

ORDINANCE NO. 2022 - 062

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SR59 ALTERNATIVE TRANSPORTATION IMPROVEMENT AGREEMENT BETWEEN THE CITY OF KENT, PARTA AND FRANKLIN TOWNSHIP TO PURSUE FUNDING FOR ACTIVE TRANSPORTATION IMPROVEMENTS ON STATE ROUTE 59, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to enter into an Agreement with PARTA and Franklin Township to pursue funding for active transportation improvements on State Route 59 from Horning Road to State Route 261; and

WHEREAS, the improvements include providing for a continuous sidewalk along the north side of SR59, a continuance side path along the south side of SR 59, several mid-block crossings and transit accessibility improvements in the project area.

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 execute the SR59 Alternative Transportation Improvement Agreement between the City of Kent, PARTA and Franklin Township to pursue funding for active transportation improvements on SR 59, 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: June 15, 2022
Date

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

EFFECTIVE: June 15, 2022
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. 2022-062, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON June 15, 2022.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

SR 59 ALTERNATIVE TRANSPORTATION IMPROVEMENTS AGREEMENT

**PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY
FRANKLIN TOWNSHIP
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 Portage Area Regional Transportation Authority (“PARTA”), Franklin Township (“Township”) and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (“City”).

WITNESSETH:

WHEREAS, East Main Street/State Route 59 (“SR 59”) from Horning Road to SR 261 (“Project Area”) is an automobile oriented corridor that has significant pedestrian and transit usage, poor alternative transportation facilities and a history of pedestrian and bicycle crashes; and

WHEREAS, One third (1/3) of the Project Area is located within the City of Kent and the remainder of the Project Area is located within the Township; and

WHEREAS, the portion of the Project Area that is located within the City of Kent is owned and maintained by the City and the portion of the Project Area that is located within the Township is owned and maintained by the Ohio Department of Transportation (ODOT); and

WHEREAS, All parties desire to improve the alternative transportation facilities on and along East Main Street/SR 59 from Horning Road to SR 261 ; and

WHEREAS, the City, PARTA and Kent State University are currently designing an improvement to East Main Street immediately west of the Project Area to improve safety and provide improved alternative transportation facilities; and

WHEREAS, PARTA and the Township have obtained a Connecting Communities Grant from the Akron Metropolitan Area Transportation Study (AMATS) to evaluate alternative transportation problems and potential solutions in 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 and the pursuit of funding for the eventual design, potential right-of-way acquisition and construction of improvements in the Project Area. The goal is to improve the alternative transportation facilities and to improve the safety for all users of the corridor. At this time each party agrees to the following:

City:

- Provide management services for the next step in the planning and funding plan process to complete the Project, at no cost to the Township and PARTA.
- Jointly with PARTA and the Township, select a consultant to assist in the planning and funding plan process.
- Hire the planning consultant selected by the parties.
- Fund 33.3% of the planning consultant's services, up to \$10,000.
- Invoice PARTA and the Township for their respective shares, as defined below, of the consultant's costs.
- Provide the primary coordination with ODOT for the Project.
- Pursue outside funding for the completion of the project.

PARTA:

- Jointly with the City and the Township, select a consultant to assist in the planning and funding plan process.
- Assist the City in completing the planning and funding plan process, including attending meetings, performing reviews and providing direction pertaining to PARTA's jurisdiction.
- Reimburse the City 50% of the planning consultant's services, up to \$15,000.
- Pursue outside funding for the completion of the project.

Township:

- Jointly with the City and the PARTA, select a consultant to assist in the planning and funding plan process.
- Assist the City in completing the planning and funding plan process, including attending meetings, performing reviews and providing direction pertaining to the Township's jurisdiction.
- Reimburse the City 16.7% of the planning consultant's services, up to \$5,000.

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 Ten Thousand Dollars (\$10,000) 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

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

Approved and Accepted by:

Claudia Amrhein
General Manager
Portage Area Regional Transportation Authority

Witness: _____

Date: _____

Approved as to Form:

Legal Counsel
Portage Area Regional Transportation Authority

Date: _____

FRANKLIN TOWNSHIP

Approved and Accepted by:

Lisè S. Russel
Fiscal Officer

Witness: _____

Date: _____

Approved as to Form:

Legal Counsel
Franklin Township

Date: _____

Certificate of Director of Fiscal Officer

It is hereby certified that the amount Five Thousand Dollars (\$5,000) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in the process of collection to the credit of the SR 59 Enhancement Fund #4301 free from any obligation or certificates now outstanding.

Lisè S. Russell, Fiscal Officer

Date