake the design of the Project in a workmanlike manner.
- B. All parties agree that the design of the improvement shall include improvements to transit services along the corridor, including at a minimum, bus pull-offs, shelters and lighting at planned service locations along the corridor.
- C. 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.
- D. KSU and PARTA, as major stakeholders of the Project, shall be active in the development and review of the preliminary alternatives, the selection of the

preferred alternative, review of the detailed design plans and attendance and participation at regular project meetings.

- E. The cost of the professional engineering services will be split 50% KSU, 50% City. The City will be invoiced and pay for the professional services and KSU will reimburse the City its share of the total cost when the City invoices KSU for said professional services that are KSU's portion.
- F. The parties to this Agreement covenant that all design with respect to the Project is made in reliance on this Agreement.

**Section 3. Construction of the Project**

- A. This Agreement will be amended prior to construction to further detail the terms.
- B. KSU's participation in the local match is limited to the \$2.2 million authorized by the Kent State University Board of Trustees. Any additional funds needed for the local match must be authorized by the Board of Trustees prior to entering into contracts or change orders requiring the additional funds.

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

**CITY OF KENT, OHIO**

WITNESS:

Reviewed and Recommended by:

\_\_\_\_\_

\_\_\_\_\_  
James S. Bowling, P.E.  
Deputy Service Director/Superintendent of  
Engineering

\_\_\_\_\_  
Date

WITNESS:

Approved and Accepted by:

\_\_\_\_\_

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

\_\_\_\_\_  
Date

Approved as to form:

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

**Certificate of Director of Budget and Finance**

It is hereby certified that the amount ONE HUNDRED TWENTY FIVE thousand dollars (\$125,000) required to meet the contract, agreement, obligation, payment or expenditure, for the above, 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 Funds free from any obligation or certificates now outstanding.

\_\_\_\_\_  
David Coffee, Director of Budget and Finance

\_\_\_\_\_  
Date

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

**KENT STATE UNIVERSITY**

WITNESS:

\_\_\_\_\_

Reviewed and Recommended by:

\_\_\_\_\_

Mark Polatajko  
Vice President for Finance and  
Administration  
Kent State University

\_\_\_\_\_  
Date

**PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY**

WITNESS:

\_\_\_\_\_

Reviewed and Recommended by:

\_\_\_\_\_

Claudia Amrhein  
General Manager  
Portage Area Regional Transportation  
Authority

\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
Legal Counsel  
Portage Area Regional Transportation Authority