

RESOLUTION NO. 16-59

OFFERED BY: MAYOR BASIL

PID 84658

SUM-SR8/303-4.31/10.00

A RESOLUTION TO CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION (“ODOT”) PERFORMANCE OF ASPHALT OVERLAY TO STATE ROUTE 303 FROM 10.54 TO 10.57 (PID 84658) WITHIN THE CITY OF HUDSON LIMITS; AND DECLARING AN EMERGENCY.

WHEREAS, the Local Public Agency (“LPA”), the City of Hudson of Summit County, Ohio has identified the need for the described “Project” –i.e., fine graded polymer asphalt overlay to State Route 303 from 10.54 to 10.57 in the City of Hudson.

NOW, THEREFORE, BE IT RESOLVED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1 – Consent Statement

Being in the public interest, the LPA gives consent to the Director of the Ohio Department of Transportation to complete the above described project.

Section 2 – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all the costs of the improvement.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

Section 3 – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described Project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

Section 4 – Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described 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 said right-of-way inviolate for public highway purposes.

Section 5 – Authority to Sign

The City Manager of said City of Hudson is hereby empowered on behalf of the City to enter into contracts with the Director of Transportation which are necessary to complete the above described project.

Section 6. 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, including Section 121.22 of the Ohio Revised Code.

Section 7. This Resolution is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that it is necessary to expedite the highway Project and to promote highway safety; wherefore, this Resolution shall be in effect immediately upon its passage provided it receives the affirmative vote of five members of Council, except that six affirmative votes shall be required if all members are present; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

PASSED:

David A. Basil, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on _____, 2016.

Elizabeth Slagle, Clerk of Council