

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading _____	Waiver 3-Reading Rule _____
RESOLUTION NO: <u>2016-2-13</u>	Yes _____	Second Reading _____	Yes _____
INTRODUCED BY <u>J. MILLER</u>	No _____	Third Reading _____	No _____

**A RESOLUTION GIVING CONSENT AUTHORIZING THE FINE GRADED
POLYMER ASPHALT OVERLAY TO SR 303, SUM 8/303-4.31/10.00,
IN CONNECTION WITH ODOT PID #84658, AND DECLARING AN EMERGENCY**

WHEREAS, the Village has identified the need for fine graded polymer asphalt overlay to State Route 303 from 10.00 to 10.54, SUM SR 8/303-4.31/10.00, situated within the Village of Boston Heights; and,

WHEREAS, the State of Ohio and the Director of Transportation have identified the same need.

NOW, THEREFORE, BE IT RESOLVED by the Council for the Village of Boston Heights, Summit County, Ohio as follows:

Section 1: That the Council for the Village of Boston Heights has determined the need for fine graded polymer asphalt overlay to SR 303, identified above in the recitals, which are incorporated herein, and, to wit: PID #84658. These services will involve fine graded polymer asphalt overlay to State Route 303 from marker 10.00 to 10.54 in the Village of Boston Heights.

Section 2: That being in the public interest, the Village of Boston Heights, gives consent to the Director of Transportation to complete the above-described project and services.

Section 3: That the Village of Boston Heights shall cooperate with the Ohio Director of Transportation in the above-described project as follows:

- (A) The State shall assume and bear 100% of all of the costs of the improvements; and,
- (B) The Village further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the Village which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

Section 4: That the Village of Boston Heights agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

Section 5: That the Village agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations and

reimbursements shall comply with current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 6: That upon completion of the described Project, and unless otherwise agreed, the Village shall:

- (A) Provide adequate maintenance for the described project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116;
- (B) Provide ample financial provisions, as necessary, for the maintenance of the described project;
- (C) Maintain the right-of-way, keeping it free of obstructions; and,
- (D) Hold said right-of-way inviolate for public highway purposes.


Section 7: That the Mayor and/or Fiscal Officer are hereby authorized to enter into contracts with the Ohio Director of Transportation which are necessary to complete the project as described herein.

Section 8: That the funds necessary for this project are hereby appropriated for the same.

Section 9: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 10: That this Resolution is hereby declared to be an emergency measure necessary to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:



BILL GONCY, MAYOR