

RECORD OF ORDINANCES

Resolution No. 2022-17

Passed February 2, 2022

SPONSOR: STREETS COMMITTEE

A RESOLUTION GIVING CONSENT AND AUTHORIZING THE RESURFACING OF A PORTION OF GILCHRIST ROAD, IN CONNECTION PID #112745, AND DECLARING AN EMERGENCY.

WHEREAS, the State has identified the need for resurfacing Gilchrist Road from the Akron East Corp Limit to Mogadore Road within the Village of Mogadore, being identified as PID #112745 (the "Project").

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio, as follows:

SECTION 1: That, being in the public interest, the Village gives consent to the Director of Transportation to complete the Project.

SECTION 2: That the Mayor and Village administration shall cooperate with the Director of Transportation in the Project as follows:

- (a) The Village agrees to participate in the cost of construction within the city limits at twenty percent (20%) total cost.
- (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.
- (c) 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.
- (d) The Village further agrees to pay one hundred percent (100%) of the cost to install and/or repair curb ramps, if necessary, at any such intersection to ensure compliance with the Americans with Disabilities Act.

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SECTION 3: 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 4: The Mayor is hereby authorized and directed on behalf of the Village of Mogadore to sign any necessary documents and to enter into any necessary 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.

SECTION 5: The Village agrees that if Federal Funds are used to pay the cost of an consultant contract, the Village shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further, the Village agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all consultant contracts.

SECTION 6: The Village 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 Village 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 7: That no proceeds from the internet sales shall be paid in cash, rather all proceeds shall be delivered to the Clerk-Treasurer by cashier or bank check, or electronic transfer to the Village's general fund with verification of receipt delivered to the Clerk-Treasurer.

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SECTION 8: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Resolution.

SECTION 9: That it is found and determined that all formal actions of the Council relating to the adoption of this Resolution were taken in a duly noticed virtual, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all 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 for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the timely completion of the subject Project and support the continued operations of the Village Service Department and other departments and shall therefore take effect and be in force from and immediately after its passage.

Michael Raddish 2-2-22  
President of Council Date

Mimi Calk 2-2-22  
Mayor Date

Attest:  
[Signature]  
Clerk-Treasurer