

ORDINANCE NO. 2022 - 100

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NORTH MANTUA STREET IMPROVEMENTS AGREEMENT BETWEEN THE CITY OF KENT, KENT CITY SCHOOL DISTRICT AND THE DAVEY TREE EXPERT COMPANY TO ADDRESS EXISTING NEEDS ALONG THE ROADWAY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to enter into an Agreement with the Kent City School District and The Davey Tree Expert Company to address existing needs along North Mantua Street near Roosevelt High School; and

WHEREAS, the improvements include pedestrian facilities, reduce higher vehicular speeds, improve ingress and egress and replacement of existing signal at Roosevelt High School.

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 North Mantua Street Improvements Agreement between the City of Kent, the Kent City School District and the Davey Tree Expert Company to address existing needs along the roadway, 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: September 21, 2022
Date

EFFECTIVE: September 21, 2022
Date

ATTEST: Amy Wilkens
Amy Wilkens
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. 2022-100, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON September 21, 2022.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

NORTH MANTUA STREET IMPROVEMENTS AGREEMENT

**THE DAVEY TREE EXPERT COMPANY
KENT CITY SCHOOL DISTRICT
AND
CITY OF KENT**

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

This Agreement, dated _____ 2022, is an agreement made and entered into between The Davey Tree Expert Company (“Davey”), Kent City School District (“School District”) and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (“City”).

WITNESSETH:

WHEREAS, Davey is constructing a new Science and Learning Campus focused on specialized training and research facilities on the east side of North Mantua Street across North Mantua Street from Davey’s Main Campus in the City; and

WHEREAS, Davey desires to improve vehicular and pedestrian access to both the Main Campus and the new Science and Learning Campus by aligning the entrances to intersect North Mantua Street at one intersection; and

WHEREAS, the City desires to improve safety and reduce congestion for vehicles turning left from River Bend Boulevard onto North Mantua Street; and

WHEREAS, the City and School District desire to provide a safe pedestrian crossing of North Mantua Street at River Bend Boulevard in conjunction with Roosevelt High School and a future bike and hike trail in the area; and

WHEREAS, the City and School District desire to upgrade the existing signalized intersection and pedestrian crossings located at the intersection of North Mantua Street and the Roosevelt High School entrance; and

WHEREAS, the City desires to improve the aesthetics entering the City on North Mantua Street; and

WHEREAS, the City has begun an investigation to determine the transportation needs and potential alternates on North Mantua Street from the Roosevelt High School entrance to the Davey Science and Learning Campus, herein referred to as the “Project Area”.

NOW THEREFORE, The Parties commit to collaborate and partner to initiate a corridor project, hereinafter called the “Project”, that will require planning, detailed design and the pursuit of funding for the potential right-of-way acquisition and construction of improvements in the Project Area. The goal is to improve the facilities for all users of the corridor. At this time each party agrees to the following:

City:

- Manage the Project from planning through construction, including design and potential right-of-way acquisition.
- Jointly with Davey and the School District, select a consultant to assist in the planning and design process.
- Hire the consultant selected by the parties.
- Undertake the planning and design of the Project in a workmanlike manner.
- Fund 50% of the consultant’s services, up to \$400,000.
- Invoice Davey for their share of the consultant’s services as defined below.
- Provide the primary coordination with the Ohio Department of Transportation (ODOT) for the Project.
- Pursue outside funding for the completion of the project.

Davey:

- Jointly with the City and the School District, select a consultant to assist in the planning and design process.
- Undertake the planning and design of the Project in a workmanlike manner.
- 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.
- Reimburse the City 50% of the consultant’s services, up to \$400,000.
- Donate the permanent and temporary right-of-way located on Davey property as determined as part of the design process. up to 3.4 acres of permanent right-of-way.

School District:

- Jointly with the City and Davey, select a consultant to assist in the planning and design process.
- 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.
- Convey the permanent and temporary right-of-way located on School District property as determined as part of the design process, up to 0.8 acres of permanent right-of-way.
- This agreement does not require any out-of-pocket costs for the School District.

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

Date: _____

Witness: _____

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 four hundred thousand dollars (\$400,000) 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 (301) free from any obligation or certificates now outstanding.

Rhonda Hall, Director of Budget and Finance

Date

THE DAVEY TREE EXPERT COMPANY

Approved and Accepted by:

Name:
Title:

Witness: _____

Date: _____

KENT CITY SCHOOL DISTRICT

Approved and Accepted by:

George Joseph
Superintendent

Witness: _____

Date: _____