

Village of Mantua, Ohio
RESOLUTION 2011-80

A RESOLUTION GRANTING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMMENCE A PROJECT THAT IS EXPECTED TO BEGIN CONSTRUCTION IN FISCAL YEAR 2012, AND DECLARING AN EMERGENCY.

WHEREAS, per Section 5521.01 of the Ohio Revised Code, the Director of Transportation is required to request and receive legislation from municipalities prior to making any necessary repairs to State Highways within the corporate limits; and

WHEREAS, the State has identified the need for the project described as a full-depth repair on State Route 44 in front of Crestwood High School approximately at SLM 22.7, further known as Ohio Department of Transportation Project Identification number 81573; and

WHEREAS, it is necessary that an agreement be entered into between the Village of Mantua, hereinafter referred to as the Local Public Agency (LPA), and the Ohio Department of Transportation in the matter of the described project which is located in Portage County Ohio and falls within the Village limits.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Mantua, Portage County, Ohio, two thirds or more of all members elected thereto concurring:

Section 1: That the Village of Mantua acknowledges that State of Ohio has identified the need for a full-depth repair on State Route 44 in front of Crestwood High School approximately at SLM 22.7.

Section 2: That in the best interest of the public, the Village of Mantua gives consent to the Director of Transportation to complete the project identified as Project 81573. The Village of Mantua shall cooperate with the Director of Transportation and further agrees to pay 100% of the cost of those features requested by the Village of Mantua which are determined by the State and Federal Highway Administration to be unnecessary for the project.

Section 3: The Village of Mantua grants permission to the Director of the Ohio Department of Transportation to acquire in the name of the Village of Mantua all necessary right-of-way required for the described project. The Village of Mantua 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 ODOT utilities manual.

Section 4: The Mayor of the Village of Mantua, Ohio is hereby authorized on behalf of the Village of Mantua to enter into contracts with Ohio Department of Transportation 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 above described project. Upon the request of ODOT, the Mayor is also empowered to assign all rights, title, interests of the Village of Mantua to ODOT arising from any agreement with it's 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 by law or equity.

Village of Mantua, Ohio
RESOLUTION 2011-80

Section 5. The Village of Mantua agrees that if Federal Funds are used to pay the cost of any consultant contract, the Village of Mantua shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the Village of Mantua agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The Village of Mantua 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 of Mantua 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 6: It is hereby found and determined that all formal actions of this Council concerning a relating to the passage of this Resolution were adopted in an open meeting of the 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 legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7: This Resolution is hereby declared an emergency measure, necessary to expedite the highway project herein described, and shall take immediate effect upon the affirmative vote of two-thirds or more of the members of the Mantua Village Council.

Passed by Council this 8th day of November, 2011.

ATTEST:

Donna Hawkins, Mayor

Jenny August, Clerk of Council

I, Jenny August, Clerk of the Village of Mantua, Ohio, hereby certify that this Resolution was duly published by public posting at pre-designated posting places.

Jenny August, Clerk of Council

Approved as to legal form by:

Michele Stuck, Village Solicitor