

**RESOLUTION NO.:** 2008-R19 (Amended April 22, 2008)  
**SPONSOR:** MAYOR NORTON  
**INTRODUCED:** APRIL 8, 2008 **ASSIGNED TO:** \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO FOR FUNDING FOR THE ARLINGTON ROAD WIDENING PROJECT ("PROJECT"), AND DECLARING AN EMERGENCY.**

WHEREAS, the State of Ohio has identified the need for Project which includes: widening, resurfacing, turn lane addition, drainage improvements to all four legs of the intersection of Turkeyfoot Lake Road (S.R. 619) and Arlington Road, and installation of new signal hardware; plus, reconstruction, turn lanes and signal coordination on Arlington Road including the realignment of Jarvis Road; and

WHEREAS, the State of Ohio requires the City of Green to pass legislation to indicate their consent to the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:**

**SECTION ONE:**

Being in the public interest, the City of Green gives consent to the Director of Transportation to complete the Project.

**SECTION TWO:**

The City of Green shall cooperate with the Director of Transportation in the Project as follows:

The City of Green agrees to participate in the cost of the Project within the City Limits at a minimum of twenty percent (20%) total cost for those right-of-way and construction items **NOT** eligible for safety funding; **AND, TEN PERCENT (10%) TOTAL COST FOR THOSE RIGHT-OF-WAY AND CONSTRUCTION ITEMS ELIGIBLE FOR SAFETY FUNDING.** This includes the construction contract and construction engineering. The City of Green will be responsible for any costs that exceed the funding limits established by the fund program managers.

The City of Green further agrees to pay one hundred percent (100%) of the cost of those features requested by the City of Green which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The City of Green further agrees to pay one hundred percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

A Project budget identifying the sources and uses of funds for this Project is attached to this Resolution as Exhibit "A".

**SECTION THREE:**

The City of Green agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the Project. The City of Green also understands that right-of-way costs include eligible utility costs. The City of Green agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION FOUR:**

Upon completion of the Project, and unless otherwise agreed, the City of Green shall (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold the right-of-way inviolate for public highway purposes.

**SECTION FIVE:**

The Mayor of the City of Green is empowered on behalf of the City of Green to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the Project.

Upon the request of ODOT, the Mayor is also empowered to assign all rights, title, and interests of the City of Green to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded bylaw or equity.

The City of Green agrees that if Federal Funds are used to pay the cost of any consultant contract, the City of Green shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the City of Green agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City of Green agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The City of Green agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**SECTION SIX:**

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION SEVEN:**

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: APRIL 22, 2008

Molly Stevens  
Molly Stevens, Clerk

Christine Croce  
Christine Croce, Council  
President

APPROVED: APRIL 22, 2008

Richard G. Norton  
Richard G. Norton, Mayor

COPIED \_\_\_\_\_  
SVCE ZONE PARK ROAD ENG  
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: April 22, 2008

ON ROLL CALL: Colopy - YEA Croce - YEA France - YEA Manwaring - YEA  
Reed - YEA Ridgeway - YEA Smole - YEA Adopted 7-0 as amended

Suburbanite publication on April 27 and May 4, 2008

Molly Stevens  
Molly Stevens, Clerk

Attachment 1:

**PROJECT BUDGET - SOURCES AND USES OF FUNDS**

USES	SOURCES		LPA FUNDS		FHWA FUNDS		STATE FUNDS		TOTALS
	amount	%	amount*	%	amount	%	amount	%	
PE Preliminary develop; environ clearance	\$0		\$0		\$0		\$0		\$0
PE final design; construction plans and specs	\$0		\$0		\$0		\$0		\$0
ACQUISITION OF RIGHT OF WAY & UTILITY RELOCATION <b>MPO</b>	\$740,950	20	\$2,963,800	80	4TA7		\$0		\$3,704,750
ACQUISITION OF RIGHT OF WAY & UTILITY RELOCATION <b>SAFETY</b>	\$164,525	10	\$1,480,725	90	4HJ7		\$0		\$1,645,250
<b>CONSTRUCTION</b> fund source 1 <b>MPO</b>	\$950,750	20	\$3,803,000	80	4TA7		\$0		\$4,753,750
Const. admin, mat'l testing & inspection	\$475,400	100	0				\$0		\$475,400
<b>CONSTRUCTION</b> fund source 2 <b>SAFETY</b>	\$126,378	10	\$1,137,403	90	4HJ7		\$0		\$1,263,781
Const. admin, mat'l testing & inspection	\$126,378	100	0				\$0		\$126,378
<b>CONSTRUCTION</b> fund source 3 <b>LOCAL</b>	\$932,468	100	\$0				\$0		\$932,468
Const. admin, mat'l testing & inspection	\$93,246	100					\$0		
	\$3,610,095		\$9,384,928						\$12,902,027

\*FHWA amounts shown are maximums  
LPA funds are estimates.

Construction inspection costs are estimated at 10% of construction cost.

**SUM-CR619/Arlington Rd.**  
COUNTY-RTE-SECTION  
**78398**  
PID

CERTIFICATE OF COPY  
STATE OF OHIO

City of Green of Summit County, Ohio  
(LPA)

I, Molly Stevens, as Clerk of the City of Green  
(LPA)  
of Summit County, Ohio, do hereby certify that the forgoing is a true and  
correct copy of 2008-R19 adopted by the legislative Authority of the said  
City on the 22<sup>ND</sup> day of April, 2008  
(LPA)  
that the publication of such Resolution has been made and certified of  
(Resolution)  
record according to law; that no proceedings looking to a referendum upon such  
2008-R19 have been taken; and that such 2008-R19  
(Resolution) /Resolution)  
and certificate of publication thereof are of record in 2008-R19 Page \_\_\_\_\_  
( /Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my  
official seal, if applicable, this 22<sup>ND</sup> day of April, 2008

Molly Stevens  
Clerk  
Molly Stevens

(SEAL)  
(if Applicable) Clerk of Council of GREEN, Ohio  
(LPA)

The foregoing is accepted as a basis for proceeding with the project herein  
described.  
For the \_\_\_\_\_ of \_\_\_\_\_, Ohio  
(LPA)

Attest: \_\_\_\_\_, Date \_\_\_\_\_

\*\*\*\*\*

For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation