

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading <u> X </u>	Waiver 3-Reading Rule _____
RESOLUTION NO: <u> 2015 - 7 - 27 </u>	Yes _____	Second Reading _____	Yes <u> X </u>
X INTRODUCED BY <u> R. FENN </u>	No _____	Third Reading _____	No _____

**A RESOLUTION GIVING CONSENT AUTHORIZING RESURFACING
SR 303 AND MINOR BRIDGE WORK, IN CONNECTION WITH
ODOT PID #96563, AND DECLARING AN EMERGENCY**

WHEREAS, the Village has identified the need for Fine graded polymer AC Overlay to SUM SR 303 from 5.49 to 10.57, Minor Bridge work to SFN 7709935 SUM 303 7.22 over Cuyahoga River, SFN 7709994 SUM 303 10.29 over Bike & Hike Trail; 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 road resurfacing on State Route 303 and bridge work, identified above in the recitals, and, to wit: PID #96563. These services will involve resurfacing of that roadway as well as bridge work over the Cuyahoga River as well as the Bike & Hike Trail.

Section 2: That being in the public interest, the Village of Boston Heights namely, 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 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.
- (B) The Village further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the Village. The Village shall contribute its share of the cost of these items in accordance with other sections herein.

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 and bridge work 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

ATTEST:



BETTY KLINGENBRG, FISCAL OFFICER

I, Betty Klingenberg, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Resolution **2015-7-27** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **14th day of July, 2015.**

PRELIMINARY LEGISLATION
RC 5521.01

Ordinance/Resolution# _____
PID No. 96563
County/Route/Section SUM 303-05.49

The following is 2015-7-27 enacted by the Village of Boston of Summit
Heights
(An Ordinance/a Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I - Project Description

WHEREAS, the (LPA/STATE) has identified the need for the described project:
Fine graded polymer AC Overlay to SUM SR 303 from 5.49 to 10.57, Minor
Bridge work to SFN 7709935 SUM 303 7.22 over Cuyahoga Fiver, SFN
7709994 SUM 303 10.29 over Bike & Hike Trail.

NOW THEREFORE, be it ordained by the Boston Heights of Summit County, Ohio.
(LPA)

SECTION II - Consent Statement

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

SECTION III - Cooperation Statement

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

The State shall assume and bear 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 IV - 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 V - 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

CERTIFICATE OF COPY
STATE OF OHIO

Village of Boston Heights of Summit County, Ohio
(LPA)

Betty Klengenberq, as Clerk of the Village of Boston Heights
(LPA)

of Summit County, Ohio, do hereby certify that the forgoing is a true and
correct copy of 2015-7-27 adopted by the legislative Authority of the said
(Ordinance/Resolution)

Village of Boston Heights on the 14 day of JULY, 2015
(LPA)

that the publication of such RESOLUTION has been made and certified of
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such
RESOLUTION have been taken; and that such RESOLUTION
(Ordinance/Resolution)

and certificate of publication thereof are of record in 2015-7-27 Page —
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if
applicable, this 14 day of JULY, 2015.

Betty Klengenberq
Clerk

CITY SEAL

VILLAGE OF BOSTON HEIGHTS of BOSTON HEIGHTS, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No
Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the Village of Boston Heights of Summit, Ohio
(LPA)

Attest: Betty Klengenberq, 7-14-15, Date
Judith A. Offner

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

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 VI - Authority to Sign

The Bill Gency, Mayor of said Village of Boston Heights is hereby empowered on behalf of
(Contractual Agent) (LPA)
the Village of Boston Heights to enter into contracts with the Director of Transportation which is
(LPA)

necessary to complete the above described project.

Passed: 7-1-14, 20
(Date)

Attested: Patty Klingenberg
(Clerk)

Bill Gency, Mayor
(Officer of LPA - title)

Attested: Fusca Officer
(Title)

D. LPK
(President of Council)

This 2015-7-27 is hereby declared to be an emergency measure to
(Ordinance/Resolution)
expedite the highway project(s) 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.

**CERTIFICATE OF COPY
STATE OF OHIO**

Village of Boston Heights of Summit County, Ohio

I, Betty Klingenberg, as Fiscal Officer of the Village of Boston Heights of Summit County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution No. **2015-7-27** adopted by the legislative Authority of the said Village of Boston Heights on the 14th day of July, 2015. That the publication of such Resolution No. 2015-7-27 has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Resolution have been taken

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 14th day of July, 2015.


Fiscal Officer

Village of Boston Heights of
Summit County, Ohio

The foregoing is accepted as a basis for proceeding with the project herein described. For the Village of Boston Heights of Summit County, Ohio.

Attested: _____ Date: _____
(Contracted Agent)

For the State of Ohio

Attested: _____ Date: _____
(Director of Department of Transportation)